

Environment Agency permitting decisions

Variation

We have decided to issue the variation to the permit for Walpole landfill Site operated by Viridor Waste (Somerset) Limited.

The variation number is EPR/BK6785IE/V010.

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 responses.

Key issues of the decision

The application to vary the permit is for a number of different changes and additions to the permit, as follows:

- Add a waste operation for the treatment of waste wood;
- Change the anaerobic digestion (AD) activity from a waste operation to an installation;
- Add an effluent treatment plant to recover process water from the digestate from the AD activity;
- Increase the annual tonnage of asbestos at the landfill;
- Amend the groundwater monitoring programme for the landfill;
- Amend Improvement Condition 6 relating to the landfill;
- Add emission points to air from the AD plant;
- Increase the rate of discharge of surface water run-off; and
- Consolidate this variation with all previous variations and update to modern conditions.

Annex 1: decision checklist

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

Note: Not all aspects considered are relevant to all the changes applied for. Therefore, we have specified which activity the aspect is considered for. Where no specific activity is listed, the aspect is considered for all the changes applied for.

Aspect considered	Justification / Detail	Criteria met Yes
Receipt of submission		
Confidential information	<p><u>Landfill</u></p> <p>A claim for commercial or industrial confidentiality has been made.</p> <p>The applicant asked for the review of the expenditure plan in respect of monitoring not to be placed on the public register.</p> <p>We have accepted the claim for confidentiality. We consider that the inclusion of the relevant information on the public register would prejudice the applicant's interests to an unreasonable degree. The reasons for this are given in the notice of determination for the claim. The decision was taken in accordance with our guidance on commercial confidentiality.</p>	✓
Consultation		
Scope of consultation	<p><u>Anaerobic Digestion (AD) digestate treatment plant & Wood Waste treatment</u></p> <p>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.</p>	✓
Responses to consultation and web publicising	<p><u>AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
Operator		
Control of the facility	<p><u>Wood Waste Treatment</u></p> <p>We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	
The facility		
The regulated facility	<p><u>AD Digestate Treatment Plant</u></p> <p>The nature of the facilities taking place at the site required clarification.</p> <p>The AD process was permitted as a waste operation. The capacity of the plant is greater than 100 tonnes per day so it falls within the definition of an installation. Because it was not in operation before 07/01/2013 the activity has to comply with the requirements of the Industrial Emissions Directive (IED) when it operates. Therefore, the operator has applied to change the AD process from a waste operation to an installation so the AD digestate treatment plant is a listed directly associated activity (DAA) to the AD process. The permitted Combined Heat and Power (CHP) gas engines and flare associated with the AD process also become DAAs to the AD plant.</p> <p>The decision on the facility was taken in accordance with RGN2.</p> <p>The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities.</p> <ul style="list-style-type: none"> • Section 5.4 A(1)(b)(i) - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 100 tonnes per day involving one or more of the following activities: biological treatment (anaerobic digestion) • Section 5.4 A(1)(b)(i) - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities: biological treatment (treatment of AD digestate) • Storage of raw materials; • Burning of waste as a fuel (CHP engines); • Emergency flare. 	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
The site		
Extent of the site of the facility	<p><u>AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facilities. These new facilities will be carried out within the existing permit boundary and no additional land is required.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p><u>AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>The application is within the relevant distance criteria of a site of nature conservation and protected species and habitat.</p> <p>A full assessment of the application and its potential to affect the sites, species and habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites, species or habitat.</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><u>Landfill, AD plant, AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>We have reviewed the operator's assessment of the environmental risk from the facilities.</p> <p>The operator's risk assessment is satisfactory.</p>	✓
Operating techniques	<p><u>Landfill, AD plant, AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The AD process was originally permitted as a DAA to the CHP gas engines so BAT was considered at that time. The engines subsequently fell out of regulation as an installation due to an amendment to the EP Regulations and the AD process became regulated as a waste operation. The operator has now had to apply for the AD process to become an installation.</p> <p>The permit allowed landfill leachate to be accepted for</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>treatment at the leachate treatment plant but no limits on the acceptance of this waste were included in the permit. The operator has now confirmed that the acceptance, handling and treatment of this leachate is in accordance with the relevant sector guidance note and represents BAT for this type of activity.</p> <p>The proposed techniques emission levels 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 facilities. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sectors.</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 permit.</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
Waste types	<p><u>Landfill, AD Digestate Treatment Plant & Wood Waste Treatment</u></p> <p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facilities, including for the leachate treatment plant as the permit allowed the import of leachate for treatment but did not specify the types and quantity.</p> <p>We are satisfied that the operator can accept these wastes as they are suitable for the type of activity proposed and the operator has identified the risks associated with these wastes and determined that, with management, the risks are low.</p> <p>We have not specified waste types for the AD digestate treatment process as this process is an integral part of the AD process and will only treat digestate from the AD process for recovery of the process water.</p>	✓
Improvement conditions	<p><u>AD plant</u></p> <p>We have imposed an improvement condition as a result of the operator complying with the pre-operational conditions regarding the CHP gas engines. We have</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	agreed that one part of the pre-operational condition can be submitted within six months of the commissioning of the CHP gas engines so we have moved this requirement from table S1.4 – pre-operational conditions to table S1.3 – improvement conditions.	
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>We have also incorporated some operating techniques that have been agreed as a result of compliance with improvement conditions.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>Surface water at the site is managed in accordance with a Surface Water Management Plan (SWMP) that incorporates run-off from all the permitted facilities. Currently the rate of discharge is limited to 82 l/s but a review of the SWMP has shown that, in order to achieve equivalent greenfield run-off rates to prevent flooding downstream of the discharge and to enable a planning condition to be discharged, the rate of discharge needs to be increased to 235 l/s. This is the run-off rate required for a 1 in 100 year storm event. Because the discharge is of uncontaminated surface water we do not consider that the increase in the rate of discharge will have an impact on the quality of the receiving water.</p> <p><u>AD Digestate Treatment Plant</u></p> <p>The majority of the treated effluent is used as process water within the AD plant with only 25% of the treated digestate being disposed of. This effluent is discharged to an existing lagoon that also accepts treated leachate and pumped groundwater. This combined effluent is discharged to surface water in accordance with limits specified in the permit. We have not amended these limits as a result of this application as previously the operator intended to treat the digestate in the leachate treatment plant but has now decided to have a separate</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>treatment plant to enable process water to be recovered from the digestate. The quality of the discharge from the lagoon will not change compared with that previously assessed and currently permitted. Therefore, no changes to the limits are required.</p> <p><u>AD plant</u> We have included some additional point source emissions to air from the pressure relief valves on a number of tanks associated with the AD plant as these had been omitted in error in a previous permit variation. We have not set limits on these emissions as they are considered to be insignificant.</p>	
Monitoring	<p><u>Landfill</u> 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>We have changed the monitoring of groundwater in accordance with the proposals applied for by the operator as we consider that this monitoring is appropriate for the risks at the site.</p> <p>We have made some changes to table S3.9 – other surface water monitoring as this table contained monitoring requirements at points that were for leachate from the leachate treatment plant and AD plant and monitoring at the discharge point to surface water. We have moved the leachate points to table S3.8 – other leachate monitoring and moved the monitoring of the discharge to table S3.3 – emission limits and monitoring to surface water as these tables are more appropriate for these points. We have not changed any of the monitoring requirements.</p>	✓
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.	✓
Technical competence	<u>Wood Waste Treatment</u> Technical competency is required for activities permitted.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The operator is a member of an agreed scheme.	
Relevant convictions	<p><u>Wood Waste Treatment</u></p> <p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p><u>Landfill and Wood Waste Treatment</u></p> <p>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.</p> <p><u>Landfill</u></p> <p>Although the variations proposed for the landfill activity do not require a review of the expenditure plan, the financial provision has not been reviewed since the original permit for the landfill was issued in 2004 and there have been a number of changes to the monitoring since then which could have had an effect on the amount of financial provision made. Therefore, we asked the operator to review the expenditure plan to determine whether additional provision is required.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

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
Sedgemoor District Council - Planning
Brief summary of issues raised
Confirmed that there is a condition regarding noise in the planning permission and no action has been taken regarding breach of planning or enforcement notices issued regarding noise.
Summary of actions taken or show how this has been covered
None required.

Response received from
Sedgemoor District Council - Pollution and Public Health
Brief summary of issues raised
Confirmed that no complaints about noise have been received.
Summary of actions taken or show how this has been covered
None required.

Response received from
Public Health England (PHE)
Brief summary of issues raised
Wood waste treatment PHE stated that it was unclear whether the main public health risk from nuisance or fires had been adequately considered.
Summary of actions taken or show how this has been covered
Comments were also made regarding the change to the annual tonnage of asbestos and the AD digestate treatment plant. However, in accordance with our operating instruction and the Working Together Agreement we are not required to consult with Public Health England on these types of applications. The operator provided a risk assessment regarding the impact of fires on the surrounding area. It included management measures to prevent fires and referred to the site's fire emergency plan to enable the impact of fires to be minimised. Any firewater would be contained within the site's surface water management system and would not runoff the site.

We received no further consultation response or responses to our web publicising.