

# Environment Agency permitting decisions

## Bespoke permit

We have decided to grant the permit for Rugby Solid Recovered Fuel facility operated by SITA UK Limited.

The permit number is EPR/EP3033EJ.

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.

## Purpose of this document

This decision document:

- explains how the application 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.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation, web publicising and newspaper advertising responses

## Key issues of the decision

### Background

The facility proposes to operate a waste treatment facility to process industrial and commercial and residual household wastes to extract remaining recyclable material and to generate a Solid Recovered Fuel (SRF).

The maximum annual tonnage of waste accepted at the site will not exceed 300,000 tonnes. The facility is intended to handle 220,000 tonnes per annum of mainly industrial and commercial wastes from businesses and some residual municipal wastes together with an additional 80,000 tonnes per annum of part processed wastes for blending.

## Management

The Applicant has stated in the Application that they will implement an Environmental Management System (EMS) that will be certified under ISO14001. SITA Holdings UK Ltd have a multi site certified ISO14001 system (issued and audited by SGS). A pre-operational condition (PO1) is included requiring the Operator to provide a summary of the EMS prior to commissioning of the plant and to make available for inspection all EMS documentation. The Environment Agency recognises that certification of the EMS cannot take place until the Installation is operational. An improvement condition (IC1) is included requiring the Operator to report progress towards gaining accreditation of its EMS.

We are satisfied that appropriate management systems and management structures will be in place for this Installation, and that sufficient resources are available to the Operator to ensure compliance with all the permit conditions.

## Emissions to water

Site surface water from impermeable areas of the site (roads, hardstanding and roof areas) will be conveyed towards a gravity fed drainage system. Surface water will pass through a petrol interceptor before entering the storage and attenuation lagoon and subsequently being discharged to the River Avon. The lagoon will have the capacity to attenuate a 1 in 100 year plus climate change storm event. The attenuation lagoon is not included within the installation boundary as the interceptor has the provision of shut-off valves, therefore protecting the surface water entering the lagoon from on-site contamination.

Based upon the information in the application we are satisfied that appropriate measures will be in place to prevent and /or minimise emissions to water.

## Fugitive emissions to air

Based upon the information in the application we are satisfied that appropriate measures will be in place to prevent and /or minimise fugitive emissions to air.

Dust will be managed at the point of source. Collection systems will be located throughout the plant such as shredder hoods and trommels. Ducts will transfer the extracted air to a centralised bag filter located within the building on an external wall with dust being removed into containers or bags for disposal.

The unloading of waste will take place within the waste reception building. Vehicles will enter through fast acting doors which will open and close at high speed and only remain open to allow the vehicle to enter or leave the building. Sprinkler/ mister systems will be fitted to provide a fine water mist curtain to prevent and minimise potential dust and nuisance issues.

### Fugitive emissions to land, surface water and groundwater

Based upon the information in the application we are satisfied that appropriate measures will be in place to prevent and /or minimise fugitive emissions to land, surface water and groundwater.

There are no sub-surface storage structures for fuels or liquids. All above ground storage vessels used for the storage of fuel or lubricants will be located within a bund constructed to a standard required in PPG 2 and PPG 26.

All waste storage areas within the building benefit from sealed impervious surfaces that prevent any uncontrolled release of contaminated liquids. Spill kits will be made available to clear up any spillages.

### Odour

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour.

All waste storage and treatment activities are to be contained within the building which is subject to active air extraction, at a rate of 1 air change per hour. Discharge of the collected air will be through one of three 18m stacks to the south of the building. Odour dispersion modelling has shown that there is unlikely to be an exceedence of the odour benchmark of  $30\mu\text{E}/\text{m}^3$  as specified in our H4 Odour Management guidance at receptor locations. Therefore odour is unlikely to be detected at sensitive receptors.

The Odour Management Plan is incorporated into Table S1.2 Operating Techniques of the permit.

### Noise and vibration

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration outside the site.

The application contained a noise impact assessment which identified local noise-sensitive receptors, potential sources of noise at the proposed plant and noise attenuation measures. An assessment was carried out in accordance with BS:4142 to compare the predicted plant rating noise levels with the established background levels.

We agree that the impacts would be less than marginal significance at all receptors except from Parkfield Road. At a receptor height of 4m at Parkfield Road, night time impacts would likely be of marginal significance but below a level where there is a likelihood of complaints.

Noise control measures to be implemented at the site include a double skinned waste processing building with acoustic insulation, a 4m high noise attenuation bund along the northern boundary of the site, fast acting roller shutter doors which will be kept shut except for the access and egress of vehicles and scheduled maintenance of plant and equipment.

The Noise and Vibration Management Plan is incorporated into Table S1.2 Operating Techniques of the permit.

### Conservation

There are no Habitats (i.e. Special Areas of Conservation, Special Protection Areas and Ramsar) sites within 10km of the proposed Installation.

Three protected species have been identified within 500m of the site.

The following non-statutory local wildlife and conservation sites are located within 2km of the Installation:

- Rugby-Willey Railway
- Swift Valley (This is also a Local Nature Reserve)
- Disused Railway
- River Avon Bank
- Newbold Quarry Park (This is also a Local Nature Reserve)
- Radford Railway
- Parkfield Road Quarry and Slagheap
- Long Lawford Meadows
- Malpass Quarry
- Parkfield Road verge
- Newbold Lime works
- Oxford Canal
- River Swift
- River Avon

The impact of the proposed installation on each protected species, Local Nature Reserves and Local Wildlife Sites have been identified and assessed in the H1 Environmental Risk Assessment in the application.

The only point source emission to water is uncontaminated surface water. Measures are in place to ensure that no contaminated water reaches the discharge to the River Avon and we are therefore satisfied that the protected species will not be adversely affected by the proposed facility.

The only point source emissions to air will be from the odour extraction stacks. The Local Nature Reserves and Local Wildlife Sites are not sensitive to odour emissions, therefore we are satisfied that the above sites will not be adversely affected by the proposed facility.

## Directive 2003/35/EC – The Public Participation Directive

Regulation 59 of the EPR 2010 requires the Environment Agency to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This Application has been consulted upon in line with this statement, as well as with our guidance RGS6 on Sites of High Public Interest. This satisfies the requirements of the Public Participation Directive.

Our decision in this case has been reached following a programme of extended public consultation, both on the original application and later, separately, on the draft permit and draft decision document. A summary of the responses received to our consultations and our consideration of them is set out in Annex 2.

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation, web publicising and newspaper advertising	The web publicising, consultation and newspaper advertising responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  This is a new installation so is relevant for the purposes of the Industrial Emissions Directive (IED). IED conditions therefore apply from date of issue.	✓
<b>The site</b>		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Planning permission	We are satisfied that planning permission is in place and is appropriate for the relevant waste operation applied for.	✓
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p> <p>All waste storage and treatment is to take place upon impermeable concrete surface and within a building. External to the building is to be used for vehicles and will be concrete or bituminous pavement. Site drainage system for clean surface water run-off will drain to an oil/petrol interceptor, with clean surface water discharge to River Avon. There are no point source emissions to groundwater. Given the above information, it is considered unlikely that pollution of land and groundwater will occur.</p> <p>Site investigations have previously been carried out. Baseline monitoring data indicated elevated concentrations of chloride with some moderately elevated concentrations of metals. The most recent monitoring data should be utilised for baseline reference data.</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>A full assessment of the application and its potential to affect the sites and species has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites and species.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
EIA	In determining the application we have considered the Environmental Statement.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We have also considered the planning permission and the committee report approving it.	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The SGN for this sector is TGN S5.06 ' Guidance on the Recovery and Disposal of Hazardous and Non Hazardous Waste' and 'How to comply'. The key relevant sections of TGN S5.06 which apply to this process are:</p> <ul style="list-style-type: none"> <li>• Waste pre-acceptance - The composition of the waste will be assessed prior to acceptance to site which will include information about the processes producing the wastes, predicted quantities, the form of the waste and any hazards associated with the wastes. Their suitability for treatment or storage prior to acceptance at the facility will be assessed. All records relating to pre-acceptance will be maintained for a minimum of 3 years. The waste pre-acceptance procedures are detailed in section B3 Section 3 of the supporting document to the application and have been incorporated into the operating techniques table (Table S1.2) in the permit.</li> <li>- Waste acceptance – On arrival the loads will be weighed at the weighbridge and all documents checked. Waste will not be accepted unless there is sufficient storage capacity available. It is acknowledged that visual inspection of the waste at the weighbridge is difficult given the waste will arrive predominantly in enclosed containers/ vehicles. Wastes will be inspected immediately after being off loaded in waste reception area. Any non conforming wastes will be deposited in</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>quarantine area. Written details will be taken of these wastes including actions taken to prevent re-occurrence. The waste acceptance procedures are detailed in section B3 Section 3 of the supporting document to the application and have been incorporated into the operating techniques table (Table S1.2) in the permit.</p> <ul style="list-style-type: none"> <li>• Waste storage – All wastes accepted to the site will be stored within an enclosed building. The surfacing within the building will be concrete. SRF storage will be within a designated area of the building prior to being loaded into HGV trailers for transport off site.</li> <li>• Point source emissions to air – There are three point source emissions to air from the odour ventilation stacks. The collected air is discharged through one of the three stacks. The odour dispersion modelling concludes that there is unlikely to be an exceedance of the odour benchmark of <math>30 \mu\text{E}/\text{m}^3</math> as specified in our H4 Odour Management guidance at receptor locations.</li> <li>• Point source surface water emission - The only discharge of surface water from the facility is from uncontaminated surface water which passes through an oil interceptor before it flows to an attenuation lagoon and is discharged to the River Avon. There is a shut off valve on the interceptor to prevent contaminated water entering the lagoon. All of the waste processing will take place within the building and therefore the likelihood of contaminated surface water is low</li> <li>• Fugitive emissions to air – All waste processing will take place within the building with enough space within the building for vehicles to enter and the roller shutter doors to be closed prior to emptying of the vehicle. Fugitive emissions to air will be minimised by all operations and waste storage is undertaken within the building. Mitigating measures are in place to reduce the impact of dust on sensitive receptors e.g. mist sprays, internal dust extraction system and road sweepers.</li> <li>• Odour – No waste will be stored or processed outside the building and the processed waste will be removed from site within 48hrs to avoid the build up of anaerobic conditions. The building is</li> </ul>	

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>fitted with fast acting doors which will only be open for vehicles to enter and leave the building. An active odour extraction system will be installed which will draw fresh air into and through the building and discharge the collected air through one of three ventilation stacks.</p> <ul style="list-style-type: none"> <li>• Fugitive emissions to surface water and land – There are no sub- surface storage structures for fuel or liquids. The only subsurface structure is the oil/ water interceptor. Site surfaces and drainage systems will be constructed and maintained taking into consideration the combined weight of the plant, wastes and containers stored at the facility. The surfacing within the building will be concrete. Site drainage drains to surface water sewer. All fuels or lubricants will be stored in above ground tanks and within a bund in accordance with PPG2: Above ground storage tanks, April 2010. Any hydraulic or engine oils that are stored to be used by contractors will be bought in IBC’s drums and small containers and will be stored in accordance with PPG 26: Storage and handling of drums and intermediate bulk containers.</li> <li>• Raw materials/ waste minimisation/ water use – Raw materials used on site are limited to fuels and oils for site plant and process equipment. The opportunities for waste minimisation are limited given the nature of the installation. Water use is limited to wash water, mist sprays and fire water. Wash water will be re-used where possible.</li> <li>• Waste recovery/ disposal – Over 75% of the received wastes are either recovered or recycled. The remaining 25% are made of residual fines (residual fines and organic rich fines). The residual fines (&lt;15mm) will be used in RDF processing and the organic rich fines (15-40mm) will be sent to an anaerobic digestion plant for processing. Therefore no wastes from the site are destined for disposal. This is in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive.</li> <li>• Accidents – An Accident Management Plan has been submitted which identifies the hazards, associated risks and measures required to reduce the risks at the facility. A Fire Risk Assessment has been submitted in accordance with TGN7.01</li> </ul>	

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>'Reducing Fire Risk at sites storing combustible materials'.</p> <ul style="list-style-type: none"> <li>Noise – Good practice measures are proposed to reduce noise and vibration at the facility. These include the storage and treatment of wastes within a building, maintenance of plant and equipment, fitting of vehicle exhaust silencers and white noise beacons for reversing.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	
<b>The permit conditions</b>		
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons: The waste types identified in Table S2.2 are suitable wastes to be used in the production of Solid Recovered Fuel.</p>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>A pre-operational condition (PO1) is included requiring the Operator to provide a summary of the EMS prior to commissioning of the plant and to make available for inspection all EMS documentation. The Environment Agency recognises that certification of the EMS cannot take place until the Installation is operational.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> <li>appropriate management systems and management structures are in place and that sufficient financial, technical and manpower</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>resources are available to the operator to ensure compliance with all the permit conditions.</p> <ul style="list-style-type: none"> <li>- the performance of the facility and procedures developed during commissioning demonstrate compliance with permit conditions. An assessment shall be made of the environmental performance of the plant as installed against the design parameters set out in the Application.</li> </ul>	
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table (Table S1.2) in the permit.</p>	✓
<b>Operator Competence</b>		
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>	✓
Technical competence	<p>Technical competency is required for activities permitted. The operator is a member of an agreed scheme.</p> <p>WAMITAB Certificate Number: 12870</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>Relevant convictions were found and declared in the application. A post conviction plan was submitted by the operator and assessed as satisfactory.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

## Annex 2: Consultation, web publicising and newspaper advertising responses

Response received from
Public Health England
Brief summary of issues raised
<ul style="list-style-type: none"> <li>• We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: fugitive emissions, odour and pests.</li> <li>• It is recommended that further consideration is given to the implementation of fire prevention measures, and measures to minimise the public health impacts in the event of a fire incident, such as fire breaks and adequate access for fire fighting.</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>• Permit conditions relating to emissions of substances not controlled by emission limits (conditions 3.2.1, 3.2.2 and 3.2.3), odour (condition 3.3.1) and pests (conditions 3.5.1 and 3.5.2) are included within the permit. These conditions are taken from our generic permit template and provide measures to protect the environment and human health.</li> <li>• A detailed Fire Risk Assessment was submitted following a Schedule 5 request for information (dated 11/02/14) The Fire Risk Assessment meets the requirements of TGN7.01 'Reducing Fire Risk at sites storing combustible materials'. The Fire Risk Assessment was sent to Public Health England for further consultation, but they had no further comments to make.</li> </ul>

Response received from
Local resident – Parkfield Road
Brief summary of issues raised
<ul style="list-style-type: none"> <li>• General concerns about pests</li> <li>• General concerns about odour</li> <li>• Significant increase in traffic</li> <li>• General concerns about noise</li> <li>• The effect of this facility on house prices in the area</li> </ul>
Summary of actions taken or show how this has been covered
<p><b>Pests:</b> Permit conditions relating to pests have been included in the permit (conditions 3.5.1 and 3.5.2). This condition requires operators to produce a pest management plan if we deem this necessary. The plan shall identify and minimise the risks of pollution, hazard or annoyance from pests.</p> <p><b>Odour:</b> A number of measures to control odour have been proposed. The building is fitted with fast acting doors which will only be open for vehicles to enter and leave the building. Processed waste will be removed from site</p>

within 48hrs to avoid the build up of anaerobic conditions. All waste storage and treatment activities are to be contained within the building which is subject to an active odour extraction system. Discharge of the collected air will be through one of three stacks to the south of the building. Odour dispersion modelling has shown that odour is unlikely to be detected at sensitive receptors.

A permit condition relating to odour has been included in the permit (conditions 3.3.1). This condition requires operators to use appropriate measures, including but not limited to, those specified in an approved Odour Management Plan, to prevent or where that is not practicable to minimise the odour. The Odour Management Plan has been incorporated within Table S1.2 Operating Techniques of the permit.

**Traffic movements:** These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process.

**Noise:**

The application contained a noise impact assessment which identified local noise-sensitive receptors, potential sources of noise at the proposed plant and noise attenuation measures.

Noise control measures to be implemented at the site include a double skinned waste processing building with acoustic insulation, a 4m high noise attenuation bund along the northern boundary of the site, fast acting roller shutter doors which will be kept shut except for the access and egress of vehicles and scheduled maintenance of plant and equipment.

A permit condition relating to noise and vibration has been included in the permit (conditions 3.4.1). This condition requires operators to use appropriate measures, including but not limited to, those specified in an approved Noise and Vibration Management Plan, to prevent or where that is not practicable to minimise the noise and vibration. The Noise and Vibration Management Plan has been incorporated within Table S1.2 Operating Techniques of the permit.

**Location of the installation:** Decisions over land use are matters for the planning system. The location of the installation is a relevant consideration for Environmental Permitting, but only in so far as its potential to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental risk assessment has been assessed as part of the determination process and has been reported upon in the main body of this document.

Response received from
Rugby Green party
Brief summary of issues raised

- Flooding – Concerns regarding flooding of the site given its proximity to the River Avon. Request to consider the financial and environmental implications of flooding at this site
- Fire – Request to consider the consequences of a fire on the adjacent railway
- Pollution of the River Avon – Concerns raised about flood water and fire water affecting tourism, safety of local communities and the ecology along the river
- General concerns about pests and odour
- Consultation – Concerns that the local community have not been fully consulted about the development

#### Summary of actions taken or show how this has been covered

**Flood Risk:** The Environment Agency provides advice and guidance to the local planning authority on flood risk in our consultation response to the local planning authority. Our advice on these matters is normally accepted by both Applicant and Planning Authority. The site is not located within a fluvial floodplain and therefore no further information is required as part of the permit determination.

**Fire risk:** A detailed Fire Risk Assessment was submitted following a Schedule 5 request for information (dated 11/02/14) The Fire Risk Assessment meets the requirements of TGN7.01 'Reducing fire risk at sites storing combustible materials' and has been incorporated into Table S1.2 Operating techniques of the permit. The risk assessment includes measures to reduce the risk of fire and techniques to contain and mitigate the effects of a fire. The Fire Risk Assessment has been incorporated into Table S1.2 Operating Techniques of the permit.

**Water pollution:** All waste storage areas within the building all benefit from sealed impervious surfaces that prevents any uncontrolled release of contaminated liquids. Spill kits will be made available to clear up any spillages. Site surface water from impermeable areas of the site (roads, hardstanding and roof areas) will pass through a petrol interceptor before entering the storage and attenuation lagoon and subsequently being discharged to the River Avon. The interceptor will be installed with shut-off valves, therefore protecting the surface water entering the lagoon from on-site contamination.

There are no sub-surface storage structures for fuels or liquids. All above-ground storage vessels used for the storage of fuel or lubricants will be located within a bund. The requirement for secondary containment for liquids in containers is included in permit condition 3.2.3.

Conditions 3.2.1 and 3.2.2 have been included in the permit which requires operators to produce an emissions management plan, if we deem this necessary. The plan shall identify and minimise the risks of pollution from emissions not controlled by emission limits.

**Pests:** See response above relating to pests.

**Odour:** See response above relating to odour.

**Public Consultation:** This application for an environmental permit was published on our website from 17 December to 17 February 2014, this included a two week extended consultation period to cover the Christmas holidays. It was also advertised in the Rugby Advertiser on 17 December 2014. We circulated newsletters to the local community and other interested parties to raise awareness of the publication and to provide an opportunity for comments to be made. This satisfies the requirements of the Public Participation Directive.