

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Immingham East Terminal operated by Exolum Immingham Ltd following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/LP3024XB/V006.

The permit variation was issued on 30/09/2026.

We consider in reaching this decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Permit Review

The Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1), to periodically review permits.

Article 21(3) of the Industrial Emissions Directive (IED) also requires the Environment Agency to review conditions in permits to ensure that they deliver compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

We have reviewed the permit for this regulated facility and varied the permit to make a number of changes to reflect relevant standards and best practice. These changes principally relate to the implementation of our technical guidance:

- <https://www.gov.uk/guidance/chemical-waste-appropriate-measures-for-permitted-facilities> and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance.
- [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK](#) and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance

In this decision document, we set out the reasoning for the variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the operator in the operation and control of the plant and activities of the installation (operating techniques) against our technical guidance.

As well as considering the review of the operating techniques used by the operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- explains how the Environment Agency initiated variation has been determined;
- summarises the decision-making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account;
- highlights [key issues](#) in the determination.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Environment Agency led variation – permit review

We have carried out an Environment Agency initiated variation to the permit following a permit review as required by legislation to ensure that permit conditions deliver compliance with relevant legislative requirements and appropriate standards to protect the environment and human health.

The Industrial Emissions Directive (IED) came into force on 7 January 2014 with the requirement to implement all relevant Best Available Techniques (BAT) Conclusions as described in the Commission Implementing Decision. Article 21(3) of the IED requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

The BAT Conclusions for Waste Treatment (the BREF) was published on 17 August 2018 following a European Union wide review of BAT, implementing decision (EU) 2018/1147 of 10 August 2018. Relevant existing facilities were

expected to be in compliance with the BAT Conclusions within 4 years (i.e. by August 2022).

On 18 November 2020, Chemical Waste: appropriate measures for permitted facilities guidance was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer chemical waste, providing relevant standards (appropriate measures) for those sites and incorporating the relevant requirements of the BAT Conclusions.

The following Appropriate Measures guidance is also applicable to the permitted activities being varied under this permit review and has been included in the operating techniques table.

- Non-hazardous and inert waste: appropriate measures for permitted facilities - published 12 July 2021.
- Biological waste treatment: appropriate measures for permitted facilities – published 21 September 2022.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 17/11/2021 requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards (appropriate measures) described in our technical guidance.

The notice required that where the revised standards are not currently met, the operator should provide information that:

- Describes the techniques that will be implemented to ensure operations meet the relevant standards and by when, or
- Explains why they are not applicable to the facility in question, or
- Justifies why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards described in our guidance
- Confirms if they intend to cease operating any activity which would be in breach of the relevant new BAT Conclusion (BATC) after the compliance date, and the date by which they intend to cease operation;
- Confirms where there is a BAT-Associated Emission Level (BAT-AEL) specified in the BAT conclusion, with which they will not comply with by the compliance date and they wish to continue operating, they should request a derogation.

The standards described in our technical guidance are split into 7 chapters:

- General management appropriate measures
- Waste pre-acceptance, acceptance and tracking appropriate measures

- Waste storage, segregation and handling appropriate measures
- Waste treatment appropriate measures
- Emissions control appropriate measures
- Emissions monitoring and limits appropriate measures
- Process efficiency appropriate measures

We have set emission limit values (ELVs) and monitoring requirements for relevant substances in line with our technical guidance and the BAT Conclusions for Waste Treatment, unless a tighter, i.e. more stringent, limit was previously imposed and these limits have been carried forward.

The Regulation 61 notice required the operator to confirm whether they could comply the standards described in each of these chapters. Table 1 below provides a summary of the response received and our assessment of it. The overall status of compliance with the standards (appropriate measures) is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

FC – Compliant in the future (through improvement conditions set in permit)

NC – Not Compliant

The Regulation 61 notice also asked the operator to confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016) and whether they had considered how their operations could be affected by climate changes (e.g. through a climate change adaptation plan).

Our assessment of the responses received from the operator regarding soil and groundwater risk assessment, medium combustion plant and specified generators, and consideration of climate change are also summarised in Table 1.

Regulation 61 Response

The Regulation 61 notice response from the operator was received on 16/05/2025.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the operator. Suitable further information was provided by the operator on 19/01/2026 and 16/04/2026.

Table 1 – Summary of our assessment of the operator’s Reg 61 response

Appropriate measures	Compliance status	Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
General management appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Waste storage, segregation and handling appropriate measures	FC	During determination of the permit, we identified that waste segregation and handling measures did not meet appropriate measures. Specifically, the operation was not compliant with appropriate measure 4.43 - You should vent bulk storage tanks and silos through suitable abatement. We have set improvement conditions as described below to ensure future compliance with these measures.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Emissions control appropriate measures	FC	During determination of the permit, we identified that emission control procedure measures did meet appropriate measures. Specifically, the operation was not compliant with appropriate measure 6.1.1 – You must contain storage tanks, silos, and waste treatment plant (including shredders) to make sure you collect, extract and direct all process emissions to an appropriate abatement system for treatment before release. We have set improvement conditions as described below to ensure future compliance with these measures.

Emissions monitoring and limits appropriate measures	FC	During determination of the permit, we identified that emissions monitoring and limits measures did not meet appropriate measures, specifically the operation was not compliant with measures: <i>7.1.1 – ‘Your facility’s emissions inventory must include information about the relevant characteristics of point source emissions to air, such as the:</i> • <i>Average values and variability of flow and temperature</i> • <i>Average concentration and load values of relevant substances and their variability</i> • <i>Flammability, lower and higher explosive limits and reactivity</i> • <i>Presence of other substances that may affect the waste gas treatment system or plant safety – for example, oxygen, nitrogen, water vapour, dust.’</i> <i>7.2.1 – ‘Your facility’s emissions inventory must include information about the relevant characteristics of point source emissions to water or sewer, such as:</i> • <i>Average values and variability of flow, pH, temperature, and conductivity</i> • <i>Average concentration and load values of relevant substances and their variability – for example, COD (chemical oxygen demand) and TOC (total organic carbon), nitrogen species, phosphorus, metals, priority substances or micropollutants</i> • <i>Data on bio-eliminability – for example, BOD (biochemical oxygen demand), BOD to COD ratio, Zahn-Wellens test, biological inhibition potential, for example, inhibition of activated sludge’</i> <i>7.2.2 – ‘For relevant emissions to water or sewer identified by the emissions inventory, you must monitor key process parameters (for example, waste water flow, pH, temperature, conductivity, or BOD) at key locations. For example, these could either be at the:</i> • <i>Inlet or outlet (or both) of the pre-treatment</i> • <i>Inlet to the final treatment</i> • <i>Point where the emission leaves the facility boundary.’</i> We have set improvement conditions as described below to ensure future compliance with these measures.
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Process efficiency appropriate measures	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has not included a site condition report in their submission. This was not required as part of the application as it was out of the scope of the permit review. The operator is required to submit 5 and 10 yearly monitoring of groundwater and soil contamination as per the conditions in the permit.	
Climate change	Submission of climate change risk assessment is no longer an application requirement. It now forms a part of the operator's EMS and will be reviewed within compliance assessment.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Changes to waste code tables in Schedule 2, tables S2.2, S2.3, S2.4, S2.5.	As part of the permit review process, we have separated the permitted EWC codes into separate tables that reflect which wastes may be accepted onto site for each specific listed activity. S2.2 – Includes waste codes that are permitted for acceptance and processing under the density separation of hazardous waste (AR1). S2.3 – Includes waste codes that are permitted for acceptance and processing under the storage of hazardous waste (AR3). S2.4 – Includes waste codes that are permitted for acceptance and processing under the density separation of non-hazardous waste (AR5). S2.5 – Includes waste codes that are permitted for acceptance and processing under the storage of non-hazardous waste (AR6).	
Addition of Table S3.1 – Emissions to air.	It is expected under the requirements of the Chemical waste: appropriate measures for permitted facilities and the biological waste treatment: appropriate measures for permitted facilities guidance that storage and treatment units are enclosed, channelled and abated where an emission is present, with suitable monitoring of these emissions. Therefore, we have included all storage/treatment tanks and the biological treatment Aquabio ETP in table S3.1 with associated	

	BAT-AEL limit and monitoring requirement. Specific emission points will be determined upon completion of IC2a and IC2b. During the permit review process the operator stated that the Aquabio ETP would not produce emissions. IC1 provides scope for the operator to evidence this. If this is the case, enclosure and abatement of the ETP will not be necessary.
Changes to Table 3.2 – Emissions to water.	We have updated the emissions to water monitoring table in the permit to reflect BAT limits and monitoring requirements where appropriate. Changes made to monitoring requirements and BAT-AEL limits are listed below.

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

Identifying confidential information

We have not identified information provided as part of the Regulation 61 notice response that we consider to be confidential.

The site

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plan is included in the permit.

Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in S1.2 in the environmental permit.

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

Management plans

We did not review any management plan under the scope of the permit review. Under the conditions of the permit, where we consider that activities are giving rise to pollution in the form of fugitive emissions, we will ask for the submission and implementation of a suitable management plan.

Improvement programme

We have included an improvement programme to ensure that the permit complies with the appropriate technical guidance for this facility.

IC1 – Updated emissions inventory and H1 risk assessment

This improvement condition requires the operator to produce a comprehensive inventory of emissions to air and sewer from all sources of emissions on site and to undertake a suitable H1 assessment on these emissions and submit them to the Environment Agency for assessment. This improvement condition has been included to ensure all emissions are compliant with BAT-AELs and appropriate measures guidance and that abatement techniques in place are sufficient to ensure this compliance. If the results of this assessment show abatement is insufficient and BAT-AELs are not being met, the operator must submit proposals to upgrade abatement or alter operation procedures to ensure limits will be met. If abatement is deemed necessary for sources of emissions not currently abated, IC2a and IC2b must be completed by the operator.

IC2a and IC2b – Enclosure, extraction, and collection and/or abatement systems.

These joint improvement conditions require the operator to submit plans for the installation and operation of suitable extraction and abatement systems on all storage/treatment tanks that are shown to be producing emission from IC1 to ensure compliance with appropriate measures and BAT guidance.

IC12 – Waste storage, segregation, and handling procedures

This improvement condition requires the operator to update and submit their waste storage, segregation, and handling procedures to the Environment Agency for approval. We have included this improvement condition as currently the site is not compliant with all appropriate measures in this section of the appropriate measure guidance: [Chemical waste: appropriate measures for permitted facilities - Guidance - GOV.UK](#).

IC14 – Emissions control procedures

This improvement condition requires the operator to update and submit their waste treatment procedures to the Environment Agency for approval. We have included this improvement condition as currently the site is not compliant with all appropriate measures in this section of the appropriate measure guidance: [Chemical waste: appropriate measures for permitted facilities - Guidance - GOV.UK](#).

Changes to EWC codes

During discussions with the operator, we asked for further detail on what wastes were being accepted under code 11 01 98* as we are reviewing waste codes as part of the permit review and aiming to add restrictions to these codes where necessary. The operator explained that international waste providers often use this code and Exolum have extensive pre-acceptance procedures and tests in place to ensure the waste accepted under this code is suitable for acceptance on their site. Due to the low-risk nature of processes on site, and the extensive

descriptions in the WM3 EWC code headings for 11 01 98*, we have deemed that retaining this code without further restriction is acceptable.

We have excluded the following wastes for the following reasons:

- 060208* Wastes containing hazardous chlorosilanes
- 090113* Aqueous liquid waste from on-site reclamation of silver other than those mentioned in 09 01 06
- 01 05 08 Chloride containing drilling muds and wastes other than those mentioned in 01 05 05 and 01 05 06.

These waste codes have been removed from the permit, with agreement from the operator, as they are not suitable for the treatment processes on site. Density separation and biological treatment of the separated aqueous fraction will not remove chlorosilanes, silver, or chloride.

Emission limits

Emission Limit Values (ELV's) and equivalent parameters or technical measures, based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added/amended for the substances outlined below.

Emission points from storage and density separation tanks:

Abatement for these emission points to be determined upon completion of IC1, IC2a and IC2b. The following limits will be applicable.

When unit used for storage:

- No parameter or limits set

When unit used for density separation of waste with calorific value:

- Total Volatile Organic Compounds (TVOCs) – 30 mg/m³
- Speciated Volatile Organic Compounds – No limit set
- Specific (organic) substances from risk assessment – Limit derived upon completion of IC1

When unit used for density separation of water-based liquid waste:

- Total Volatile Organic Compounds (TVOCs) – 20 mg/m³
- Hydrogen Chloride (HCl) – 5 mg/m³

- Ammonia (NH₃) – No limit set.

Emission point from Aquabio ETP:

- Total Volatile Organic Compounds (TVOCs) - 20 mg/m³
- Hydrogen Chloride (HCl) – 5 mg/m³
- Ammonia (NH₃) – No limit set.

Emission limits have been added and amended for indirect emissions to sewer as a result of this variation based on Best Available Techniques – Associated Emission Levels (BAT-AELs) for Waste Treatment.

Emission point W1 to Humber Estuary:

- Arsenic added – 0.1 mg/l
- Cadmium added – 0.1 mg/l
- Hexavalent Chromium added – 0.1 mg/l
- Manganese added – No limit set
- Total Organic Carbon added – 100 mg/l OR Chemical Oxygen Demand added – 300 mg/l
- Total suspended solids amended – 60 mg/l to reflect BAT requirements.
- Hydrocarbon oil index added – 10 mg/l
- Total Nitrogen (replaces ammoniacal nitrogen) – 60 mg/l
- Total phosphorous added – 3 mg/l
- Phenol index added – 80 µg/l
- Free cyanide added – 0.1 mg/l
- Adsorbable organically bound halogens added – 1 mg/l
- Ethylbenzene added – No limit set
- PFOA added – No limit set
- PFOS added – No limit set

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

Emission points from storage and density separation tanks:

Abatement for these emission points to be determined upon completion of IC1, IC2a and IC2b. The following limits will be applicable:

When unit used for storage:

- No parameter or limits set

When unit used for density separation of waste with calorific value:

- Total Volatile Organic Compounds (TVOCs)
- Speciated Volatile Organic Compounds
- Specific (organic) substances from risk assessment

When unit used for density separation of water-based liquid waste:

- Total Volatile Organic Compounds (TVOCs)
- Hydrogen Chloride (HCl)
- Ammonia (NH₃)

The monitoring requirements for the waste storage/density separation tanks will alter depending on the current function of the tank/what waste is currently being treated.

Emission point from Aquabio ETP:

- Total Volatile Organic Compounds (TVOCs)
- Hydrogen Chloride (HCl)
- Ammonia (NH₃) – No limit set.

These monitoring requirements have been included in order to ensure the appropriate operation of required abatement systems and BAT-AEL limits are complied with as outlined in Chemical waste: appropriate measures for permitted facilities guidance.

We made these decisions in accordance with Best Available Techniques for Waste Treatment.

Reporting

We have added reporting in the permit for the following parameters:

- Reporting for emissions to air.
- Process monitoring for abatement systems as outlined in Table S3.3

We made these decisions in accordance with Best Available Techniques for Waste Treatment

Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 100 of that Act in deciding whether to grant the variation of this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.