

From: Irons, Sue
Sent: 18 August 2022 15:43
To: Sam Smith
Cc: PSC Land
Subject: Not Duly Made response due 05/09/22 : Variation to ERM's Boreham site - query on drainage (EA/EPR/AB3903KF/V002 - EAWML 70363)

Dear Mr Sam Smith,

We need more information about your application and additional payment of application charge

Thank you for your application received on 27/9/2021. The following is to confirm our conversation today.

I need to ask you for some information before I can do any more work on your application. Please provide us with more information to the following questions relating to the 3 operations you have on the site (Metals, WTS, and ELV depollution).

Form Part C2:

- Question 2b – Changes or additions to existing activities:

a) Metals operation only

Confirm which EWC codes and descriptions not already in your current permit are required, and those on the permit which are not required.

Reason for question:

Your 5/8/22 RFI response advised us “The intention is for the permit to reflect all codes on the Standard Rules SR2015 No.14 (Metal recycling site) plus 17 04 10. The reference to 16 01 21* was to clarify that the current permit already has most of the standard rules codes apart from 16 01 21**”.*

However, the SR2015 No14 also includes 20 01 34 nickel metal hydride and potentially there are other wastes that you have not specified as needing to add, yet 16 01 21 in the Standard Rules was highlighted to us as being required.*

You should clarify whether you want the following codes that are already on your permit, but not in the SR2015 No14: 16 01 04 ELV, 16 05 04*/5 cannisters, 19 10 04 shredding fluff fraction, 20 01 23* discarded equipment. For the WTS and ELV operations you have advised us that codes not on the Standard Rules permit should be removed from the permit for that operation type, but no similar instruction was included for the Metals operation.*

You should state which EWC code(s) description(s) you are requesting if those in the current permit differ from that/those on the SR2015 No14.

b) WTS operation only

Confirm which EWC codes and descriptions not already in your current permit are required.

Reason for question:

The SR2015 No15 also includes 16 06 01, 16 06 02*, 20 01 33* (3 codes for batteries) but you have not specified as needing to add them yet 16 02 11* was highlighted.*

You should state which EWC code(s) description(s) you are requesting if those in the current permit differ from that/those on the SR2015 No15.

c) ELV operation only

- Confirm which EWC codes and descriptions not already in your current permit are required.
- Confirm if the activity of decanning catalytic converters is required. If you wish to add decanning and add waste code(s) to the ELV operation please regard the change as a Normal Variation to the ELV operation when submitting the remaining fee due.

Reason for question:

You advised us in the RFI responses “the permit needs to be varied to match the Standard Rules SR2015 No.13. This will involve removing the codes on the permit not listed in the Standard Rules SR2015 No.13”.

The SR2015 No13 also includes 16 01 22 but you have not specified as needing to add it yet 16 01 21 was highlighted*

You should state which EWC code(s) description(s) you are requesting if those in the current permit differ from that/those on the SR2015 No.13.

The permit does not appear to allow decanning under either the ELV operation, but the EMSs refers to “CATs being depolluted must be performed on fabricated bespoke bund”. Please let us know if you consider the permit does already allow it and where that is indicated.

- Question 3d – Environment Management System summary (EMSs)

Clarify whether the operator is wishing to add the activity of decanning of catalytic converters. (As above)

Reason for question:

The permit does not appear to allow this activity under either the ELV operation, but the EMSs refers to “CATs being depolluted must be performed on fabricated bespoke bund”. If decanning is required you must pay the Normal Variation for the ELV operation as part of the total application fee.

If no new activities nor increase in activities are to be made to the permit you do not need to submit a EMSs with your application.

- Question 6 - Environmental Risk Assessment (ERA)

- a) Provide a new ERA which clearly states any risks and any mitigation associated with accepting, handling, storing, and treating all the new hazardous waste codes to be accepted.

Reason: The hazardous waste storage/ handling/ processing covers batteries, but the risk assessment for 17 04 10 (cables containing oil, coal tar and other hazardous substances) and 16 01 21* (hazardous vehicle components – catalytic converters containing RCF matting) does not appear to have been done.*

- b) Confirm how the site will protect local habitats including the stream (receptors) from harm. This is relevant irrespective of whether the discharge activity remains in the scope of the application.

If your ERA concludes that the extra waste type(s) for 1,2 or all 3 of your operations would increase the environmental risk then the normal variation fee rather than the minor is appropriate for that/those operations**.

Form Part C4-

- Table 2 – Emissions – (ADDITION OF AN ACTIVITY TO AUTHORISE SURFACE WATER DISCHARGE)

Fully complete the table for each operation (Metals, WTS, ELV) to include parameter, quantity and unit. Parameter: For example – ‘Oxides of Nitrogen, expressed as NO₂’. Amount: Maximum amount justified by the risk assessment. Unit: For example – ‘mg/m³’. Fill in one table for each waste operation.

Please write to advise us if you no longer wish to request a discharge to a watercourse activity as part of this variation.

- Table 3a - Appropriate measures
Confirm whether the site will be following the appropriate measures relevant to their operations.

[Technical guidance for regulated industry sectors: environmental permitting - GOV.UK \(www.gov.uk\)](https://www.gov.uk/technical-guidance-for-regulated-industry-sectors-environmental-permitting)

- **Waste treatment and transfer – chemical waste** - Chemical waste sites that were permitted before 18 November 2020 need to continue to use the Sector Guidance Note S5.06
- **Waste treatment and transfer – non-hazardous and inert waste** - ... applies to new and existing non-hazardous and inert waste facilities applying for permits from 12 July 2021
- **Waste treatment and transfer – treating metal waste in shredders** - new facilities treating metal waste in shredders applying for permits from 20 October 2021
- **Waste treatment and transfer – waste electrical and electronic equipment (WEEE)**

Reason for question:

We would expect operators at some stage (now or in future) to either to agree to the whole guidance or sections of it as appropriate.

The guidance documents are in 8 parts:

- *management system*
- *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 measures*

If operators agree with all the parts they can simply list the guidance and say they agree with “all parts”. If a particular section is not applicable they can state this. If they have an alternative measure to what is in the guidance they should tell us. The ‘Operational Techniques’ table in the notice/ permit would then indicate which guidance would be followed.

Adding discharge activity

If you wish to retain this in the scope of this variation application you must complete Form Part B6 and pay the application fee £7,953 (1.3.14 Trade effluent and/or non-sewage effluent and/or rainfall related discharges to surface water or groundwater requiring specific substances assessment (any volume).

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Form Part F1 - Application fees

Unfortunately the application payment you sent is incorrect; please arrange the payment of the extra fee by contacting P&SC.

**The correct fee depends on whether there is a significant increase the environmental risk as a result of the additional waste codes to each operation. The minor variation fee is appropriate for an operation (metals/ WTS/ ELV) adding waste codes that do not increase the risk, whereas the normal variation fee should be paid if there is an increase in risk for an operation. [Environmental permits: when and how you are charged - GOV.UK \(www.gov.uk\)](#)

For example, if the waste codes added to any of the operations do not increase the environmental risk then the correct application charge is £8,243 relating to the Minor Variation fee for each of the 3 operations (Metals:£ £2,838, WTS: £2,753, and ELV:£ £2,652) being altered. In that situation, as the operator has already paid £4,732 this would leave a balance of £3,511 to pay.

As previously mentioned, if you wish to add decanning and add waste code(s) to the ELV operation please regard the change as a Normal Variation (not a minor) when submitting the remaining fee due.

If you wish to retain adding a discharge activity in the scope of this variation application you must pay the application fee of £7,953 too.

Other questions

You may wish to take the opportunity during this Duly Making stage to respond to the following; these 2 are not required in order to Duly Make the application though:

- Form Part A: If your application is Duly Made we may need to ask further questions in Determination and issue the information request to the Company Director/ Secretary as well as you. Please confirm the email address of the Director/ secretary as this was not given.
- Form Part C2: Site Plan – submit a new plan with a scale bar in which the site boundary, discharge point, and labels/ keys can be easily read at A4 size. The layout of the site does not need to be captured, but landscape features outside the site e.g. the stream should be included. The permit is an A4 document, so if we need to shrink the map size it would reduce the legibility of the map text further.

Please send the information quoting the application reference to me and copy (cc) in psc@environment-agency.gov.uk. Or post to:

*Permitting and Support Centre (P&SC)
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF*

Please send the information within 10 working days of this email. If we do not receive the information within 10 working days we will return your application.

If we do receive the requested information within 10 working days, we'll continue to check your application. We'll check to see if there's enough information for the application to be 'duly made'. Duly made means that we have all the information we need to begin determination. Determination is where we assess your

application and decide if we can allow what you've asked for. In Determination we may ask for extra information, management plans and their fees.

We'll let you know by letter whether your application can be duly made. If it can't be duly made, we'll return your application to you.

If we do have to return your application we'll send you a partial refund of your application payment. We'll retain 20% of the application charge to cover our costs in reviewing your application and requesting information. This maximum amount we'll retain is capped at £1,500. Further information on charging can be found at: <https://www.gov.uk/government/publications/environmental-permitting-ep-charges-scheme>

If you have any questions please phone or email me.

Sue Irons

Permitting Officer (Waste), National Permitting Service - Birmingham hub
Environment Agency



[REDACTED]
Ext. number: 02030252898 (currently diverted to mobile)

Int. number: 32898

Website: www.gov.uk/environment-agency

Waste - detailed information: <https://www.gov.uk/topic/environmental-management/waste>

Help us to improve our service and complete our customer survey – click [NPS Survey](#)

My flood incident role is: Incident Support Officer