

Environment Agency permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for P42 Folly Farm Landfill operated by Shotley Holdings Limited.

The variation number is EPR/SP3239BB/V008.

Determined: 29/09/2014

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 landfill permits to reflect current legislation and best practice. These changes principally relate to:

- *The addition of a standard condition for landfill gas management at landfills;*
- *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 the decision checklist

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 site | | |
| Extent of the site of the facility | A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary. | ✓ |
| 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</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|-------------------|---|--------------|
| | | Yes |
| | <p>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>2.6.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> <p>2.9. 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>3.1.4 Revised conditions to reflect the terminology used by the Groundwater Directive.</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>Table S1.4. 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 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, including monitoring for landfill gas, leachate and groundwater. Also the existing asbestos monitoring requirements have been superseded.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.2 Additional details of landfill gas extracted required to improve climate change data quality.</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>Template list of appropriate waste added for landfills for Non Hazardous waste. Waste types prohibited by the Landfill Directive have been removed for clarity. The existing waste codes for asbestos waste have been carried over and put into a separate table (S2.3)</p> <p>Restoration wastes have still to be agreed, we have include an improvement condition requiring proposals for restoration wastes.</p> | ✓ |
| Improvement conditions | <p>We consider that we need to impose an improvement condition.</p> <p>We have imposed improvement condition IC1 in table S1.3 of the permit to ensure that the Operator provides details of the waste types, quantities and acceptance criteria for wastes that are and will be accepted on site for the purpose of landfill restoration.</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> <p>Standard monitoring frequency and parameters have been included for certain routine monitoring requirements including groundwater, leachate and surface water monitoring.</p> | ✓ |
| Emissions Limits | <p>Following advice from Area the compliance limits applied to external monitoring boreholes BH41 and BH42 (monitoring Landfill Gas and groundwater) have been removed from the permit. The reason for this is that due to the position of the boreholes they are not representative of the environmental performance of the landfill.</p> | |