

Environment Agency permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for CKD Waste Management Facility operated by Castle Cement Limited.

The variation number is [EPR/KP3539BQ/V004](#).

We consider in reaching that 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.

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2010, regulation 34(1), to periodically review permits. As a result of that review we have identified a number of necessary changes we must make to your permit to reflect current legislation and best practice. These changes principally relate to:

- The addition of a standard condition for landfill gas management at all landfill sites;
- A change to the hydrogeological risk assessment condition so that reviews are undertaken every 6 years rather than every 4 years;
- Standard leachate and groundwater quality monitoring tables (schedule 3); and
- A standard reporting table (schedule 4)

We also aim:

- Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.
- We will formalise changes to monitoring requirements and compliance limits where we have agreed them in writing, for example as the result of a hydrogeological risk assessment review.
- Waste acceptance rules will reflect the Landfill Directive and governments' waste strategies.
- We will implement the Industrial Emissions Directive (IED) and other regulatory changes.
- We will include permit conditions to implement the statutory requirements of the Waste Framework Directive, for example to reflect the requirements of the waste hierarchy.

Site specific issues which result in a change to the current template will also be addressed, for example incorporating completed improvement conditions into the permit and removing inconsistencies.

Other changes may relate to a specific permit or amendments to monitoring requirements or emission limits which have been agreed with the Environment Agency but not incorporated into the permit.

Purpose of this document

This decision document:

- explains how the Environment Agency initiated variation has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Structure of this document

Annex 1: decision checklist

This document should be read in conjunction with the agreed Environment Agency variation request form and permit/ notice.

Aspect considered	Justification / Detail	Criteria met Yes
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the Environment Agency initiated variation.	✓
The permit conditions		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</p> <p>Certain template conditions have been amended to reflect current best practice. These changes have been developed in consultation with industry having regard to the relevant legislation as follows:</p> <p>Condition 1.5 Generic condition added to reflect the requirements of the Waste Framework Directive.</p> <p>2.7.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>2.7.1(b) For landfills for hazardous waste we have added reference to inert waste to permit the covering of hazardous waste with inert waste, where necessary.</p> <p>2.7.2. Added to separately identify the waste types and quantities that can be accepted for restoration.</p> <p>2.10. Revised gas management condition imposed for all landfills that accept biodegradable to ensure compliance with the relevant requirements of the Landfill Directive.</p> <p>3.1.1. Generic condition imposed on all activities to simplify the sub-conditions. This avoids the need for additional sub-conditions that refer to compliance limits in individual tables in schedule 3</p> <p>3.1.3 – 3.1.4. Revised conditions to reflect the terminology used by the Groundwater Directive and to require hydrogeological risk assessment reviews every 6 years rather than every 4 years.</p> <p>Two sub-conditions that referred to limits in specific tables in schedule 3 deleted as they are now covered by 3.1.1.</p> <p>3.6 Revised generic pests condition imposed on all activities.</p> <p>4.2.2. Amended to ensure that information on ‘annual production/ treatment’ (Schedule 4, Table S4.2) is provided in February each year where annual reports may be submitted at other times of the year. This includes data on landfill gas collection that must be reported to government by April each year.</p> <p>4.2.2(a) Text expanded to clarify the details we require in an annual report.</p> <p>4.2.2(h) New condition requiring annual submission of a plan of monitoring and extraction locations with reference to monitoring tables in Schedule 3.</p>	

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Schedule 1, table S1.1. Amended description to the landfill activity to clarify that this includes restoration. Activity references amended to reflect changes introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Leachate storage moved from a specified activity to a Directly Associated Activity.</p> <p>Table S1.3. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill cover.</p> <p>Schedule 2. Template list of appropriate waste added for landfills for hazardous and non-hazardous waste. Waste types prohibited by the Landfill Directive have been removed for clarity.</p> <p>Schedule 3. Monitoring and compliance tables have been re-ordered so that those with compliance limits appear first. Standard monitoring frequency and parameters have been included for certain routine monitoring requirements.</p> <p>Table S3.5 Specific requirements for monitoring asbestos fibres added, where necessary.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.3. Amended to include natural gas as an energy source for consistency with other sectors.</p> <p>Schedule 6. Definitions added to clarify meaning of:</p> <ul style="list-style-type: none"> • Inert waste • Exceeded • Hazardous substance • Medicinal product • Previous year • Waste acceptance criteria • Waste acceptance procedure <p>See also Schedule 1 in the reviewed permit.</p>	

Aspect considered	Justification / Detail	Criteria met
		Yes
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>The wastes have been removed from the template because they are either banned by the LfD (e.g liquids, explosives etc), those likely to have a TOC >6% and those for which landfill is not the best option as there is a readily available alternative management route. Industry have also been consulted on the wastes removed.</p> <p>The following wastes have been excluded from the permit for the following reasons:</p> <p>13 05 01* Oil / water separator waste >6%TOC. May be acceptable providing they can meet the WAC 6% limit. 13 05 02* As above 13 05 03* As above 13 05 08* – Mixtures of waste from grit chambers and oil / water separators. TOC likely to exceed 6% 16 01 07* – oil filters. TOC likely to exceed 6%</p> <p>16 03 05* – organic wastes containing dangerous substances. TOC likely to exceed 6%</p> <p>16 05 08* – discarded organic chemicals. TOC likely to exceed 6%, possibly liquid.</p> <p>16 06 03* – mercury containing batteries. Removed at the request of industry as there should be no need to landfill these. They should be recycled in accordance with the waste hierarchy.</p> <p>16 07 08* – wastes containing oil. TOC likely to exceed 6%</p> <p>16 07 09* - TOC likely to exceed 6%</p> <p>17 03 01* - TOC likely to be >6%</p> <p>17 03 02* - TOC likely to be >6%</p> <p>20 01 23* - Chlorofluorocarbons, HCFC, HFC not suitable for landfill 20 01 33* - Removed at the request of industry as there should be no need to landfill these. They should be</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>recycled in accordance with the waste hierarchy.</p> <p>18 01 06*- waste from human or animal healthcare that should not be landfilled.</p> <p>18 02 05* – waste from research, diagnosis, treatment, prevention of disease involving animals – should not be landfilled and chemicals from research are banned by LfD a 5(3) (c).</p> <p>19 12 06*- wood containing dangerous substances. TOC likely to exceed 6%</p> <p>20 01 26* – oils and fats. TOC likely to exceed 6%</p> <p>20 01 37* – wood containing dangerous substances. TOC likely to exceed 6%.</p> <p>Furthermore as part of the phasing out of the 3 x WAC derogations there has been some slight amendments to the tables. The remaining 3 x WAC derogation waste type is EWC code 10 13 12* as detailed in Table S2.3 and Table S2.4 contains the leaching limit values.</p> <p>Also conditions 2.7.1(k) and 4.2.2(i) have been added to the permit.</p> <p>A new waste list for restoration wastes has been included in the permit and has superseded the wastes listed in table titled 'Wastes for capping, engineering and restoration. Some of the waste codes in the original table are considered unsuitable for restoration and have therefore been removed.</p>	
Operating techniques	<p>We have specified that the operator must operate the permit in accordance with referenced operating techniques.</p> <p>The operating techniques have been duplicated from the current permit.</p> <p>These are specified in the Operating Techniques table in the permit.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Standard monitoring frequency and parameters have been included for certain routine monitoring requirements including groundwater, leachate and surface water monitoring.</p> <p>We have reviewed this and conclude that no external gas monitoring requirements or monitoring for landfill gas emissions from capped surfaces are required for this site as it will only accept hazardous waste and the site is not adjacent to any areas where biodegradable waste has been accepted</p>	
Reporting	<p>We have specified reporting in the permit.</p> <p>Standard table S4.1 has been added as a result of the permit review.</p>	✓
Operator Competence		
Environment management system	<p>There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓