

Environment Agency permitting decisions

Variation

We have decided to issue the variation to the permit for Durham Waste Management Centre operated by Veolia ES Cleanaway (UK) Limited.

The variation number is EPR/DP3837SF/V005.

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 and web publicising newspaper advertising responses

Key issues of the decision

Clarification of activities being undertaken at the site

The site is currently permitted to allow the operator to undertake the storage of both hazardous and non hazardous wastes under two separate permits (EPR/DP3837SF and ERP/CP3890ZT respectively). EPR/DP3837SF consists of an installation permit containing a S5.6 activity for the storage of hazardous waste, while EPR/CP3890ZT allows for the storage and transfer of non-hazardous waste.

The operator has applied to vary the hazardous waste storage permit (EPR/DP3837SF) to change the activity type from storage of hazardous wastes to treatment of non-hazardous wastes, a S5.4 activity, to produce Refuse Derived Fuel (RDF). Additionally the operator has applied to update permit EPR/CP3890ZT to modern conditions and consolidate this permit with

the existing installation. The permit number of the consolidated permit is EPR/DP3837SF.

As part of the variation, the operator has applied to extend the site boundary to accommodate an increase in the storage of non-hazardous wastes.

Improvement Conditions

We have included improvement conditions 1 – 4 to ensure that the operator reviews key operating documents and abatement techniques, and pre-operational condition 1 to ensure that any potential baling activities are sufficiently controlled so as to avoid adverse impacts on the environment as outlined below.

Improvement condition 1 requires the operator to review all odour management and abatement at the site. Proposed odour abatement in the application relies on an odour suppression system whereby the waste is processed within a building and odour masking sprays are utilised when and if required. The applicant has not undertaken any odour modelling or assessment based as there are no point source emissions from the building.

Given that there are sensitive receptors close to the site and the waste types to be accepted at the facility, we consider that all odour management and abatement techniques should be reviewed within three months of the site operating to ensure that the assumptions made in the application are correct and to ensure that the masking spray, building and waste handling techniques are effective at suppressing odour. Should odour be produced at levels we deem unacceptable, the operator will be required to investigate and install odour abatement equipment to ensure that odour levels are reduced sufficiently so as to avoid nuisance from the site.

Improvement condition 2 requires the operator to undertake a validation exercise to confirm the likely levels of noise to be produced as a result of the operation of the site. While the operator provided a noise impact assessment with the application, the background noise levels used in the assessment did not appear to take into account the in-combination impact of current background, combined with predicted noise from the site. The noise impact assessment forwarded by the operator concludes that noise will not be produced at levels which will cause nuisance, however this assumption is based on current noise levels, rather than the noise levels that would be produced after the site becomes operational. As a consequence of this, we have required the operator to undertake an additional assessment to validate the noise predictions within Appendix 4 of the application to confirm that predicted noise levels within the application were appropriate and representative. Should the assessment show that the original assumptions are not valid, the operator will be required to review current management techniques for the purpose of determining what additional abatement or management is required to ensure noise from the facility is acceptable.

Improvement Condition 3 requires the operator to review the pest management plan at the site. The pest management plan forwarded with the application is not considered sufficient to ensure that pests can and will be adequately managed and given that the site is close to sensitive receptors, we consider that the current pest management plan should be reviewed.

The pest management plan submitted with the application stated that visual inspections would be taken and pest contractors brought in when and if necessary. Given the nature of the waste being processed and the closeness of receptors, we consider that the operator should have a robust identification system for each load being brought onto the site to determine if it is or could cause an infestation. This should also include processes to be followed if loads are brought onto the site that are infested or the site attracts pests such as rats, mice, birds, flies etc to ensure that the facility can be operated appropriately so as to avoid pest issues.

Improvement condition 4 requires the operator, upon completion of the first three improvement conditions, to review all management techniques for the site to ensure that they are fit for purpose and to ensure that the site is managed in such a way as to avoid adverse impacts on the environment and surrounding neighbours. The operating techniques submitted with the application were spread throughout the application and mixed with other information, and we have received additional operating techniques and amendments to proposed operating techniques for aspects of the facility from the operator during the determination process. In order to provide ease of both regulation and compliance, we consider that all approved operating techniques submitted during the determination of the application and as a result of the improvement conditions should be consolidated into one management document that will make it easier for the site to ensure compliance and make it clear as to what are operating techniques and what are not.

We have included one pre-operational condition within the permit, pre-operational condition 1. During the determination, we asked the operator to provide specifications of how and to what standard the RDF would be baled. The operator was unable to provide any information on this at the time of determination. Given that RDF material, if baled and stored incorrectly can have environmental consequences with regards to fire, odour, pests and leachate generation, we have required the operator to provide us with a comprehensive management techniques which demonstrate how the RDF will be baled, to what standard and to provide a CQA to show that the RDF has been baled to the standard outlined in any approved plan.

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
Consultation		
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 and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
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.	✓
Site condition report	The operator has provided a description of the condition of the site. The operator has submitted a site condition report for the additional area of land to be included within the permitted facility – this area of land is for the storage of non-hazardous wastes only. We consider this description is satisfactory. The decision	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).	
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>There are a number of habitat sites located within relevant distance of the facility. There is one local nature reserve located 1.4 km to the north east of the site, six local wildlife sites, the closest of which are located 600 m to the east and south east of the site respectively, one national nature reserve located 1.7 km to the southwest of the site, two special areas of conservation (SACs), the closest of which is located 1.7 km to the southwest of the site and four sites of special scientific interest (SSSIs) the closest of which is located 900 m to the south of the site.</p> <p>The operator has identified the features of each of the habitat sites and concludes that there are sufficient management techniques in place at the site to ensure that the habitat sites will not be impacted by the operations. Further, all activities will be undertaken within a building to ensure that noise and dust is minimised.</p> <p>To ensure that noise and pests will not cause any issues to sensitive receptors, we have required the operator to review key assessments within the application. We require the operator, through improvement conditions, to review the noise assessment submitted in the application to ensure that site operations will not result in increased noise that could potentially impact on surrounding receptors. We also require the operator to review pest management at the site to ensure that operations will be undertaken in such a way as to avoid pests.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>Noise</p> <p>The operator has undertaken an assessment of the risk of noise from the facility and concludes that noise generated</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>by the operation of this facility will be below existing background levels. We have audited the operators noise impact assessment and asked for further information regarding the background data used and the validity of the report and the conclusions reached. The operator has responded with sufficient information on all aspects of our further information request with the exception of the noise validation report. We have addressed this matter through improvement condition 2 which will require the operator to undertake a validation exercise when the site is operational to ensure that the site will not cause adverse impacts on neighbours with respect to noise. should the validation exercise indicate that noise may be generated at levels which will impact on neighbours and receptors, the operator will be required to investigate additional abatement and operational techniques to be employed on the site.</p> <p>Odour</p> <p>The operator has undertaken an H1 assessment of odour from the facility and concludes that odour generated by the operation of the facility will not cause nuisance at local receptors. All material brought to the site will be unloaded and processed within the building, including all shredding activities. All loose processed materials will be stored within the building until they are ready to be moved to bulk vehicles for onwards transport. The operator has not proposed any abatement methods for odour as the building does not have any point source emission points. Odour will be controlled through efficient management of the wastes and quick turnaround times for wastes brought onto the site for storage and treatment. The site aims to process all wastes within 24 hours of receipt and waste will not be on site any longer than 72 hours. Additionally all operations will be undertaken within a building to contain any odour from the wastes. The building has an odour spray that can be deployed when required to ensure fugitive emissions of odour will not cause nuisance with local receptors.</p> <p>Dust and litter</p> <p>The operator has provided management plans for the site with respect to dust and litter. All loading and unloading shredding and bulking activities will be undertaken within the site's tipping hall behind closed doors. The waste transfer station will be fitted with dust suppression</p>	

Aspect considered	Justification / Detail	Criteria met Yes
	<p>equipment to dampen down the waste to prevent the release of dust or spread of litter. The access and egress roads will be regularly checked and swept as required to prevent dust emissions and the site will ensure that litter that has escaped from the building is regularly removed via regular litter picking.</p> <p>Pests</p> <p>Given the nature of the wastes to be accepted at the site we asked the operator to produce a pest management plan as part of the application. The information submitted by the operator stated that they will take appropriate action to control pests including but not limited to engaging a pest control contractor. We do not consider this to constitute a pest management plan and have therefore inserted an improvement condition requiring the operator to produce a comprehensive pest management plan which outlines how pests infestations will be avoided and how pests will be identified and managed.</p> <p>Fire</p> <p>We are satisfied with the operator's assessment of the risk of fire from the facility and the fire management measures that the operator will have in place.</p> <p>The operator will not store more than 600 m³ of RDF within the building at any one time, split into three stacks, each totalling 200 m³ in volume, 5.4 m in width, 13 m in length and 4 m in height. The operator has stated that the RDF will be processed on a 'first in, first out' basis and will normally be processed within 24 hours of receipt and no more than 72 hours of receipt of the waste.</p> <p>The operator has stated that they will operate the facility in accordance with our guidance note TGN 7.01 'Reducing fire risk at sites storing combustible materials'. We are satisfied that provided they operate in accordance with our guidance, the risk of fire from this facility should be minimal.</p>	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The key measures proposed by the operator are in line with our guidance:</p> <ul style="list-style-type: none"> • Sector Guidance Note S5.06 'Guidance for the recovery and disposal of hazardous and non 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>hazardous waste’;</p> <ul style="list-style-type: none"> • ‘How to comply with your Environmental Permit’; • ‘H4 Odour Management’ ; • Technical Guidance Note TGN7.01 ‘Reducing the risk at sites storing combustible materials’. <p>The proposed techniques are in line with those contained in the guidance and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	
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 permits.</p> <p>We have updated EAWML 60188 to modern conditions and have varied EPR/DP3837SF to change the installation activity occurring on site and to introduce those conditions relevant for the Industrial Emissions Directive (IED). These permits have then been consolidated to produce EPR/DP3837SF</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
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 the wastes specified within Tables S2.1 and S2.2 of the permit as these wastes are appropriate for the production of Refuse Derived Fuel (RDF) and for the purposes of transfer of non-hazardous waste.</p> <p>We are satisfied the operator can accept these wastes as the operator has provided management plans which we have assessed. The management plans demonstrate that these wastes can be accepted, handled and processed in such a way as to avoid adverse impacts on</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	the environment. The waste types to be accepted are suitable for the activities specified in the permit.	
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. See 'key issues' above.	✓
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 requiring the operator to assess the effectiveness of their management plans with respect to odour, noise and pests within three months of the facility operating and to provide a consolidated set of operating techniques – see 'key issues' section above. The site has applied to take biodegradable wastes which, if not handled correctly may adversely impact local residents. We consider it necessary for the operator to review their management techniques across the site to determine if their original assumptions were correct and if required, submit further information or outline how they will change operations or add abatement to ensure that their operation will not result in adverse amenity impacts on local residents.</p>	✓
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 in the permit.</p>	✓
Reporting	We have specified reporting in the permit.	✓
Operator Competence		
Environment management system	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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
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 and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Public Health England
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
n/a

Response received from
Fire Service
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
n/a