

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation to the permit for Colsterworth Landfill operated by Lincwaste Limited.

The variation number is EPR/BV14371B/V008.

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

## **Key issues of the decision**

We have varied the permit at the operator's request to incorporate the following changes:

- Consolidate and update the permit to modern template conditions;
- Remove condition 2.11.1 and 2.11.2 from the permit (site protection and monitoring programme);
- Replace conditions relating to groundwater and the Hydrogeological Risk Assessment requirement as discussed below; and
- Update Schedule 4 (now Schedule 3 in the varied permit) to reflect monitoring requirements at the site.

## **Site protection and monitoring programme**

The operator has applied to remove conditions 2.11.1 and 2.11.2 from the permit, citing that these conditions have been removed from our template. We have agreed to remove these conditions as we no longer require a specific site protection and monitoring programme for the landfilling area, the site condition report is still required for those areas outside of the filling area. These issues are covered within the specific risk assessments and management plans which are written into Table S1.2 (Operating Techniques) as referenced by condition 2.3.1. Under condition 2.3.1 the operator must follow the engineering proposals and management/monitoring plans listed in this table.

## **Replacement of conditions relating to groundwater and the Hydrogeological Risk Assessment**

The operator has applied to replace conditions 3.2.1, 3.2.2, 3.2.3 and 3.2.4 (now 3.1.3, 3.1.4, 3.1.5 and 3.1.6 in the updated permit) with the following wording;

- 3.2.1 (3.1.3) There shall be no emission from the activities into groundwater of any Hazardous Substances (as defined by the Environmental Permitting Regulations) contrary to those regulation.
- 3.2.2 (3.1.4) There shall be no emission from the activities into groundwater of any Non-Hazardous pollutants (as defined in the Environmental Permitting Regulations) so as to cause pollution (as defined by those regulations).
- 3.2.3 (3.1.5) The trigger levels for emissions into groundwater for the perimeter(s) and monitoring point(s) set out in table S4.4 of schedule 4 shall not be exceeded.
- 3.2.4 (3.1.6) The operator shall submit to the Agency a review of the Hydrogeological Risk Assessment;
  - (a) between 9 and 6 months prior to the fourth anniversary of the granting of the permit, and
  - (b) between 9 and 6 months prior to every subsequent 6 years after the fourth anniversary of the granting of the permit.

We have rejected the operator's request for specific wording of the permit conditions above. The updates applied for by the operator for conditions 3.2.1 and 3.2.2 were to reflect that list I and II substances have been replaced by hazardous and non-hazardous substances. However as the operator has applied to update and consolidate the permit to modern conditions, the standard national template conditions have been inserted into the

consolidated permit. We have developed these conditions in consultation with the industry where we sought all opinions on the wording of these conditions, including the operator's.

The operator has applied for varied wording to 3.2.3 – however the wording they have applied for is the same as the wording in the current permit. As the operator has applied to update and consolidate the permit, we have instead inserted our standard template condition for trigger levels into groundwater, condition 3.1.5. This condition was developed in consultation with industry.

The operator has applied to vary the Hydrogeological Risk Assessment (HRA) review frequencies – the change applied for is to change the four yearly review after the fourth anniversary of the granting of the permit to require a six yearly review. Due to a change in the permitting regulations we now require HRA between 9 and 6 months prior to the sixth anniversary of the granting of the permit and between 9 and 6 months prior to every subsequent six years after the sixth granting of the permit. We have inserted our standard template condition which has been developed in line with the revision to the Groundwater Directive, as implemented by the Environmental Permitting Regulations.

#### **Changes to Schedule 4 (Schedule 3 in the consolidated permit)**

The operator has applied to update Schedule 4 (now Schedule 3) of the permit with suggested tables. We have updated the relevant monitoring tables to include the monitoring points and emission limits that have been agreed with us previously. However, we have reviewed the monitoring standard and methods and have inserted our current guidance into this section to ensure that the operator monitors the site in accordance with our guidance.

#### **Changes made to the permit as a result of consolidation**

We have removed the following waste codes from the permit as part of the permit consolidation – these waste codes have been removed as they are not acceptable for disposal at this classification of landfill in accordance with the Landfill Directive.

<b>Waste Code</b>	<b>Description</b>	<b>Reason for Removal</b>
09 01 10	single-use cameras without batteries Cameras - single use	Batteries are banned from landfills as per the Landfill Directive.
09 01 12	single-use cameras containing batteries other than those mentioned in 09 01 11	
10 13 10	wastes from asbestos-cement manufacture other than those mentioned in 10 13 09	Landfill does not contain a dedicated monocell for asbestos disposal.
16 01 03	end-of-life-tyres	End-of-life-tyres are not allowed for disposal.
16 01 12	brake pads other than those	Should be disposed of at an

Waste Code	Description	Reason for Removal
	mentioned in 16 01 11	alternative facility.
16 01 16	tanks for liquefied gas	Risk of damage to the landfill cap and fires.
16 05 05	gases in pressure containers other than those mentioned in 16 05 04	
16 01 22	components not otherwise specified	Please advise as to what you are accepting under this code
16 02 14	discarded equipment other than those mentioned in 16 02 09 to 16 02 13	Wastes from electrical and electronic equipment should be disposed of via alternative means
16 02 16	components removed from discarded equipment other than those mentioned in 16 02 15	
16 05 09	discarded chemicals other than those mentioned in 16 05 06, 16 05 07 or 16 05 08	Unidentified Chemicals are not allowed for disposal based on waste acceptance criteria Please advise as to what you are accepting under this code.
16 06 04	alkaline batteries (except 16 06 03)	Batteries are banned from landfills as per the Landfill Directive.
16 06 05	other batteries and accumulators	
17 08 02	gypsum based construction materials other than those mentioned in 17 08 01	Landfill does not contain a dedicated monocell for gypsum disposal.
19 08 09	grease and oil mixture from oil/water separation containing edible oils and fat	Oils and grease are not suitable for disposal in landfills and should be recycled.
19 12 10	combustible waste (refuse derived fuel)	Should be recycled in suitable facility, risk of damage to landfill infrastructure.
20 01 25	edible oil and fat	Oils and fats are not suitable for disposal in landfill and should be recycled.
20 01 34	batteries and accumulators other than those mentioned in 20 01 33	Batteries are banned from Landfills as per the Landfill directive.
20 01 36	discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35	WEEE should be disposed of as per the WEEE protocol.

## 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>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.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of a Site of Special Scientific Interest and a number of Local Wildlife Sites.</p> <p>The application does not introduce any new emissions or alter any previously agreed emission limits and has been undertaken to combine all previous versions of the permit and update it to modern conditions.</p> <p>As the variation will not result in any additional impact on the SSSI or the local wildlife sites 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>		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>This application is to consolidate and update the permit to include all previously agreed emission points, limits and monitoring requirements that have been fulfilled upon completion of the improvement conditions required in the original permit.</p> <p>The operator's risk assessment is satisfactory.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>We have inserted the relevant operating techniques for this site into Table S1.2 – the Operator is required to operate the site in accordance with these documents.</p>	✓
<b>The permit conditions</b>		
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>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We have assessed the waste list authorised within the original permit and have removed waste codes which are not suitable for disposal in the landfill as referenced in the 'Key Issues' section above.</p>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We have agreed to move improvement conditions 3 and 4 to the pre-operational requirements for future development. We have agreed this request as the pre-operational condition requires the operator to forward updated proposals prior to the development of the sidewall liner to incorporate a groundwater diversion scheme and associated monitoring.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>The Operator has completed Improvement Conditions 2 (a, b, c) and conditions 5 – 13. We have updated Table S1.3 in the permit to reflect that these conditions have been complied with. We have added an additional improvement condition (IC14) which has been proposed in the application which requires the operator to review perimeter gas emission along the Northern boundary of</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>the site. (the operator had requested this via two separate improvement conditions, the first requiring them to undertake a review, the second to submit a CQA plan if its identified that boreholes will need to be installed). Should the review show that additional boreholes are required, the operator is to install these boreholes within a timeframe to be agreed with the Agency. Upon consultation with the operator on this condition, they have specified that the requirement for a CQA plan should be removed from the improvement condition as they state it pre-determines the review outcome. However the site is currently devoid of gas monitoring boreholes along the northern boundary and the existing groundwater monitoring points are not suitable. This being the case we determine that the improvement condition will remain as per its current wording.</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>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>All emission limits set in the permit have been based on the completion of improvement conditions set in the original permit. We have assessed and agreed these limits as we are satisfied that they will ensure minimal impact on the environment from the operation of the site.</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>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>Reporting requirements are set as per Table S4.1.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
<b>Operator Competence</b>		
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	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Financial provision	<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>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓