Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010

Consultation on our decision document recording our decision-making process

The Permit Number is:	EPR/GP3739VR
The Applicant / Operator is:	Innovative Environmental Solutions UK Limited
The Installation is located at:	Union Road, Oldbury, B69 3EL
Consultation commences on:	27 October 2014
Consultation ends on:	21 November 2014

What this document is about

This is a draft decision document, which accompanies a draft permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the draft permit we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matter raised in the responses we receive. Our mind remains open at this stage: although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say "we have decided". That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms near the front of the document, for ease of reference.

Preliminary information and use of terms

We gave the application the reference number **EPR/GP3739VR/A001**. We refer to the application as "the **Application**" in this document in order to be consistent.

The number we propose to give to the permit is **EPR/GP3739VR**. We refer to the proposed permit as "the **Permit**" in this document.

The Application was duly made on **22 May 2014**.

The Applicant is Innovative Environmental Solutions UK Limited (IES). We refer to IES as "the **Applicant**" in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call IES "the **Operator**".

IES's proposed facility is located at Union Road, Oldbury. We refer to this as "the **Installation**" in this document.

How this document is structured

- Glossary of acronyms
- Our proposed decision
- How we reached our decision
- The legal framework
- The Installation
    - Description of the Installation and general issues
    - The site and its protection
    - Operation of the Installation – general issues
- Minimising the installation's environmental impact
    - Assessment Methodology
    - Air Quality Assessment
    - Human health risk assessment
    - Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.
    - Impact of abnormal operations
- Application of Best Available Techniques
    - Scope of Consideration
    - BAT and emissions control
    - BAT and global warming potential
    - BAT and POPs
    - Other Emissions to the Environment
    - Setting ELVs and other Permit conditions
    - Monitoring
    - Reporting
- Other legal requirements
    - The EPR 2010 (as amended) and related Directives
    - National primary legislation
    - National secondary legislation
    - Other relevant legal requirements
- Annexes
    - Application of Chapter IV of the Industrial Emissions Directive
    - Pre-Operational Conditions
    - Improvement Conditions
    - Consultation Reponses

Glossary of acronyms used in this document

(Please note that this glossary is standard for our decision documents and therefore not all these acronyms are necessarily used in this document.)

APC	Air Pollution Control
ASR	Automotive Shredder Residue
AQMA	Air Quality Management Area
BAT	Best Available Technique(s)
BAT-AEL	BAT Associated Emission Level
BREF	BAT Reference Note
CEM	Continuous emissions monitor
CFD	Computerised fluid dynamics
CHP	Combined heat and power
COMEAP	Committee on the Medical Effects of Air Pollutants
CROW	Countryside and rights of way Act 2000
CV	Calorific value
DAA	Directly associated activity – Additional activities necessary to be carried out to allow the principal activity to be carried out
DD	Decision document
EAL	Environmental assessment level
EIAD	Environmental Impact Assessment Directive (85/337/EEC)
ELV	Emission limit value
EMAS	EU Eco Management and Audit Scheme
EMS	Environmental Management System
EPR	Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No. 675) as amended
EQS	Environmental quality standard
EU-EQS	European Union Environmental Quality Standard
EWC	European waste catalogue
FSA	Food Standards Agency
GWP	Global Warming Potential
HHRAP	Human Health Risk Assessment Protocol
HMIP	Her Majesty's Inspectorate of Pollution
HPA	Health Protection Agency
HRA	Human Rights Act 1998
HW	Hazardous waste

HWI	Hazardous waste incinerator
IBA	Incinerator Bottom Ash
IED	Industrial Emissions Directive (2010/75/EU)
IPPCD	Integrated Pollution Prevention and Control Directive (2008/1/EC) – now superseded by IED
I-TEF	Toxic Equivalent Factors set out in Annex VI Part 2 of IED
I-TEQ	Toxic Equivalent Quotient calculated using I-TEF
LCV	Lower calorific value – also termed net calorific value
LfD	Landfill Directive (1999/31/EC)
LOI	Loss on Ignition
MBT	Mechanical biological treatment
MSW	Municipal Solid Waste
MWI	Municipal waste incinerator
NOx	Oxides of nitrogen (NO plus NO_2 expressed as NO_2)
Opra	Operator Performance Risk Appraisal
PAH	Polycyclic aromatic hydrocarbons
PC	Process Contribution
PCB	Polychlorinated biphenyls
PCT	Primary Care Trust
PEC	Predicted Environmental Concentration
POP(s)	Persistent organic pollutant(s)
PPS	Public participation statement
PR	Public register
PXDD	Poly-halogenated di-benzo-p-dioxins
PXB	Poly-halogenated biphenyls
PXDF	Poly-halogenated di-benzo furans
RGS	Regulatory Guidance Series
SAC	Special Area of Conservation
SCR	Selective catalytic reduction
SGN	Sector guidance note
SHPI(s)	Site(s) of High Public Interest
SNCR	Selective non-catalytic reduction
SPA(s)	Special Protection Area(s)
SS	Sewage sludge

SSSI(s)	Site(s) of Special Scientific Interest
SWMA	Specified waste management activity
TDI	Tolerable daily intake
TEF	Toxic Equivalent Factors
TGN	Technical guidance note
TOC	Total Organic Carbon
UN_ECE	United Nations Environmental Commission for Europe
US EPA	United States Environmental Protection Agency
WFD	Waste Framework Directive (2008/98/EC)
WHO	World Health Organisation
WID	Waste Incineration Directive (2000/76/EC) – now superseded by IED

1 Our proposed decision

We are minded to grant the Permit to the Applicant. This will allow it to operate the Installation, subject to the conditions in the Permit.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

This Application is to operate an Installation which is subject principally to the Industrial Emissions Directive (IED).

The draft Permit contains many conditions taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the permit, we have considered the Application and accepted the details are sufficient and satisfactory to make the standard condition appropriate. This document does, however, provide an explanation of our use of "tailor-made" or installation-specific conditions, or where our Permit template provides two or more options.

2 How we reached our draft decision

2.1 Receipt of Application

The Application was duly made on 22 May 2014. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we would need to complete that determination: see below.

The Applicant claimed that certain information was commercially confidential and should be withheld from the public register. We considered this request and determined that this information could be resubmitted in a format which was not commercially confidential. The Applicant submitted this information in the suggested format. Apart from the issues and information just described, we have not received any information in relation to the Application that appears to be confidential in relation to any party.

2.2 Consultation on the Application

We carried out consultation on the Application in accordance with the EPR, our statutory PPS and our own RGS Note 6 for Determinations involving Sites of High Public Interest. We consider that this process satisfies, and frequently goes beyond the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in

Environmental Matters, which are directly incorporated into the IED, which applies to the Installation and the Application. We have also taken into account our obligations under the Local Democracy, Economic Development and Construction Act 2009 (particularly Section 23). This requires us, where we consider it appropriate, to take such steps as we consider appropriate to secure the involvement of representatives of interested persons in the exercise of our functions, by providing them with information, consulting them or involving them in any other way. In this case, our consultation already satisfies the Act's requirements.

We advertised the Application by a notice placed on our website, which contained all the information required by the IED, including telling people where and when they could see a copy of the Application.

We made a copy of the Application and all other documents relevant to our determination (see below) available on our Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

We sent copies of the Application to the following bodies, which includes those with whom we have "Working Together Agreements":

- Director of Public Health
- Public Health England (PHE)
- Sandwell Metropolitan Borough Council (MBC) - (Environmental Health/Planning)
- Food Standards Agency (FSA)
- Health & Safety Executive (HSE)
- West Midland Fire & Rescue Service
- National Grid
- Severn Trent Water Limited

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly. Note that under our Working Together Agreement with Natural England, we only inform Natural England of the results of our assessment of the impact of the Installation on designated Habitats sites.

In addition to our advertising the Application, written comments were also accepted by the Environment Agency well beyond the formal consultation period. Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 4. We have taken all relevant representations into consideration in reaching our draft determination.

We carried out additional consultation with PHE and the FSA following submission of a revised Human Health Risk Assessment (HHRA).

2.3 Requests for Further Information

Although we were able to consider the Application duly made, we did in fact need more information in order to determine it, and issued information notices as detailed below. A copy of each information notice was made publicly available as was the response when received.

Detail	Date	Comments
Further Information Notice dated 05/06/14	Applicant response received electronically 13/06/14	Acid deposition, hydrogen fluoride assessment, VOCs and dioxins/abnormal operation (3rd Addendum P1410)
Further Information Notice dated 12/06/14	Applicant response received electronically 25/06/14 dated 24/06/14	Noise assessment (day-time scenario and background monitoring)
Further Information Notice dated 17/06/14	Applicant response received electronically 25/06/14 04/07/14	Ammonia assessment (habitats and human health) AQMA, background concentrations, abnormal operations (PCB) (4th Addendum P1410) Miscellaneous
Further Information Notice dated 10/07/14	Response received 10/07/14 (FRA) Revision not required, refer to Section 4.2.2	Updated Flood Risk Assessment (FRA)
Further Information Notice dated 01/08/14	Response received 12/08/14 26/08/14 29/08/14 08/09/14 26/09/14	BAT assessment Items 1, 2 and 4 Item 5 Item 3
Further Information Notice dated 06/08/14	Response received 18/08/14	Human health Risk Assessment (HHRA), corrected units

In addition to our information notices, we received additional information during the determination as detailed below. We made a copy of this information available to the public in the same way as the responses to our information notices.

Detail	Date	Comments
Email requesting additional information sent 21/07/14	Response received 21/07/14	Background concentrations required for abnormal emissions assessment.
Email requesting additional information sent 27/08/14	Response received 03/09/14 05/09/14 03/10/14	Bottom ash limit Amended Application Form B2 (multi-operator) Amended site plan (multi-operator)

Having carefully considered the Application and all other relevant information, we are now putting our draft decision before the public and other interested parties in the form of a draft Permit, together with this explanatory document. As a result of this stage in the process, the public has been provided with all the information that is relevant to our determination, including the original Application and additional information obtained subsequently, and we have given the public two separate opportunities (including this one) to comment on the Application and its determination. Once again, we will consider all relevant representations we receive in response to this final consultation and will amend this explanatory document as appropriate to explain how we have done this, when we publish our final decision.

3 The legal framework

The Permit will be granted, if appropriate, under Regulation 13 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* and a *waste incineration plant* as described by the IED;
- an *operation* covered by the WFD, and
- subject to aspects of other relevant legislation which also have to be addressed.

We address some of the major legal requirements directly where relevant in the body of this document. Other requirements are covered in a section towards the end of this document.

We consider that, if we grant the Permit, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

4 The Installation

4.1 Description of the Installation and related issues

4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 to the EPR:

- Section 5.1 Part A(1)(b) – incineration of non-hazardous waste in a waste incineration plant with a capacity exceeding 3 tonnes per hour.

The IED definition of "waste incineration plants" and "waste co-incineration plants" says that it includes:

> *"all incineration lines or co-incineration lines, waste reception, storage, on site pre-treatment facilities, waste, fuel and air supply systems, boilers, facilities for the treatment of waste gases, on-site facilities for treatment or storage of residues and waste water, stacks, devices for controlling incineration or co-incineration operations, recording and monitoring incineration or co-incineration conditions."*

Many activities which would normally be categorised as "directly associated activities" for EPR purposes (see below), such as air pollution control plant, (including storage and preparation of treatment chemicals), are therefore included in the listed activity description.

An Installation may also comprise "directly associated activities", which at this Installation includes the generation of electricity using a steam turbine. These activities comprise one Installation, because the incineration plant and the steam turbine are successive steps in an integrated activity.

Together, these listed and directly associated activities comprise the Installation.

4.1.2 The Site

The proposed Installation is located adjacent to an Industrial Estate on Union Road in Oldbury to the north west of Birmingham.

Automotive shredder residue (ASR) is received from the adjacent European Metal Recycling Limited (EMR) facility which is operated under EPR permit EPR/TP3938ZN. There are two conveyors (one for incoming ASR material from EMR and one for outgoing solid material returned to EMR for recycling) which are within the EMR Installation boundary. The EMR Permit contains a

condition requiring the Operator to submit an application to vary their Permit to a multi operator Permit should a Permit for this facility be granted.

The Applicant submitted a site plan with IES edged in green which is within an area edged in red (IES and EMR) that represents the extent of the Installation covered by this Permit and that of the other Operator of EMR. We consider this it is satisfactory, and have included in Schedule 7 to the Permit together with the Permit conditions 1.5.1 and 1.5.2 for Multiple Operator Installations. The Operator is required to carry on the permitted activities within the site boundary.

Further information on the site is addressed below at 4.3.

4.1.3 What the Installation does

The Applicant has described the facility as disposal of ASR with energy recovery to generate electricity. Our view is that for the purposes of IED (in particular Chapter IV) and EPR, the Installation is a waste incineration plant because:

Notwithstanding the fact that energy will be recovered from the process; the process is never the less 'incineration' because it is considered that its main purpose is the thermal treatment of waste.

Following our briefing note (Guidance on when a plant is Co-Incineration Plant – v3) the Installation would be classified as an incinerator because waste is burnt as the principal source of fuel and does not undergo any significant pre-treatment to enhance its performance as a fuel.

The principal purpose of the activities is to dispose of ASR and recover energy used to generate electricity for use on the site itself and exported to the National Grid. The facility uses a patented gasification process (RODECS) to treat 180,000 tonnes/year of ASR with a calorific value of around 20 MJ/kg.

There are four RODECS rotating gasifiers, two in each of the two processing lines. Each RODECS gasifier is served by a combustion unit, boiler and air pollution control gas cleaning train. The cleaned gases from each processing line are released to atmosphere via a twin-flue, 50 m tall stack. Monitoring is carried out by a continuous emissions monitoring (CEM) system in each flue.

The steam from each pair of boilers is fed to a steam turbine for the generation of electricity. Two turbines comprise the total means of generating electricity from the facility.

The process is summarised below:

- The ASR feed material for the process is received from the adjacent facility operated by EMR under an EPR permit. It has been pre-treated by removing material unsuitable for the gasification process and shredding.
- The gasification process operates using four individual batch gasification systems.
- Each system is a standalone unit in that it comprises a RODECS processing bin, combustion chamber, waste heat boiler and air abatement system.
- Two of these gasification systems feed one steam turbine (Line 1 – L1a + L1b) whilst the other two gasification systems feed the second steam turbine (Line 2 – L2a + L2b).
- The ASR is batch fed into one of the four RODECS processing bins, each capable of processing up to six tonnes/hour. When full, the processing bin is lifted on to the RODECS rotating gasifier and clamped into position.
- In the RODECS gasifier the ASR is treated at controlled temperatures, under a non-oxidative atmosphere to enable the organic content to be degraded and transformed into gaseous components known as synthetic gas or 'syngas'.
- A solid residue is also produced in the RODECS gasifier which remains in the processing bin until the end of the batch. This is then collected and returned to the adjacent EMR site for further treatment and disposal.
- There are two conveyors (one for incoming ASR material from EMR and one for outgoing solid material returned to EMR for recycling) which are within the EMR Installation boundary.
- The syngas passes to the combustion chamber where it is burned to produce hot combustion gases. The initial heat source for start up is provided by a natural gas burner housed within the combustion chamber.
- The combustion gases pass to the boiler where steam is produced and fed to one of the turbines to generate the electrical output.
- The cooled combustion gases are treated to remove pollutants and the cleaned gases are exhausted to air via a single twin-flue 50 m stack.

The Installation will generate around 39.6 MWe of electrical power (7.5 MWe will be utilised to meet on site demand with the remaining 32.1 MWe being exported to the local electricity grid). At this stage there is no outlet for the surplus heat from the process.

The principal raw material used by the Installation is ASR waste. Various chemicals are required for flue gas cleaning, boiler maintenance, on-site machinery etc. and these include sodium bicarbonate, ammonium hydroxide, activated carbon and diesel. Materials are stored in suitable containers or silos, within bunds as appropriate, to minimise the risk of spillage and contamination of land and surface waters.

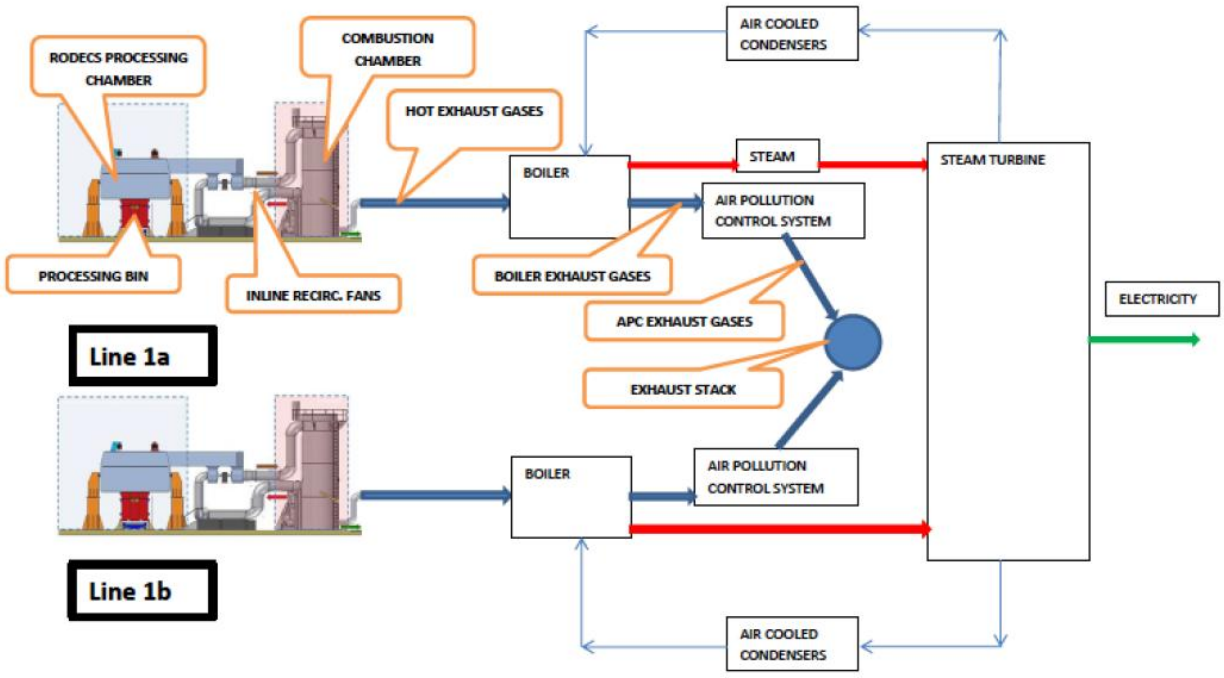
Ceramic filters are used to abate the exhaust gas streams for metals and other particulate matter. Air feed control, flue gas recirculation and selective

non-catalytic reduction (SNCR), using ammonia, control the NO_x content of the emission. Acid gases are neutralised by injecting sodium bicarbonate onto the ceramic filters. Powdered activated carbon is also injected onto the ceramic filters to capture dioxins, furans and mercury vapour.

Uncontaminated surface water run-off will be collected in the surface water drainage system and directed to the adjacent EMR facility. Boiler blow-down will be discharged intermittently to foul sewer under consent.

The two principal residue streams arising from the facility are as follows:

- Approximately 25,000 tonnes/year of RODECS processing bin residues (gasification ash) of metals, aggregates, glass and ceramics. They are recovered and conveyed to the adjacent EMR facility for further processing and recovery.
- Approximately 4,500 tonnes/year of air pollution control (APC) residues. The operator is investigating the possibility of treating and recycling at least some of the APC residues, otherwise they are disposed of to a suitably licensed facility.



This diagram shows Line 1 (L1a and L1b); Line 2 is identical

The key features of the Installation can be summarised in the table below:

Waste throughput, Tonnes/line	180,000 tonnes/annum (both lines/total)	24 tonnes/hour (both lines/4 gasifiers/total) 6 tonnes/hour (each gasifier)
Waste processed	Automotive shredder residue (ASR) 19 10 04	
Number of lines	2	
Furnace technology	RODECS Gasification	
Auxiliary Fuel	Natural Gas	
Acid gas abatement	Dry	sodium bicarbonate
NOx abatement	SNCR	Ammonium hydroxide
Reagent consumption	Ammonium hydroxide : 3,100 tonnnes/annum Sodium bicarbonate : 5,255 tonnes/annum Activated carbon: 71 tonnes/annum Process water: 18,000 m^3	
Flue gas recirculation	Yes	
Dioxin abatement	Yes	
Stack	Height, 50 m	Diameter, 1.35 m (each flue)
Flue gas	Flow, 43.8 Nm^3/s (each flue)	Velocity, 40.1 m/s (each flue)
Modelling assumes that the emissions from the two flues will combine on release to atmosphere. It therefore assumes an effective diameter of 1.91 m for the two flues.		
Electricity generated	39.6 MWe (both lines)	
Electricity exported	32.1 MWe (both lines)	
Steam conditions (ex boiler)	Temperature, 400 °C	Pressure, 40 barA
Waste heat use	At this stage there is no outlet for the surplus heat; however the Applicant is exploring opportunities.	

4.1.4 Key Issues in the Determination

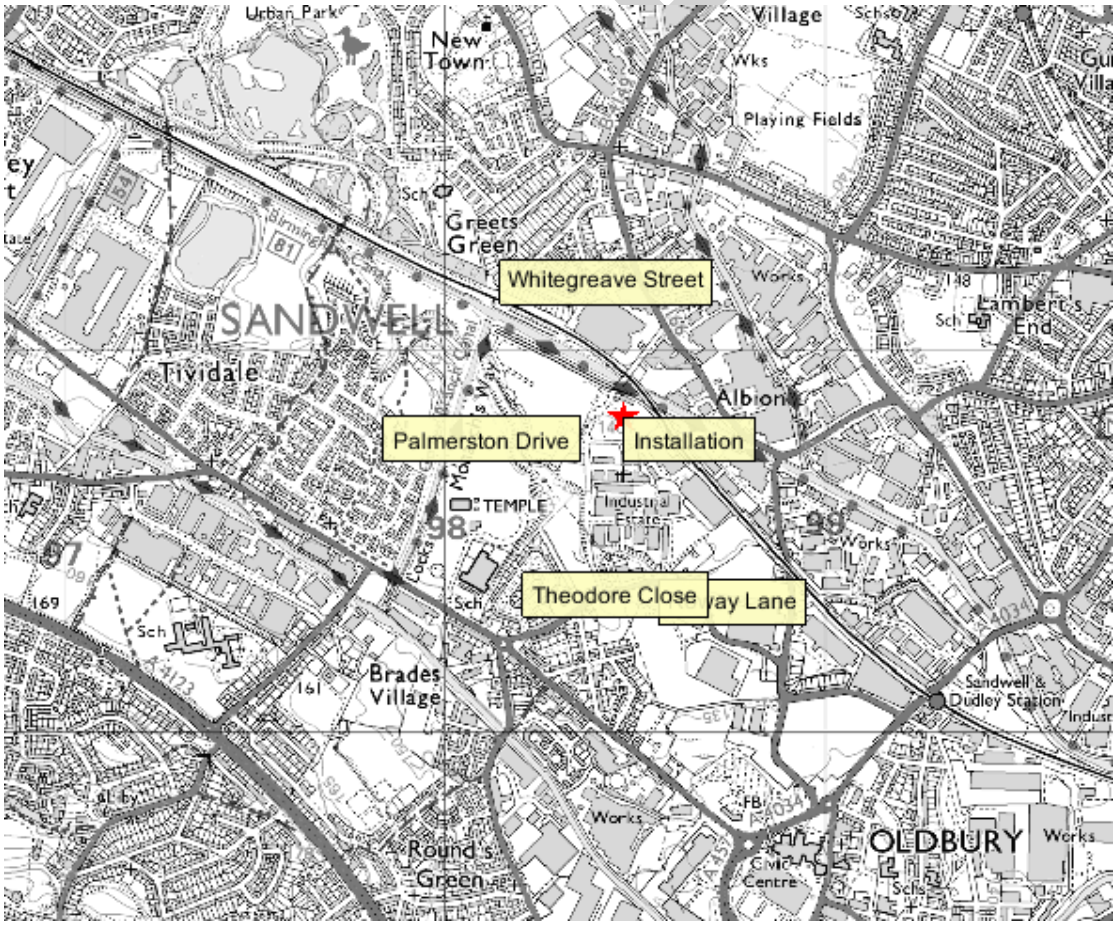
The key issues arising during this determination were emissions to air from the Installation and their impact on human health and the Air Quality Management Area (AQMA). We therefore describe how we determined these issues in most detail in this document.

4.2 The site and its protection

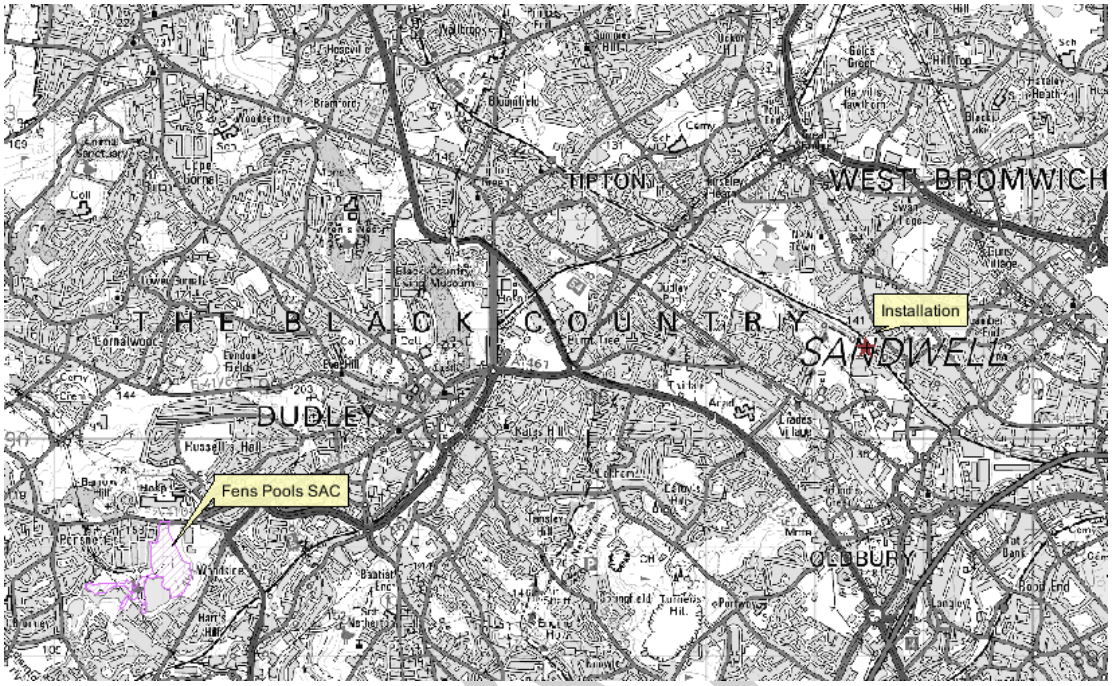
4.2.1 Site setting, layout and history

The proposed Installation is located adjacent to an Industrial Estate on Union Road in Oldbury to the north west of Birmingham. It is in a mixed industrial and residential area and has a long history of industrial use, including coal mining activities, foundry works, waste disposal, concrete works and most recently as a fuel terminal.

The nearest residential properties to the proposed development are located on Whitgreave Street, approximately 170 metres to the north west, on the opposite side of the canal and railway line. There are a small number of houses facing Roway Lane, approximately 400 m to the south and on Theodore Close between Roway Lane and Union Road, approximately 250 m to the south at the closest point. There is a further, larger, area of housing on Palmerston Drive to the west, which is some 400 m away at the closest point. Planning permission has recently been granted for fourteen houses on the former fish ponds near the junction of Roway Lane and Union Road some 200 m to the south at the closest point.



Fens Pools which is designated as a Special Area of Conservation (SAC) is located approximately 6.5 km south west of the Installation. There are also eleven non-statutory local wildlife and conservation sites located within 2 km of the Installation.



4.2.2 Proposed site design: potentially polluting substances and prevention measures

The Applicant carried out an environmental risk assessment following the Environment Agency Horizontal Guidance Note H1. This was included within Section 6 of the Application Supporting Statement. The assessment considered all potential sources of ground and surface water pollution that could occur due to fugitive emissions from the facility or from accidents occurring at the facility. The risk assessment also detailed any mitigation measures that would be employed to reduce the frequency or impact of these events.

The land use and pollution history of the site was considered in the desk study section of the site condition report.

The risk assessment identified that the facility would require the storage of various chemicals, which could pose a risk to the ground and groundwater during normal operation. All process areas, loading/unloading, materials handling areas and roadways will have an impermeable surface and sealed drainage. It was therefore not regarded that there would be any risk of ground/groundwater contamination during normal operation of the Installation.

The risk assessment concluded that for land, groundwater and surface water, the residual impacts of the facility would be insignificant provided the recommended mitigation measures are employed.

We agree with the Applicant's conclusion that the Installation would pose little risk of pollution.

We also made recommendations regarding land contamination in our role as a statutory consultee to the planning process. These recommendations were included as planning conditions in the permission.

Article 22(2) of the IED the Applicant is required to provide a baseline report containing at least the information set out in paragraphs (a) and (b) of the Article before starting operation.

The Applicant has submitted a site condition report which includes a report on the baseline conditions as required by Article 22. We have reviewed that report along with a remediation validation report (see below) and consider that they adequately describe the condition of the soil and groundwater prior to the start of operations.

The site condition report submitted is dated September 2011. We are aware that the site has since been remediated and validated in 2013. The Remediation Validation Report (Dunton Environmental) March 2013 describes the condition of the site, including baseline sampling. This report will therefore be used to represent baseline conditions prior to the start of operations. This has been recorded on our Application SCR evaluation template (OI 233_06) which is publicly available.

The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the Installation and at cessation of activities at the installation

4.2.3 Closure and decommissioning

Having considered the information submitted in the Application, we are satisfied that the appropriate measures will be in place for the closure and decommissioning of the Installation. A Pre-operational condition requires the Operator to have an Environmental Management System in place before the Installation is operational, and this will include a site closure plan.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to apply to us for surrender, which we will not grant unless and until we are satisfied that these requirements have been met.

4.3 Operation of the Installation – general issues

4.3.1 Administrative issues

This is a Multi-Operator Installation.

ASR is received from the adjacent European Metal Recycling Limited (EMR) facility which is operated under EPR Permit EPR/TP3938ZN. There are two conveyors (one for incoming ASR material from EMR and one for outgoing solid material returned to EMR for recycling) which are within the EMR Installation boundary.

Uncontaminated surface water run-off from the IES facility will be collected in the surface water drainage system and directed to the adjacent EMR facility.

The EMR Permit has a pre-operational condition which requires the submission of a variation application to make their Permit a Multi Operator Permit should a permit for this Installation be granted.

We are satisfied that the Applicant is the person who will have control over the operation of the Installation after the granting of the Permit; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit.

The incineration of waste is not a specified waste management activity (SWMA). The Environment Agency has considered whether any of the other activities taking place at the Installation are SWMAs and is satisfied that none are taking place.

The Applicant's submitted Opra profile was not accurate. We made some changes to the location attribute which has increased the score from 262 to 272.

The Opra score will be used as the basis for subsistence and other charging, in accordance with our Charging Scheme. Opra is the Environment Agency's method of ensuring application and subsistence fees are appropriate and proportionate for the level of regulation required.

4.3.2 Management

The Applicant has stated in the Application that they will implement an Environmental Management System (EMS) and that a decision on whether to apply for external certification (e.g. under ISO14001 or EMAS) will be taken at a later stage. A pre-operational condition 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.

For proposals of this type we require certification of the EMS; however we recognise that certification of the EMS cannot take place until the Installation is operational. An improvement condition 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.

4.3.3 Site security

Having considered the information submitted in the Application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

4.3.4 Accident management

The Applicant has not submitted an Accident Management Plan. Having considered the other information submitted in the Application, we are satisfied that appropriate measures will be in place to ensure that accidents that may cause pollution are prevented but that, if they should occur, their consequences are minimised. An Accident Management Plan will form part of the Environmental Management System and must be in place prior to commissioning as required by the pre-operational condition.

4.3.5 Off-site conditions

We do not consider that any off-site conditions are necessary.

4.3.6 Operating techniques

We have specified that the Applicant must operate the Installation in accordance with the following documents contained in the Application:

Description	Parts Included	Justification
The Application	The response to question 3 Operating techniques, given in Part B3 of the application form. Includes Table 3a – Technical Standards. Application Supporting Statement: Section 5 – Operating Techniques Section 8.2 – Monitoring of process variables Section 9.2 – Energy Recovery	To incorporate the relevant technical guidance. ▪ the incineration capacity ▪ the waste feed cessation system ▪ start-up and shut-down ▪ temperature monitoring in the combustion chamber ▪ energy recovery from the installation ▪ temperature, oxygen, water vapour and pressure at Air Release sampling points ▪ for incinerators, alternative arrangements for CO, TOC and dust monitoring to make use of the relevant WID abnormal operation condition during CEM failure
Response to Schedule 5 Notice dated 17/06/14 Response received 04/07/14	Responses to: Item 8 (Bund Capacity) Item 9 (dump stacks and by-pass systems)	Section 5.5.2 of the Application states bund capacity at 100%; response confirms the bund capacity at 110% Section 5.6.7 of the Application refers to dump stacks and bypass systems; response confirms they are not required.

The details set out above describe the techniques that will be used for the operation of the Installation that have been assessed by the Environment Agency as BAT; they form part of the Permit through Permit condition 2.3.1 and Table S1.2 in the Permit Schedules.

Article 45(1) of the IED requires that the Permit must include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2005/532/EC, EC, if possible, and containing information on the quantity of each type of waste, where appropriate. The Application contains those wastes, described as automotive shredder residue (ASR), coded by the European Waste Catalogue (EWC) number 19 10 04, which the Applicant will accept in the waste streams entering the plant and which the plant is capable of treating in an environmentally acceptable way. We have specified the permitted waste

types, descriptions and where appropriate quantities which can be accepted at the Installation in Table S2.2.

We are satisfied that the Applicant can accept the ASR wastes contained in Table S2.2 of the Permit because:

(i) the wastes are categorised as non-hazardous in the European Waste Catalogue and are capable of being safely treated at the Installation.
(ii) these wastes are likely to be within the design calorific value (CV) range for the plant;
(iii) these wastes are unlikely to contain harmful components that cannot be safely processed at the Installation.

We have limited the capacity of the Installation to 180,000 tonnes per annum. This is based on the installation operating 7,507 hours per year at a nominal capacity of 24 tonnes per hour. The air quality modelling impact assessment detailed in Section 5 is based on a worst case of 8,760 hours per year.

The Installation will be designed, constructed and operated using BAT for the incineration of the permitted wastes. We are satisfied that the operating and abatement techniques are BAT for incinerating these types of waste. Our assessment of BAT is set out later in this document.

4.3.7 Energy efficiency

(i) Consideration of energy efficiency

We have considered the issue of energy efficiency in the following ways:

1. The use of energy within, and generated by, the Installation which are normal aspects of all EPR permit determinations. This issue is dealt with in this section.

2. The extent to which the Installation meets the requirements of Article 50(5) of the IED, which requires *"the heat generated* during the incineration and co-incineration process is *recovered as far as practicable through the generation of heat, steam or power*". This issue is covered in this section.

3. The combustion efficiency and energy utilisation of different design options for the Installation are relevant considerations in the determination of BAT for the Installation, including the Global Warming Potential of the different options. This aspect is covered in the BAT assessment in section 6 of this Decision Document.

(ii) Use of energy within the Installation

Having considered the information submitted in the Application, we are satisfied that appropriate measures will be in place to ensure that energy is used efficiently within the Installation.

The Application details a number of measures that will be implemented at the Installation in order to increase its energy efficiency, which include:

- Use of waste heat to preheat combustion air, boiler feed water or plume reheat;
- Effective furnace insulation and construction to retain heat;
- Maintaining steady plant capacity to prevent downtime;
- Effective maintenance of heat exchangers;
- Prevention of uncontrolled air ingress by providing and maintaining seals.

The Application states that the specific energy consumption, a measure of total energy consumed per unit of waste processed, will be 310 kWh/tonne. The installation capacity is 180,000 tonnes/annum.

Data from the BREF for Municipal Waste Incinerators shows that the range of specific energy consumptions is as in the table below.

MSWI plant size range (t/yr)	**Process energy demand (kWh/t waste input)**
Up to 150,000	300 – 700
150,000 – 250,000	150 – 500
More than 250,000	60 – 200

The BREF says that it is BAT to reduce the average installation electrical demand to generally below 150 kWh/tonne of waste with an LCV of 10.4 MJ/kg. The LCV in this case is expected to be 20 MJ/kg. Taking account of the difference in LCV, the specific energy consumption in the Application is in line with that set out above.

(iii) Generation of energy within the Installation - Compliance with Article 50(5) of the IED

Article 50(5) of the IED requires that *"the heat generated during the incineration and co-incineration process is recovered as far as practicable*".

Our draft CHP Ready Guidance (Dec 2012) considers that BAT for energy efficiency for Energy from Waste (EfW) plant is the use of CHP in circumstances where there are technically and economically viable opportunities for the supply of heat from the outset.

The term CHP in this context represents a plant which also provides a supply of heat from the electrical power generation process to either a district heating network or to an industrial / commercial building or process. However, it is recognised that opportunities for the supply of heat do not always exist from

the outset (i.e. when a plant is first consented, constructed and commissioned).

In cases where there are no immediate opportunities for the supply of heat from the outset, the Environment Agency considers that BAT is to build the plant to be CHP Ready (CHP-R) to a degree which is dictated by the likely future opportunities which are technically viable and which may, in time, also become economically viable.

The BREF says that where a plant generates electricity only, it is BAT to recover 0.4 – 0.65 MWh/ tonne of waste (based on LCV of 10.4 MJ/kg). Our technical guidance note, SGN EPR S5.01, states that where electricity only is generated, 5-9 MW of electricity should be recoverable per 100,000 tonnes/annum of waste (which equates to 0.4 – 0.72 MWh/tonne of waste).

The Installation will generate electricity only and has been specified to maximise electrical output with little or no use of waste heat. The Sankey diagram, provided in Figure 2 of the Application Supporting Statement shows 40 MW of electricity produced for an annual burn of 180,000 tonnes, which represents 22 MW per 100,000 tonnes/annum of waste burned (1.77 MWh/tonne of waste). Taking the difference in CV into account the Installation is slightly above the indicative BAT range.

The SGN and Chapter IV of the IED both require that, as well as maximising the primary use of heat to generate electricity; waste heat should be recovered as far as practicable.

A CHP Feasibility Review was provided with the Application which took into account existing and potential new developments off-site in the locality and their estimated heat requirements. It concluded that whilst there were no significant process heat loads that could be supplied in the locality, that it was technically feasible; and that the best opportunity would be to attract a complementary, new, industrial development to an adjoining site close to the facility.

The location of the Installation largely determines the extent to which waste heat can be utilised, and this is a matter for the planning authority. The Applicant carried out a feasibility study, which showed there was potential to provide district heating to local businesses; suitable opportunities are being explored, though there are no firm commitments at this stage. There is provision within the design of the steam turbine to extract low-grade steam for a district heating scheme. Establishing a district heating network to supply local users would involve significant technical, financial and planning challenges such that this is not seen as a practicable proposition at present.

Our draft CHP guidance also states that opportunities to maximise the potential for heat recovery should be considered at the early planning stage, when sites are being identified for incineration facilities.

We consider that, within the constraints of the location of the Installation explained above, the Installation will recover heat as far as practicable, and therefore that the requirements of Article 6(6) are met.

(iv) R1 Calculation

The R1 calculation does not form part of the matters relevant to our determination. It is however a general indicator that the Installation is achieving a high level of energy recovery.

The Applicant has not presented an R1 calculation with this Application, nor have we received a separate application for a determination on whether the Installation is a recovery or disposal facility.

Note that the availability or non-availability of financial incentives for renewable energy such as the ROC and RHI schemes is not a consideration in determining this application.

(v) Choice of Steam Turbine

An appropriate turbine design will be selected to facilitate the distribution of heat to third-party customers off-site should suitable opportunities arise in the future.

(vi) Choice of Cooling System

The Applicant confirmed that the plant would operate an Air Cooled Condenser (ACC) to condense the steam output from the turbine to allow return of the condensate to the boiler. The ACC does not require large volumes of water and does not generate a discharge. In addition there would be no significant visual impact as compared to evaporative cooling. The ACC was considered to represent BAT for this Installation and we agree with this conclusion.

(vii) Permit conditions concerning energy efficiency

A Pre-operational condition requires the Operator to carry out a comprehensive review of the available heat recovery options prior to commissioning, in order to ensure that waste heat from the plant is recovered as far as possible.

Conditions 1.2.2 and 1.2.3 have also been included in the Permit, which require the Operator to review the options available for heat recovery on an ongoing basis, and to provide and maintain the proposed steam/hot water pass-outs.

The Operator is required to report energy usage and energy generated under condition 4.2 and Schedule 4. The following parameters are required to be reported: total electrical energy generated; electrical energy exported; total energy usage and energy exported as heat (if any). Together with the total

ASR gasified per year, this will enable the Environment Agency to monitor energy recovery efficiency at the Installation and take action if at any stage the energy recovery efficiency is less than proposed.

There are no site-specific considerations that require the imposition of standards beyond indicative BAT, and so the Environment Agency accepts that the Applicant's proposals represent BAT for this Installation.

4.3.8 Efficient use of raw materials

Having considered the information submitted in the Application, we are satisfied that the appropriate measures will be in place to ensure the efficient use of raw materials and water.

The Operator is required to report with respect to raw material usage under condition 4.2 and Schedule 4, including consumption of sodium bicarbonate, activated carbon and ammonia used per tonne of waste gasified. This will enable the Environment Agency to assess whether there have been any changes in the efficiency of the air pollution control plant, and the operation of the SNCR to abate NO_x. These are the most significant raw materials that will be used at the Installation, other than the waste feed itself (addressed elsewhere). The efficiency of the use of auxiliary fuel will be tracked separately as part of the energy reporting requirement under condition 4.2.1. Optimising reagent dosage for air abatement systems and minimising the use of auxiliary fuels is further considered in the section on BAT.

4.3.9 Avoidance, recovery or disposal with minimal environmental impact of wastes produced by the activities

This requirement addresses wastes produced at the Installation and does not apply to the waste being treated there. The principal waste streams the Installation will produce are gasification residues in each RODECS bin and air pollution control (APC) residues.

The first objective is to avoid producing waste at all. Waste production will be avoided by controlling the temperature and non-oxidative atmosphere in the gasifier, to enable the organic content to be degraded and transformed into gaseous components or syngas. Condition 3.1.3 and associated Table S3.5 specify limits for total organic carbon (TOC) of <3% in gasifier ash. Compliance with this limit will demonstrate that the organic content of the waste is degraded and waste generation is being avoided where practicable.

The gasification residue will comprise metals, aggregates and glass and will be returned to the adjacent EMR site for further processing and recovery.

Gasification ash, similar to incinerator bottom ash (IBA), will normally be classified as non-hazardous waste. However, IBA is classified on the European List of Wastes as a "mirror entry", which means IBA is a hazardous waste if it possesses a hazardous property relating to the content of

dangerous substances. Monitoring of gasifier ash will be carried out in accordance with the requirements of Article 53(3) of IED. Classification of gasification ash for its subsequent use or disposal is controlled by other legislation and so is not duplicated within the Permit.

Air pollution control (APC) residues from flue gas treatment are hazardous waste and therefore must be sent for disposal to a landfill site permitted to accept hazardous waste, or to an appropriately permitted facility for hazardous waste treatment. The amount of APC residues is minimised through optimising the performance of the air emissions abatement plant. The Applicant is exploring options available for recycling this residue.

In order to ensure that the IBA and APC residues are adequately characterised, a pre-operational condition requires the Operator to provide a written plan for approval detailing the ash sampling protocols. Table S3.5 requires the Operator to carry out an ongoing programme of monitoring.

Having considered the information submitted in the Application, we are satisfied that the waste hierarchy referred to in Article 4 of the WFD will be applied to the generation of waste and that any waste generated will be treated in accordance with this Article.

We are satisfied that waste from the Installation that cannot be recovered will be disposed of using a method that minimises any impact on the environment. Standard condition 1.4.1 will ensure that this position is maintained.

5. Minimising the Installation's environmental impact

Regulated activities can present different types of risk to the environment, these include odour, noise and vibration; accidents, fugitive emissions to air and water; as well as point source releases to air, discharges to ground or groundwater and global warming potential. Consideration may also have to be given to the effect of emissions being subsequently deposited onto land (where there are ecological receptors). All these factors are discussed in this and other sections of this document.

For an Installation of this kind, the principal emissions are those to air, although we also consider those to land and water.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of the emissions to air from the Installation on human health and the environment and what measures we are requiring to ensure a high level of protection.

5.1 Assessment Methodology

5.1.1 Application of Environment Agency H1 Guidance

A methodology for risk assessment of point source emissions to air, which we use to assess the risk of applications we receive for permits, is set out in our Horizontal Guidance Note H1 and has the following steps:

- Describe emissions and receptors
- Calculate process contributions
- Screen out insignificant emissions that do not warrant further investigation
- Decide if detailed air modelling is needed
- Assess emissions against relevant standards
- Summarise the effects of your emissions

The H1 methodology uses a concept of "process contribution (PC)", which is the estimated concentration of emitted substances after dispersion into the receiving environmental media at the point where the magnitude of the concentration is greatest. The guidance provides a simple method of calculating PC primarily for screening purposes and for estimating process contributions where environmental consequences are relatively low. It is based on using dispersion factors. These factors assume worst case dispersion conditions with no allowance made for thermal or momentum plume rise and so the process contributions calculated are likely to be an overestimate of the actual maximum concentrations. More accurate calculation of process contributions can be achieved by mathematical dispersion models, which take into account relevant parameters of the release and surrounding conditions, including local meteorology – these techniques are expensive but normally lead to a lower prediction of PC.

5.1.2 Use of Air Dispersion Modelling

For incineration applications, we normally require the Applicant to submit a full air dispersion model as part of their Application. Air dispersion modelling enables the process contribution to be predicted at any environmental receptor that might be impacted by the plant.

Once short-term and long-term PCs have been calculated in this way, they are compared with Environmental Quality Standards (EQS) referred to as "benchmarks" in the H1 Guidance.

Where an EU EQS exists, the relevant standard is the EU EQS. Where an EU EQS does not exist, our guidance sets out a National EQS (also referred to as Environmental Assessment Level - EAL) which has been derived to provide a similar level of protection to Human Health and the Environment as the EU EQS levels. In a very small number of cases, e.g. for emissions of Lead, the National EQS is more stringent that the EU EQS. In such cases, we use the National EQS standard for our assessment.

National EQSs do not have the same legal status as EU EQSs, and there is no explicit requirement to impose stricter conditions than BAT in order to comply with a national EQS. However, national EQSs are a standard for harm and any significant contribution to a breach is likely to be unacceptable.

PCs are considered **Insignificant** if:

- the **long term** process contribution is less than **1%** of the relevant EQS; and
- the **short term** process contribution is less than **10%** of the relevant EQS.

The **long term** 1% process contribution insignificance threshold is based on the judgements that:

- It is unlikely that an emission at this level will make a significant contribution to air quality;
- The threshold provides a substantial safety margin to protect health and the environment.

The **short term** 10% process contribution insignificance threshold is based on the judgements that:

- spatial and temporal conditions mean that short term process contributions are transient and limited in comparison with long term process contributions;
- the proposed threshold provides a substantial safety margin to protect health and the environment.

Where an emission is screened out in this way, we would normally consider that the Applicant's proposals for the prevention and control of the emission to be BAT. That is because if the impact of the emission is already insignificant, it follows that any further reduction in this emission will also be insignificant.

However, where an emission cannot be screened out as insignificant, it does not mean it will necessarily be significant.

For those pollutants which do not screen out as insignificant, we determine whether exceedences of the relevant EQS are likely. This is done through detailed audit and review of the Applicant's air dispersion modelling taking background concentrations and modelling uncertainties into account. Where an exceedence of an EU EQS is identified, we may require the Applicant to go beyond what would normally be considered BAT for the Installation or we may refuse the Application. Whether or not exceedences are considered likely, the Application is subject to the requirement to operate in accordance with BAT.

This is not the end of the risk assessment, because we also take into account local factors (for example, particularly sensitive receptors nearby such as a SSSIs, SACs or SPAs). These additional factors may also lead us to include more stringent conditions than BAT.

If, as a result of reviewing of the risk assessment and taking account of any additional techniques that could be applied to limit emissions, we consider

that emissions **would cause significant pollution**, we would refuse the Application.

5.2 Assessment of Impact on Air Quality

The Applicant's assessment of the impact of air quality is set out in a series of reports provided with the Application:

- Air Quality Assessment P1205
- 2nd Addendum to: Air Quality Assessment P1410
- 3rd Addendum to: Air Quality Assessment P1410
- 4th Addendum to: Air Quality Assessment P1410
- Abnormal Emissions Assessment dated December 2013
- NO_2 Emissions: Revised assessment received 26 September 2014

The assessment comprises:

- An H1 screening assessment of emissions to air from the operation of the incinerator.
- Dispersion modelling of emissions to air from the operation of the incinerator.
- A study of the impact of emissions on nearby sensitive habitat / conservation sites.

This section of the decision document deals primarily with the dispersion modelling of emissions to air from the twin-flue stack and its impact on local air quality. The impact on conservation sites is considered in section 5.4.

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards, and the potential impact upon local conservation and habitat sites and human health. These assessments predict the potential effects on local air quality from the Installation's stack emissions using the ADMS and AERMOD dispersion models, which is a commonly used computer model for regulatory dispersion modelling. The model used 5 years of meteorological data collected from the weather station at Birmingham International Airport (with any data missing more than 10% taken from Coventry airport) between 2007 and 2011. This weather station was chosen because it is the nearest. The impact of the terrain surrounding the site upon plume dispersion was considered in the dispersion modelling.

Modelling Assumptions

The air impact assessments and the dispersion modelling upon which they were based, employed the following assumptions:

- First, they assumed that the ELVs in the Permit would be the maximum permitted by Article 46(2) of the IED (with the exception of NO_2 and metals (other than mercury). These substances are:

    - Oxides of nitrogen (NO_x), expressed as NO_2 – original assessments (IED limit 200 mg/m^3), revised assessment (ELV of 150 mg/m^3)
    - Total dust
    - Carbon monoxide (CO)
    - Sulphur dioxide (SO_2)
    - Hydrogen chloride (HCl)
    - Hydrogen fluoride (HF)
    - Polychlorinated dibenzo-para-dioxins and polychlorinated dibenzo furans (referred to as dioxins and furans)
    - Gaseous and vaporous organic substances, expressed as Total Organic Carbon (TOC)
    - Metals (Mercury)
    - Metals (arsenic and chromium (VI)) - Environment Agency Guidance (June 2011) - mean measured concentration from 20 incineration plants
    - Metals (antimony, lead, chromium, cobalt, copper, manganese, nickel and vanadium) - assumes these metals are 11% (1/9^{th}) of the ELV.
    - Metals (cadmium and thallium) - assumes that each metal is 50% (1/2^{th}) of the ELV

- Second, they assumed that the Installation operates continuously (8,760 hours confirmed by our review) at the relevant long-term or short-term emission limit values, i.e. the maximum permitted emission rate (except for those emissions set out above).

- Third, the model also considered emissions of pollutants not covered by Annex VI of IED, specifically ammonia (NH_3), Polycyclic Aromatic Hydrocarbons (PAH) and Poly Chlorinated Biphenyls (PCB). Emission rates used in the modelling have been drawn from data in the Waste Incineration BREF and are considered further in section 5.2.2.

We are in agreement with this approach following submission of additional information required to justify the use of incineration plant data. The assumptions underpinning the model have been checked and are reasonably precautionary.

Background Air Quality – NO_2

Sandwell MBC has declared their whole Borough an Air Quality Management Area (AQMA) with respect to the annual average NO_2. The most affected receptors in the vicinity of the AQMA are Millward Street and Lawley Street (see below).

The Applicant has provided background air quality monitoring for NO_2 from a number of monitoring locations which form part of an extensive monitoring network operated by Sandwell MBC. Additional background data was provided in response to our further information notice dated 17 June 2014. This data is summarised in the Application and further information and has been used by the Applicant to establish the background (or existing) air quality against which to measure the potential impact of the facility. They have assumed a background for NO_2 of 30 µg/m^3 indicating some headroom. This value was obtained from Defras mapped estimates of background concentrations.

We have sourced diffusion tube data from the vicinity of the plant that indicates there may be no headroom. One such tube deployed by Sandwell MBC has a range of NO_2 concentrations between 38.9 to 49.4 µg/m^3 and is stated by the council to be representative of human exposure. Our assessment of background concentrations (in report AQMAU_C1175_RP01) concluded that there is evidence that background NO_2 may already exceed 40 µg/m^3 leaving no headroom for exceedances of the PC of NO_2.

Further information was provided on background NO_2 pollution in the revised NO_2 assessment received 26 September 2014. Our review of this is set out in our email dated 2 October 2014. They provide a reasoned argument that they expect background concentrations at the most affected receptors (Millward and Lawley Street) to be lower than the NO_2 concentrations sourced from the diffusion tube data in the vicinity of the site. They also suggest a background value of 33.5 µg/m^3 at Oldbury Road (considered to be representative of the background at Millward and Lawley Street) which is based on a ratio of traffic counts and measured concentrations. Whilst we do not necessarily support this approach or the use of this precise value for the impact assessment, the Applicant communicated with the Local Authority who advised that the Oldbury Road has not been identified as a potential area of concern. This adds some weight to the fact that there may be some headroom at the most affected receptors but we cannot be confident in determining just how much there is.

Dispersion Modelling

As well as calculating the peak ground level concentration, the Applicant has modelled the concentration of key pollutants at a number of specified locations within the surrounding area.

The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been

reviewed by the Environment Agency's modelling specialists to establish the robustness of the Applicant's air impact assessment. The output from the model has then been used to inform further assessment of health impacts and impact on habitats and conservation sites.

Our initial review of the Applicant's assessment set out in our report C1175, leads us to agree with the Applicant's conclusions with respect to the impact from all pollutants with the exception of NO_2. We agree that the plant is unlikely to contribute to an exceedance of the EQS/EAL for any other pollutant. Our detailed consideration of NO_2 is set out in the relevant sections below.

The Applicant's modelling predictions are summarised in the following sections.

5.2.1 Assessment of Air Dispersion Modelling Outputs

The Applicant's modelling predictions are summarised in the tables below. The figures shown indicate the predicted peak ground level exposure to pollutants in ambient air. For NO_2 they have also predicted the maximum impact at the Millward Street residential receptor in the AQMA. We predicted the maximum impact in the AQMA to be at Lawley Street and this receptor is included in the revised NO_2 assessment below.

Whilst we have used the Applicant's modelling predictions in the tables below, we have made our own simple verification calculation of the percentage process contribution and predicted environmental concentration. These are the numbers shown in the tables below and so may be very slightly different to those shown in the Application. Any such minor discrepancies do not materially impact on our conclusions.

Assessment of Emissions to Air - Non-Metals

Pollutant	EQS / EAL		Back-ground		Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
			13					
	µg/m³		µg/m³		µg/m³	% of EAL	µg/m³	% of EAL
NO_2 (**200 mg/m³**)	40	1	30	11	2.71	6.78	32.7	81.8
	40	1	30	12	1.93	4.83	31.9	79.8
	200	2	-	11	19.10	9.55	-	-
	200	2	-	12	12.6	6.3	-	-
PM_{10}	40	1	-	11	0.19	0.48	-	-
	50	3	-	11	0.65	1.30	-	-
$PM_{2.5}$	25	1	-	11	0.19	0.76	-	-
SO_2	266	4	-	11	14.00	5.26	-	-
	350	5	-	11	13.10	3.74	-	-
	125	6	-	11	8.20	6.56	-	-
HCl	750	7	-	11	6.30	0.84	-	-
HF	16	8	-	11	0.02	0.12	-	-
	160	7	-	11	0.63	0.39	-	-
CO	10000	9	-	11	12.30	0.12	-	-
	30000	10	-	11	12.30	0.04	-	-
TOC	2.25	1	0.02	11	0.19	8.44	0.2	9.3
PAH	0.00025	1	-	11	1.90E-09	0.00	-	-
NH_3	180	1	-		0.19	0.11	-	-
	2500	10	-		5.40	0.22	-	-
PCBs	0.2	1	-	11	2E-10	0.00	-	-
	6	10	-	11	6E-09	0.00	-	-

TOC as 1,3 butadiene
PAH as benzo[a]pyrene

1 Annual Mean
2 99.79th %ile of 1-hour means
3 90.41st %ile of 24-hour means
4 99.9th ile of 15-min means
5 99.73rd %ile of 1-hour means

6 99.18th %ile of 24-hour means
7 1-hour average
8 Monthly average
9 Maximum daily running 8-hour mean
10 1-hour maximum
11 Maximum impact
12 Maximum at residential receptor (Millward Street in AQMA)
13 Refer above to our assessment of NO_2 background

Assessment of Emissions to Air - Metals

Pollutant	EQS / EAL		Back-ground	Process Contribution		Predicted Environmental Concentration	
	µg/m³		µg/m³	µg/m³	% of EAL	µg/m³	% of EAL
Cd	0.005	1	0.0019	0.0005	10.0	0.00240	48.0
Tl				0.0005		0.0005	
Hg	0.25	1	-	0.001	0.40	-	-
	7.5	2	-	0.031	0.41	-	-
Sb	5	1	-	0.0011	0.02	-	-
	150	2	-	0.035	0.02	-	-
Pb	0.25	1	-	0.0011	0.44	-	-
Co				0.0011		-	
Cu	10	1	-	0.0011	0.01	-	-
	200	2	-	0.035	0.02	-	-
Mn	0.15	1	-	0.0011	0.73	-	-
	1500	2	-	0.035	0.00	-	-
V	5	1	-	0.0011	0.02	-	-
	1	3	-	0.035	3.50	-	-
As	0.003	1	-	0.000014	0.47	-	-
Cr (II)(III)	5	1	-	0.0011	0.02	-	-
	150	2	-	0.035	0.02	-	-
Cr (VI)	0.0002	1	-	0.0000001	0.05	-	-
Ni	0.02	1	0.0022	0.0011	5.50	0.00330	16.5

1 Annual Mean
2 1-hr Maximum
3 24-hr Maximum

Revised Assessment of NO_2 Emissions to Air

Our review of the Applicant's revised NO_2 assessment is set out in our email dated 2 October 2014. We asked the Applicant to make predictions at Lawley Street (not previously considered) and Millward Street using their proposed NO_2 emission concentration of 150 mg/m^3. We also asked that they present their predictions in the context of modelling uncertainties taking into account variance in the five years of meteorological data as well as alternative modelling software.

Although we do not agree with the absolute numerical predictions made by the Applicant we agree that any differences we may have observed does not significantly affect their overall conclusions.

Taking modelling validation data into account, we recommend that the Applicant's predictions at the two receptors can be used to represent the expected modelling uncertainty ranges. The actual impacts at the two receptors are not likely to be any greater than the higher end of the uncertainty range.

We conclude that due to uncertainties, mainly in background pollution, there is no firm evidence to suggest there will be exceedances of the NO_2 EQS at the most impacted receptors as a result of the proposed facility.

		Millward Street		Lawley Street	
		Process Contribution (PC)		Process Contribution (PC)	
Modelling Assumptions		**µg/m^3**	**% of EAL**	**µg/m^3**	**% of EAL**
ADMS 5					
Base Case ELV **200** mg/m^3		1.93	4.83	2.32	5.8
Revised assessment ELV **150** mg/m^3	1	1.46	3.65	1.74	4.35
Lowest values representing variance in met data		0.55	1.38	0.75	1.88
AERMOD (14134)					
Revised assessment ELV 150 mg/m^3	1	1.18	2.95	0.74	1.85

1 Comparable data - same assumptions used

(i) Screening out emissions which are insignificant

From the tables above the following emissions can be screened out as insignificant in that the process contribution is < 1% of the long term EQS/EAL and <10% of the short term EAQ/EAL. These are:

- PM_{10}, $PM_{2.5}$, SO_2, HCl, HF, CO, Hg, Sb, Pb, Cu, Mn, V, As, Cr, PAH, PCBs and NH_3.

Therefore, generally, we consider the Applicant's proposals for preventing and minimising the emissions of these substances to be BAT for the Installation subject to the detailed audit referred to below.

(ii) Emissions unlikely to give rise to significant pollution

Also from the tables above the following emissions (which were not screened out as insignificant) have been assessed as being unlikely to give rise to significant pollution in that the predicted environmental concentration is less than 100% (taking expected modelling uncertainties into account) of both the long term and short term EQS/EAL. These are:

- VOCs, Cd and Ni.

For these emissions, we have carefully scrutinised the Applicant's proposals to ensure that they are applying the Best Available Techniques to prevent and minimise emissions of these substances. This is reported in section 6 of this document.

(iii) Emissions requiring further consideration

From the tables above the revised NO_2 assessment, based on the lower ELV of 150 mg/m^3 predicts a range of process contributions as a % of the EQS:

Millward Street: 1.38 to 3.65%
Lawley Street and 1.88 to 4.35%

Predictions made using the AERMOD dispersion model are significantly less than those made using ADMS and therefore the range of predictions set out above using ADMS can be considered conservative.

Our assessment of NO_2 emissions concludes that due to uncertainties, mainly in background pollution, there is no firm evidence to suggest there will be exceedances as a result of the proposed facility. However, as we do not know exactly how much headroom there is we must consider the PCs in more detail.

The Applicant predicts a worst case maximum PC at 4.35% of the EQS at the proposed lower limit of 150 mg/m^3. We agree that this is likely to be a worst case at the highest risk receptor due to conservative assumptions about the facility. The lower end of the range is 1.88% of the EQS which may be

considered more representative of actual operation of the facility. The predictions using AERMOD are significantly lower at 1.85%, which is less than half of the ADMS prediction of 4.35%.

In view of:

- the uncertainties of modelling and the conservative nature of the assumptions used in the modelling:
  - modelling predictions are based on a worst case scenario of the plant emitting at the proposed daily average NO_2 emission limit of 150 mg/m^3 continuously throughout the year.
  - actual emissions should generally be lower as the emission limit should provide headroom to allow for unavoidable process fluctuations and there will be periodic shut downs for maintenance etc.
- an improvement condition requiring a report on how NO_2 emissions are minimised through optimisation of the SNCR system.

Following further consideration; the assessment indicates that at locations representing peak impacts there is likely to be sufficient headroom such that there will not be an exceedance of the EQS as a result of emissions from the facility.

The assessments indicate that the impact of emissions from the facility are most likely to be considered insignificant at locations where the EQS is already exceeded.

Our assessment of BAT is detailed in Section 6 of this document.

5.2.2 Consideration of key pollutants

(i) Nitrogen dioxide (NO_2)

The impact on air quality from NO_2 emissions has been assessed against the EU EQS of 40 $\mu g/m^3$ as a long term annual average and a short term hourly average of 200 $\mu g/m^3$. The model assumes a 70% NO_x to NO_2 conversion for the long term and 35% for the short term assessment in line with Environment Agency guidance on the use of air dispersion modelling.

The above tables show that the peak long term PC is greater than 1% of the EU EQS and therefore cannot be screened out as insignificant. Our detailed consideration of this is set out above.

(ii) Particulate matter PM_{10} and $PM_{2.5}$

The impact on air quality from particulate emissions has been assessed against the EQS for PM_{10} (particles of 10 microns and smaller) and $PM_{2.5}$ (particles of 2.5 microns and smaller). For PM_{10}, the EU EQS are a long term

annual average of 40 μg/m^3 and a short term daily average of 50 μg/m^3. For $PM_{2.5}$ the EU EQS of 25 μg/m^3 as a long-term annual average to be achieved by 2010 as a Target Value and by 2015 as a Limit Value has been used.

The Applicant's predicted impact of the Installation against these EQSs is shown in the tables above. The assessment assumes that **all** particulate emissions are present as PM_{10} for the PM_{10} assessment and that **all** particulate emissions are present as $PM_{2.5}$ for the $PM_{2.5}$ assessment.

The above assessment is considered to represent a worst case assessment in that:

- It assumes all particulates emitted are below either 10 microns (PM_{10}) or 2.5 microns ($PM_{2.5}$), when some are expected to be larger.

We have reviewed the Applicant's particulate matter impact assessment and are satisfied in the robustness of the Applicant's conclusions.

The above assessment shows that the predicted process contribution for emissions of PM_{10} is below 1% of the long term EQS and below 10% of the short term EQS and so can be considered insignificant. Therefore, generally, we consider the Applicant's proposals for preventing and minimising the emissions of particulates to be BAT for the Installation.

The above assessment also shows that the predicted process contribution for emissions of $PM_{2.5}$ is also below 1% of the Environmental Quality Standard. Therefore the Environment Agency concludes that particulate emissions from the Installation, including emissions of PM_{10} or $PM_{2.5}$, will not give rise to significant pollution.

There is currently no emission limit prescribed nor any continuous emissions monitor for particulate matter specifically in the PM_{10} or $PM_{2.5}$ fraction. Whilst the Environment Agency is confident that current monitoring techniques will capture the fine particle fraction ($PM_{2.5}$) for inclusion in the measurement of total particulate matter, an improvement condition has been included that will require a full analysis of particle size distribution in the flue gas, and hence determine the ratio of fine to coarse particles. In the light of current knowledge and available data however the Environment Agency is satisfied that the health of the public would not be put at risk by such emissions, as explained in section 5.3.

(iii) Acid gases, SO_2, HCl and HF

From the tables above, emissions of HCl and HF can be screened out as insignificant in that the process contribution is <10% of the short term EQS/EAL. There is no long term EQS/EAL for HCl. HF has 2 assessment criteria – a 1-hr EAL and a monthly EAL – the process contribution is <1% of the monthly EAL and so the emission is insignificant if the monthly EAL is interpreted as representing a long term EAL.

Emissions of SO_2 can also be screened out as insignificant in that the short term process contribution is also <10% of each of the two short term EU EQS values and the short term National EQS for SO_2. Therefore, generally, we consider the Applicant's proposals for preventing and minimising the emissions of these substances to be BAT for the Installation.

There is no long term EAL for SO_2 for the protection of human health. Protection of ecological receptors from SO_2 for which there is a long term EAL is considered in section 5.4.

(iv) Emissions to Air of CO, VOCs, PAHs, PCBs, NH_3 (and dioxins)

The above tables show that for CO, PAHs, PCBs and NH_3 emissions, the peak long term PC is less than 1% of the EAL/EQS and the peak short term PC is less than 10% of the EAL/EQS and so can be screened out as insignificant. Therefore, generally, we consider the Applicant's proposals for preventing and minimising the emissions of these substances to be BAT for the Installation.

The Applicant has used the EQS for benzo[a]pyrene (BaP) for their assessment of the impact of PAH. We agree that the use of the BaP EQS is sufficiently precautionary.

The above tables show that for VOC emissions, the peak long term PC is greater than 1% of the EQS and therefore cannot be screened out as insignificant. Even so, from the table above, the emission is not expected to result in the EQS being exceeded.

The Applicant has used the EQS for 1,3 butadiene for their assessment of the impact of VOC. This is based on 1,3 butadiene having the lowest EQS of organic species likely to be present in VOC (other than PAH, PCBs, dioxins and furans).

There is no EQS for dioxins and furans as the principal exposure route for these substances is by ingestion and the risk to human health is through the accumulation of these substances in the body over an extended period of time. This issue is considered in more detail in section 5.3.

The NH_3 emission is based on a release concentration of 10 mg/m^3. We are satisfied that this level of emission is consistent with the operation of a well controlled SNCR NO_x abatement system.

Whilst VOC emissions cannot be screened out as insignificant, the Applicant's modelling shows that the Installation is unlikely to result in a breach of the EQS. The Applicant is required to prevent, minimise and control VOC emissions using the best available techniques, this is considered further in Section 6. We are satisfied that VOC emissions will not result in significant pollution.

In summary for the above emissions to air, we have carefully scrutinised the Applicant's proposals to ensure that they are applying the Best Available Techniques to prevent and minimise emissions of these substances. This is reported in section 6 of this document. Therefore, generally, we consider the Applicant's proposals for preventing and minimising the emissions of CO, PAHs, PCBs, NH_3 and VOCs to be BAT for the Installation. Dioxins and furans are considered further in section 5.3.2.

5.2.3 Assessment of Emission of Metals

The Applicant has assessed the impact of metal emissions to air, as previously described.

Annex VI of IED sets three limits for metal emissions:

- An emission limit value of 0.05 mg/m^3 for mercury and its compounds (formerly WID group 1 metal).
- An aggregate emission limit value of 0.05 mg/m^3 for cadmium and thallium and their compounds (formerly WID group 2 metals).
- An aggregate emission limit of 0.5 mg/m^3 for antimony, arsenic, lead, chromium, cobalt, copper, manganese, nickel and vanadium and their compounds (formerly WID group 3 metals).

In addition the UK is a Party to the Heavy Metals Protocol within the framework of the UN-ECE Convention on long-range trans-boundary air pollution. Compliance with the IED Annex VI emission limits for metals along with the Application of BAT also ensures that these requirements are met.

Where Annex VI of the IED sets an aggregate limit, the Applicant's assessment assumes that each metal is emitted as the proportion of metals in its group (i.e. 1/2 of the limit for cadmium and thallium and 1/9th of the limit for the former group 3 metals (except As)). Historical data for Municipal Waste Incinerators indicates that these proportions are an over estimate of actual emissions, and so we are satisfied that the Applicant's proposal is reasonable in this context.

The Applicant's assessment also assumes a lower concentration of arsenic based on our June 2011 Guidance - mean measured concentration from 20 incineration plants

In section 5.2.1 above, the following emissions of metals were screened out as insignificant:

- Hg, Sb, Pb, Cu, Mn, V, As and Cr (II, III)

Also in section 5.2.1, the following emissions of metals whilst not screened out as insignificant were assessed as being unlikely to give rise to significant pollution:

- Cd and Ni

Based on the Applicant's assumptions there were no metal emissions requiring further assessment. From this assessment the Applicant has concluded that exceedences of the EAL for all metals are not likely to occur. The Installation has been assessed as meeting BAT for control of metal emissions to air. See section 6 of this document. The Environment Agency's experience of regulating incineration plant is that emissions of metals are in any event below the Annex VI limits set in IED. We therefore agree with the Applicant's conclusions.

The 2009 report of the Expert Panel on Air Quality Standards (EPAQS) – "Guidelines for Metal and Metalloids in Ambient Air for the Protection of Human Health", sets non statutory ambient air quality guidelines for Arsenic, Nickel and Chromium (VI). These guidelines have been incorporated as EALs in the revised H1 Guidance issued by the Agency in 2010.

Chromium (VI) is not specifically referenced in Annex VI of IED, which includes only total Chromium as one of the nine Group 3 metals, the impact of which has been assessed above. The EPAQS guidelines refer only to that portion of the metal emissions contained within PM_{10} in ambient air. The guideline for chromium (VI) is 0.2 ng/m^3.

- Measurement of chromium (VI) at the levels anticipated at the stack emission points is expected to be difficult, with the likely levels being below the level of detection by the most advanced methods. We have considered the concentration of total chromium and chromium (VI) in the APC residues collected upstream of the emission point for existing Municipal Waste incinerators and have assumed these to be similar to the particulate matter released from the emission point. These data shows that the mean chromium (VI) emission concentration (based on the bag dust ratio) is $3.5 * 10^{-5}$ mg/m^3 (max $1.3 * 10^{-4}$).

Based on these data, we consider the Applicant's assumption of a chromium (VI) emission concentration of $5 * 10^{-6}$ mg/m^3 isn't sufficiently conservative.

We have used the above data to model the predicted chromium (VI) impact. The PC is predicted as 0.35% of the EAL. The Applicant's prediction was 0.05% of the EAL.

We are satisfied that the revised assessment screens out as being insignificant. We agree with the Applicant's conclusions.

5.3 Human health risk assessment

5.3.1 Our role in preventing harm to human health

The Environment Agency has a statutory role to protect the environment and human health from all processes and activities it regulates. We assessed the effects on human health for this application in the following ways:

i) Applying Statutory Controls

The plant will be regulated under EPR. These regulations include the requirements of relevant EU Directives, notably, the industrial emissions directive (IED), the waste framework directive (WFD), and ambient air directive (AAD).

The main conditions in an EfW permit are based on the requirements of the IED. Specific conditions have been introduced to specifically ensure compliance with the requirements of Chapter IV. The aim of the IED is to prevent or, where that is not practicable, to reduce emissions to air, water and land and prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole. IED achieves this aim by setting operational conditions, technical requirements and emission limit values to meet the requirements set out in Articles 11 and 18 of the IED. These requirements include the application of BAT, which may in some circumstances dictate tighter emission limits and controls than those set out in Chapter IV of IED on waste incineration and co-incineration plants. The assessment of BAT for this installation is detailed in section 6 of this document.

ii) Environmental Impact Assessment

Industrial activities can give rise to odour, noise and vibration, accidents, fugitive emissions to air and water, releases to air (including the impact on Photochemical Ozone Creation Potential (POCP)), discharges to ground or groundwater, global warming potential and generation of waste. For an installation of this kind, the principal environmental effects are through emissions to air, although we also consider all of the other impacts listed. Section 5.1 and 5.2 above explain how we have approached the critical issue of assessing the likely impact of the emissions to air from the Installation on human health and the environment and any measures we are requiring to ensure a high level of protection.

iii) Expert Scientific Opinion

We take account of the views of national and international expert bodies. Following is a summary of some of the publications which we have considered (in no particular order).

An independent review of evidence on the health effects of municipal waste incinerators was published by **DEFRA** in 2004. It concluded that there was no

convincing link between the emissions from MSW incinerators and adverse effects on public health in terms of cancer, respiratory disease or birth defects. On air quality effects, the report concluded "Waste incinerators contribute to local air pollution. This contribution, however, is usually a small proportion of existing background levels which is not detectable through environmental monitoring (for example, by comparing upwind and downwind levels of airborne pollutants or substances deposited to land). In some cases, waste incinerator facilities may make a more detectable contribution to air pollution. Because current MSW incinerators are located predominantly in urban areas, effects on air quality are likely to be so small as to be undetectable in practice."

HPA (now PHE) in 2009 states that "The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable". Revision to statement in 2011.....

Policy Advice from Government also points out that the minimal risk from modern incinerators. Paragraph 22 (Chapter 5) of WS2007 says that "research carried out to date has revealed no credible evidence of adverse health outcomes for those living near incinerators." It points out that "the relevant health effects, mainly cancers, have long incubation times. But the research that is available shows an absence of symptoms relating to exposures twenty or more years ago when emissions from incinerators were much greater than is now the case." **Paragraph 30 of PPS10** explains that "modern, appropriately located, well run and well regulated waste management facilities should pose little risk to public health."

The **Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (CoC) issued** a statement in 2000 which said that "any potential risk of cancer due to residency (for periods in excess of 10 years) near to municipal solid waste incinerators was exceedingly low and probably not measurable by the most modern epidemiological techniques." In 2009, CoC considered six further relevant epidemiological papers that had been published since the 2000 statement, and concluded that "there is no need to change the advice given in the previous statement in 2000 but that the situation should be kept under review".

Republic of Ireland Health Research Board report stated that "It is hard to separate the influences of other sources of pollutants, and other causes of cancer and, as a result, the evidence for a link between cancer and proximity to an incinerator is not conclusive".

The **Food Safety Authority of Ireland (FSAI) (2003)** investigated possible implications on health associated with food contamination from waste incineration and concluded: "In relation to the possible impact of introduction of waste incineration in Ireland, as part of a national waste management

strategy, on this currently largely satisfactory situation, the FSAI considers that such incineration facilities, if properly managed, will not contribute to dioxin levels in the food supply to any significant extent. The risks to health and sustainable development presented by the continued dependency on landfill as a method of waste disposal far outweigh any possible effects on food safety and quality."

Health Protection Scotland (2009) considered scientific studies on health effects associated with the incineration of waste particularly those published after the Defra review discussed earlier. The main conclusions of this report were: "(a) For waste incineration as a whole topic, the body of evidence for an association with (non-occupational) adverse health effects is both inconsistent and inconclusive. However, more recent work suggests, more strongly, that there may have been an association between emissions (particularly dioxins) in the past from industrial, clinical and municipal waste incinerators and some forms of cancer, before more stringent regulatory requirements were implemented. (b) For individual waste streams, the evidence for an association with (non-occupational) adverse health effects is inconclusive. (c) The magnitude of any past health effects on residential populations living near incinerators that did occur is likely to have been small. (d) Levels of airborne emissions from individual incinerators should be lower now than in the past, due to stricter legislative controls and improved technology. Hence, any risk to the health of a local population living near an incinerator, associated with its emissions, should also now be lower."

The **US National Research Council Committee on Health Effects of Waste Incineration (NRC) (NRC 2000)** reviewed evidence as part of a wide ranging report. The Committee view of the published evidence was summarised in a key conclusion: "Few epidemiological studies have attempted to assess whether adverse health effects have actually occurred near individual incinerators, and most of them have been unable to detect any effects. The studies of which the committee is aware that did report finding health effects had shortcomings and failed to provide convincing evidence. That result is not surprising given the small populations typically available for study and the fact that such effects, if any, might occur only infrequently or take many years to appear. Also, factors such as emissions from other pollution sources and variations in human activity patterns often decrease the likelihood of determining a relationship between small contributions of pollutants from incinerators and observed health effects. Lack of evidence of such relationships might mean that adverse health effects did not occur, but it could mean that such relationships might not be detectable using available methods and sources."

The **British Society for Ecological Medicine (BSEM) published a report in 2005** on the health effects associated with incineration and concluded that "Large studies have shown higher rates of adult and childhood cancer and also birth defects around municipal waste incinerators: the results are consistent with the associations being causal. A number of smaller epidemiological studies support this interpretation and suggest that the range of illnesses produced by incinerators may be much wider. Incinerator

emissions are a major source of fine particulates, of toxic metals and of more than 200 organic chemicals, including known carcinogens, mutagens, and hormone disrupters. Emissions also contain other unidentified compounds whose potential for harm is as yet unknown, as was once the case with dioxins. Abatement equipment in modern incinerators merely transfers the toxic load, notably that of dioxins and heavy metals, from airborne emissions to the fly ash. This fly ash is light, readily windborne and mostly of low particle size. It represents a considerable and poorly understood health hazard."

The BSEM report was reviewed by the HPA and they concluded that "Having considered the BSEM report the HPA maintains its position that contemporary and effectively managed and regulated waste incineration processes contribute little to the concentrations of monitored pollutants in ambient air and that the emissions from such plants have little effect on health." The BSEM report was also commented on by the consultants who produced the Defra 2004 report referred to above. They said that "It fails to consider the significance of incineration as a source of the substances of concern. It does not consider the possible significance of the dose of pollutants that could result from incinerators. It does not fairly consider the adverse effects that could be associated with alternatives to incineration. It relies on inaccurate and outdated material. In view of these shortcomings, the report's conclusions with regard to the health effects of incineration are not reliable."

A **Greenpeace** review on incineration and human health concluded that a broad range of health effects have been associated with living near to incinerators as well as with working at these installations. Such effects include cancer (among both children and adults), adverse impacts on the respiratory system, heart disease, immune system effects, increased allergies and congenital abnormalities. Some studies, particularly those on cancer, relate to old rather than modern incinerators. However, modern incinerators operating in the last few years have also been associated with adverse health effects."

The Health Protection Scotland report referred to above says that "the authors of the Greenpeace review do not explain the basis for their conclusion that there is an association between incineration and adverse effects in terms of criteria used to assess the strength of evidence. The weighting factors used to derive the assessment are not detailed. The objectivity of the conclusion cannot therefore be easily tested."

From this published body of scientific opinion, we take the view stated by the HPA that "While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable". We therefore ensure that permits contain conditions which require the installation to be well-run and regulate the installation to ensure compliance with such permit conditions.

iv) Health Risk Models

Comparing the results of air dispersion modelling as part of the H1 Environmental Impact assessment against European and national air quality standards effectively makes a health risk assessment for those pollutants for which a standard has been derived. These air quality standards have been developed primarily in order to protect human health via known intake mechanisms, such as inhalation and ingestion. Some pollutants, such as dioxins, furans and dioxin like PCB's, have human health impacts at lower ingestion levels than lend themselves to setting an air quality standard to control against. For these pollutants, a different human health risk model is required which better reflects the level of dioxin intake.

Models are available to predict the dioxin, furan and dioxin like PCB's intake for comparison with the Tolerable Daily Intake (TDI) recommended by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, known as COT. These include HHRAP and the HMIP model.

HHRAP has been developed by the US EPA to calculate the human body intake of a range of carcinogenic pollutants and to determine the mathematic quantitative risk in probabilistic terms. In the UK, in common with other European Countries, we consider a threshold dose below which the likelihood of an adverse effect is regarded as being very low or effectively zero. The HMIP model uses a similar approach to the HHRAP model, but does not attempt to predict probabilistic risk. Either model can however be used to make comparisons with the TDI.

The TDI is the amount of a substance that can be ingested daily over a lifetime without appreciable health risk. It is expressed in relation to bodyweight in order to allow for different body size, such as for children of different ages. In the UK, the COT has set a TDI for dioxins, furans and dioxin like PCB's of 2 picograms I-TEQ/Kg-body weight/day (N.B. a picogram is a million millionths (10^{-12}) of a gram).

In addition to an assessment of risk from dioxins and furans, the HHRAP model enables a risk assessment from human intake of a range of heavy metals. The HMIP report does not consider metals and PCB's. In principle, the respective EQS for these metals are protective of human health. It is not therefore necessary to model the human body intake.

COMEAP developed a methodology based on the results of time series epidemiological studies which allows calculation of the public health impact of exposure to the classical air pollutants (NO_2, SO_2 and particulates) in terms of the numbers of "deaths brought forward" and the "number of hospital admissions for respiratory disease brought forward or additional". COMEAP has issued a statement expressing some reservations about the applicability of applying its methodology to small affected areas. Those concerns generally relate to the fact that the exposure-response coefficients used in the COMEAP report derive from studies of whole urban populations where the air pollution climate may differ from that around a new industrial installation.

COMEAP identified a number of factors and assumptions that would contribute to the uncertainty of the estimates. These were summarised in the Defra review as below:

- Assumption that the spatial distribution of the air pollutants considered is the same in the area under study as in those areas, usually cities or large towns, in which the studies which generated the coefficients were undertaken.
- Assumption that the temporal pattern of pollutant concentrations in the area under study is similar to that in the areas in which the studies which generated the coefficients were undertaken (i.e. urban areas).
- It should be recognised that a difference in the pattern of socio-economic conditions between the areas to be studied and the reference areas could lead to inaccuracy in the predicted level of effects.
- In the same way, a difference in the pattern of personal exposures between the areas to be studied and the reference areas will affect the accuracy of the predictions of effects.

The use of the COMEAP methodology is not generally recommended for modelling the human health impacts of individual installations. However it may have limited applicability where emissions of NO_x, SO_2 and particulates cannot be screened out as insignificant in an H1 Environmental Impact assessment, there are high ambient background levels of these pollutants and we are advised that its use was appropriate by our public health consultees.

Our recommended approach is therefore the use of the H1 assessment methodology comparison for most pollutants (including metals) and dioxin intake model using the HHRAP model as described above for dioxins, furans and PCBs. Where an alternative approach is adopted for dioxins, we check the predictions ourselves.

v) Consultations

As part of our normal procedures for the determination of a Permit Application, we consult PHE and the FSA; we also consult with the relevant director of public health. We carried out additional consultation with PHE and the FSA following submission of the revised Human Health Risk Assessment (HHRA).

We also consult the local communities who may raise health related issues. All issues raised by these consultations are considered in determining the application as described in Annex 4 of this document.

5.3.2 Assessment of Intake of Dioxins, Furans and PCBs

For dioxins, furans and PCBs, the principal exposure route is through ingestion, usually through the food chain, and the main risk to health is through accumulation in the body over a period of time.

The human health risk assessment calculates the dose of dioxins, furans and PCBs that would be received by local receptors if all their food and water were sourced from the locality where the deposition of dioxins and furans is predicted to be the highest. This is then assessed against the Tolerable Daily Intake (TDI) levels established by the COT of 2 picograms I-TEQ / Kg bodyweight/ day.

The Applicant's assessment of dioxin, furan and PCB intake considers the human health impact of emissions on an adult Hypothetical Maximum Exposed Individual (HMEI). Our initial review of this is set out in our report AQMAU_C1175_RP01 which concludes that the results provided with the Application are incorrect because the predictions are made using units that are incomparable with the TDI. The Applicant's amended assessment (received 18 August 2014) shows that the predicted daily intake of dioxins at the HMEI, resulting from emissions from the proposed facility, are significantly below the recommended TDI levels at 3.5% of the COT TDI. Our assessment of this is set out in our second report AQMAU_C1193_RP01. Whilst we don't agree with all of the numerical predictions, we agree with the Applicant's conclusions and they can be used for permit determination.

The FSA has reported that dietary studies have shown that estimated total dietary intakes of dioxins and dioxin-like PCBs from all sources by all age groups fell by around 50% between 1997 and 2001, and are expected to continue to fall. In 2001, the average daily intake by adults in the UK from diet was 0.9 pg WHO-TEQ/kg bodyweight. The additional daily intake predicted by the modelling as shown in the table above is substantially below this figure.

In 2010, FSA studied the levels of chlorinated, brominated and mixed (chlorinated-brominated) dioxins and dioxin-like PCBs in fish, shellfish, meat and eggs consumed in UK. It asked COT to consider the results and to advise on whether the measured levels of these PXDDs, PXDFs and PXBs indicated a health concern ('X' means a halogen). COT issued a statement in December 2010 and concluded that " The major contribution to the total dioxin toxic activity in the foods measured came from chlorinated compounds. Brominated compounds made a much smaller contribution, and mixed halogenated compounds contributed even less (1% or less of TDI). Measured levels of PXDDs, PXDFs and dioxin-like PXBs do not indicate a health concern". COT recognised the lack of quantified TEFs for these compounds but said that "even if the TEFs for PXDDs, PXDFs and dioxin-like PXBs were up to four fold higher than assumed, their contribution to the total TEQ in the diet would still be small. Thus, further research on PXDDs, PXDFs and dioxin-like PXBs is not considered a priority."

In the light of this statement, we assess the impact of chlorinated compounds as representing the impact of all chlorinated, brominated and mixed dioxins / furans and dioxin like PCBs.

5.3.3 Particulates smaller than 2.5 microns

The Operator will be required to monitor particulate emissions using the method set out in Table S3.1 of Schedule 3 of the Permit. This method requires that the filter efficiency must be at least 99.5 % on a test aerosol with a mean particle diameter of 0.3 µm, at the maximum flow rate anticipated. The filter efficiency for larger particles will be at least as high as this. This means that particulate monitoring data effectively captures everything above 0.3 µm and much of what is smaller. It is not expected that particles smaller than 0.3 µm will contribute significantly to the mass release rate / concentration of particulates because of their very small mass, even if present. This means that emissions monitoring data can be relied upon to measure the true mass emission rate of particulates.

Nano-particles are considered to refer to those particulates less than 0.1 µm in diameter ($PM_{0.1}$). Questions are often raised about the effect of nano-particles on human health, in particular on children's health, because of their high surface to volume ratio, making them more reactive, and their very small size, giving them the potential to penetrate cell walls of living organisms. The small size also means there will be a larger number of small particles for a given mass concentration. However the HPA (now PHE) statement (referenced below) says that due to the small effects of incinerators on local concentration of particles, it is highly unlikely that there will be detectable effects of any particular incinerator on local infant mortality.

The HPA addresses the issue of the health effects of particulates in their September 2009 statement 'The Impact on Health of Emissions to Air from Municipal Incinerators'. It refers to the coefficients linking PM_{10} and $PM_{2.5}$ with effects on health derived by COMEAP and goes on to say that if these coefficients are applied to small increases in concentrations produced, locally, by incinerators; the estimated effects on health are likely to be small. The HPA notes that the coefficients that allow the use of number concentrations in impact calculations have not yet been defined because the national experts have not judged that the evidence is sufficient to do so. This is an area being kept under review by COMEAP.

In December 2010, COMEAP published a report on The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom. It says that "a policy which aims to reduce the annual average concentration of $PM_{2.5}$ by 1 µg/m^3 would result in an increase in life expectancy of 20 days for people born in 2008." However, "The Committee stresses the need for careful interpretation of these metrics to avoid incorrect inferences being drawn – they are valid representations of population aggregate or average effects, but they can be misleading when interpreted as reflecting the experience of individuals."

The HPA (now PHE) also point out that in 2007 incinerators contributed 0.02% to ambient ground level PM_{10} levels compared with 18% for road traffic and 22% for industry in general. The HPA note that in a sample collected in a day at a typical urban area the proportion of $PM_{0.1}$ is around 5-10% of PM_{10}.

It goes on to say that PM_{10} includes and exceeds $PM_{2.5}$ which in turn includes and exceeds $PM_{0.1}$.

This is consistent with the assessment of this Application which shows emissions of PM_{10} to air to be insignificant.

We take the view, based on the foregoing evidence, that techniques which control the release of particulates to levels which will not cause harm to human health will also control the release of fine particulate matter to a level which will not cause harm to human health.

5.3.4 Assessment of Health Effects from the Installation

We have assessed the health effects from the operation of this Installation in relation to the above (sections 5.3.1 to 5.3.3). We have applied the relevant requirements of the National and European legislation in imposing the Permit conditions. We are satisfied that compliance with these conditions will ensure protection of the environment and human health.

Taking into account all of the expert opinion available, we agree with the conclusion reached by the HPA (now PHE) that "While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable."

In carrying out air dispersion modelling as part of the H1 Environmental Impact assessment and comparing the predicted environmental concentrations with European and National air quality standards, the Applicant has effectively made a health risk assessment for many pollutants. These air quality standards have been developed primarily in order to protect human health.

The Applicant's assessment of the impact from:

PM_{10}, $PM_{2.5}$, SO_2, HCl, HF, CO, Hg, Sb, Pb, Cu, Mn, V, As, Cr, PAH, PCBs and NH_3

have all indicated that the Installation emissions screen out as insignificant.

The Applicant's assessment of the impact from:

VOCs, Cd and Ni

have not been screened out as insignificant; however the assessment still shows that the PECs are well within air quality standards or environmental action levels.

The Applicant's assessment of the impact from:

NO_2

following further consideration; the assessment indicates that there will not be an exceedance of the EQS as a result of emissions from the facility. Our detailed assessment of this is set out above.

The Environment Agency has reviewed the methodology employed by the Applicant to carry out the health impact assessment. We agree with the conclusions presented in the amended assessment which shows that the predicted daily intake of dioxins at the HMEI, resulting from emissions from the proposed facility, are significantly below the recommended TDI levels at 3.5% of the COT TDI.

Overall, taking into account the conservative nature of the impact assessment (i.e. that it is based upon an individual exposed for a life-time to the effects of the highest predicted airborne concentrations and consuming mostly locally grown food), it was concluded that the operation of the proposed facility will not pose a significant carcinogenic or non-carcinogenic risk to human health.
PHE were consulted on the Application and on the revised HHRA and concluded that they had no significant concerns regarding the risk to the health of humans from the Installation. The FSA was also consulted during the permit determination process to determine whether they considered that there will be any unacceptable effects on the human food chain as a result of the operations at the Installation. Details of the responses provided by PHE to the consultation on this Application can be found in Annex 4. The FSA did not respond.

The Environment Agency is therefore satisfied that the Applicant's conclusions presented above are soundly based and we conclude that the potential emissions of pollutants including dioxins, furans and metals from the proposed facility are unlikely to have an impact upon human health.

5.4 Impact on Habitats sites and non-statutory conservation sites

5.4.1 Sites Considered

The following Habitats site, designated as a Special Areas of Conservation (SAC) is located within 10 km of the Installation:

- Fens Pools SAC

There are no Sites of Special Scientific Interest (SSSI) within 2 km of the proposed Installation.

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

- Darby's Hill
- Ridgeacre Branch Canal
- Rowley Hills
- Balls Hill Branch Canal
- John's Lane Sewage Works
- Great Bridge Canal Basins
- Land west of Gower Canal
- Snow Hill to Wolverhampton
- Guns Lane to Dartmouth Street
- Land North of Ivy House Road
- Sheepwash

5.4.2 Habitats Assessment

The Applicant's Habitats assessment was reviewed by the Environment Agency's technical specialists for modelling, air quality, conservation and ecology technical services, who agreed with the assessment's conclusions, that there would be no likely significant effect on the interest features of the protected site.

We also completed an Appendix 11 Habitats Assessment for the SAC which was sent to Natural England for information only, refer to Section 7.3.1.

Assessment of Emissions to Air - SAC

Pollutant	Critical Level		Back-ground	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	µg/m^3		µg/m^3	µg/m^3	% of Critical Level	µg/m^3	% of Critical Level
NO_x	30	1	-	0.031	0.10	-	-
	75	2	-	1.200	1.60	-	-
SO_2	10	3	-	0.011	0.11	-	-
	20	4	-	0.011	0.06	-	-
HF	5	2	-	0.006	0.12	-	-
	0.5	5	-	0.002	0.30	-	-
NH_3	1	3	-	0.002	0.20	-	-
	3	4	-	0.002	0.07	-	-

1 Annual Mean
Daily
2 Mean
3 Annual mean for sensitive lichen communities & bryophytes
4 Annual Mean (higher plants)
5 Weekly Mean

Assessment of Deposition- SAC

Pollutant	Critical Load (CL)		Back-ground	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	kgN/ha/yr Acid-keq/ha/yr		µg/m^3	kgN/ha/yr Acid-keq/ha/yr	% of CL	µg/m^3	% of EAL
N deposition	5	1	-	0.016	0.32	-	-
Acid deposition	2.05		-	0.000	0.00	-	-

The Process Contributions for all pollutants are less than the 1% (long term) and 10% (short term) critical levels and loads. We can conclude no likely significant effect at the Fens Pools SAC.

5.4.3 Assessment of Non-Statutory Sites

We have included the assessment for the most impacted non-statutory site which is Balls Hill Branch Canal. If the impact at this receptor is considered to be acceptable then it follows that the impact at the other receptors will also be acceptable as the impact at these sites will be considerably less.

The trigger threshold applied for the assessment of these sites:

- PC is < 100% of relevant Critical Level or Load

Assessment of Emissions to Air - Non Statutory (worst case)

Pollutant	Critical Level		Back-ground	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	µg/m^3		µg/m^3	µg/m^3	% of Critical Level	µg/m^3	% of Critical Level
NO_x	30	1	-	2.517	8.39	-	-
	75	2	-	28.900	38.53	-	-
SO_2	10	3	-	0.899	8.99	-	-
	20	4	-	0.899	4.50	-	-
HF	5	2	-	0.145	2.89	-	-
	0.5	5	-	0.054	10.70	-	-
NH_3	1	3	-	0.18	18.00	-	-
	3	4	-	0.18	6.00	-	-

1 Annual Mean
Daily
2 Mean
Annual mean for sensitive lichen communities &
3 bryophytes
4 Annual Mean (higher plants)
5 Weekly Mean

Assessment of Deposition- Non Statutory (worst case)

Pollutant	Critical Load (CL)		Back-ground	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	kgN/ha/yr Acid-keq/ha/yr		kgNha-1year-1	kgN/ha/yr Acid-keq/ha/yr	% of CL	µg/m^3	% of CL
N deposition	5	1	1.56	1.297	25.94	2.86	57.14
Acid deposition	0.08		-	0.019	24.40	-	-

1 acid grasslands

All contributions are well below 100% of the critical levels and loads. We have reviewed the Applicant's assessments and agree with their findings that there will be no adverse impact.

5.5 Impact of abnormal operations

Article 50(4)(c) of IED requires that waste incineration and co-incineration plants shall operate an automatic system to prevent waste feed whenever any of the continuous emission monitors show that an emission limit value (ELV) is exceeded due to disturbances or failures of the purification devices. Notwithstanding this, Article 46(6) allows for the continued incineration and co-incineration of waste under such conditions provided that this period does not (in any circumstances) exceed 4 hours uninterrupted continuous operation or the cumulative period of operation does not exceed 60 hours in a calendar year. This is a recognition that the emissions during transient states (e.g. start-up and shut-down) are higher than during steady-state operation, and the overall environmental impact of continued operation with a limited exceedance of an ELV may be less than that of a partial shut-down and re-start.

For incineration plant, IED sets backstop limits for particulates, CO and TOC which must continue to be met at all times. The CO and TOC limits are the same as for normal operation, and are intended to ensure that good combustion conditions are maintained. The backstop limit for particulates is 150 mg/m^3 (as a half hourly average) which is five times the limit in normal operation.

Article 45(1)(f) requires that the permit shall specify the maximum permissible period of any technically unavoidable stoppages, disturbances, or failures of the purification devices or the measurement devices, during which the

concentrations in the discharges into the air may exceed the prescribed emission limit values. In this case we have decided to set the time limit at 4 hours, which is the maximum period prescribed by Article 46(6).

Given that these abnormal operations are limited to no more than a period of 4 hours continuous operation and no more than 60 hour aggregated operation in any calendar year. This is less than 1% of total operating hours and so abnormal operating conditions are not expected to have any significant long term environmental impact unless the background conditions were already close to, or exceeding, an EQS. For the most part therefore consideration of abnormal operations is limited to consideration of its impact on short term EQSs.

In making an assessment of abnormal operations the following worst case scenario has been assumed:

- Dioxin emissions of 10 ng/m^3 (100 x normal)
- Mercury emissions of 5 mg/m^3 (100 times x normal)
- NO_x emissions of 653 mg/m^3 (1.5 x normal)
- Particulate emissions of 150 mg/m^3 (5 x normal)
- Metal emissions other than mercury (5 x normal)
- SO_2 emissions of 708 mg/m^3 (3.5 x normal)
- HCl emissions of 219 mg/m^3 (3.5 x normal)

This is a worst case scenario in that these abnormal conditions include a number of different equipment failures not all of which will necessarily result in an adverse impact on the environment (e.g. a failure of a monitoring instrument does not necessarily mean that the incinerator or abatement plant is malfunctioning). This analysis assumes that any failure of any equipment results in all the negative impacts set out above occurring simultaneously.

The result on the Applicant's short-term environmental impact is summarised in the table below.

Assessment of Emissions to Air - Abnormal

Pollutant	EQS / EAL		Back-ground 8	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	µg/m³		µg/m³	µg/m³	% of EAL	µg/m³	% of EAL
NO_2	200	2	60	60.70	30.35	120.70	60.35
PM_{10}	50	3	37.8	9.30	18.60	47.10	94.20
SO_2	266	4	5.82	200.00	75.19	205.82	77.38
	350	5	5.82	186.00	53.14	191.82	54.81
HCl	750	6	0.78	119.30	15.91	120.08	16.01
HF	160	6	-	12.00	7.50	-	-
Hg	7.5	1	-	0.10	1.33	-	-
Sb	150	1	-	0.20	0.13	-	-
Cu	200	1	-	0.20	0.10	-	-
Mn	1500	1	-	0.20	0.01	-	-
V	1	3/7	0.0044	0.20	20.00	0.20	20.44
Cr (II)(III)	150	1	-	0.20	0.13	-	-
PCBs	6	1	-	0.00	0.00	-	-

1 1-hr Maximum
2 99.79th %ile of 1-hour means
3 90.41st %ile of 24-hour means
4 99.9th ile of 15-min means
5 99.73rd %ile of 1-hour means
6 1-hour average
7 Background concentration for V used (4th Addendum)
8 Background 2 x annual average concentration

From the table above the emissions of the following substances can still be considered insignificant, in that the PC is still <10% of the short-term EQS/EAL.

HF, Hg, Sb, Cu, Mn, Cr(II)(III) and PCBs

Also from the table above emissions of the following emissions (which were not screened out as insignificant) have been assessed as being unlikely to give rise to significant pollution in that the predicted environmental concentration is less than 100% of short term EQS/EAL.

NO_2, PM_{10}, SO_2, HCl and V

The abnormal impact assessment was reviewed by the Environment Agency's modelling specialists and we are satisfied that the values can be used for determination.

We are therefore satisfied that it is not necessary to further constrain the conditions and duration of the periods of abnormal operation beyond those permitted under Chapter IV of the IED.

We have not assessed the impact of abnormal operations against long term EQSs for the reasons set out above. Except that if dioxin emissions were at 10 ng/m^3 for the maximum period of abnormal operation, this would result in an increase of approximately 60% in the TDI reported in section 5.3.3. In these circumstances the TDI would be 0.12 pg(I-TEQ/ kg-BW/day), which is 5.8% of the COT TDI. At this level, emissions of dioxins will still not pose a risk to human health.

The Applicant confirmed that there are no vents or by-passes in their response to us received 4 July 2014.

Our review of the Applicant's assessment leads us to agree with the Applicant's conclusions.

6. Application of Best Available Techniques

6.1 Scope of Consideration

In this section, we explain how we have determined whether the Applicant's proposals are the Best Available Techniques (BAT) for this Installation.

- The first issue we address is the fundamental choice of incineration technology. There are a number of alternatives, and the Applicant has explained why it has chosen one particular kind for this Installation.

- We then consider in particular control measures for the emissions which were not screened out as insignificant in the previous section on minimising the installation's environmental impact. They are: **NO_2, VOCs, Cd and Ni**

- We also have to consider the combustion efficiency and energy utilisation of different design options for the Installation, which are relevant considerations in the determination of BAT for the Installation, including the Global Warming Potential of the different options.

- Finally, the prevention and minimisation of Persistent Organic Pollutants (POPs) must be considered, as we explain below.

Chapter IV of the IED specifies a set of maximum emission limit values. Although these limits are designed to be stringent, and to provide a high level of environmental protection, they do not necessarily reflect what can be

achieved by new plant. Article 14(3) of the IED says that BAT conclusions shall be the reference for setting the permit conditions, so it may be possible and desirable to achieve emissions below the limits referenced in Chapter IV.

Even if the Chapter IV limits are appropriate, operational controls complement the emission limits and should generally result in emissions below the maximum allowed; whilst the limits themselves provide headroom to allow for unavoidable process fluctuations. Actual emissions are therefore almost certain to be below emission limits in practice, because any Operator who sought to operate its installation continually at the maximum permitted level would almost inevitably breach those limits regularly, simply by virtue of normal fluctuations in plant performance, resulting in enforcement action (including potentially prosecution) being taken. Assessments based on, say, Chapter IV limits are therefore "worst-case" scenarios.

Should the Installation, once in operation, emit at rates significantly below the limits included in the Permit, we will consider tightening ELVs appropriately. We are, however, satisfied that emissions at the permitted limits would ensure a high level of protection for human health and the environment in any event.

6.1.1 Consideration of Furnace Type

The prime function of the furnace is to achieve maximum combustion of the waste. Chapter IV of the IED requires that the plant (furnace in this context) should be designed to deliver its requirements. The main requirements of Chapter IV in relation to the choice of a furnace are compliance with air emission limits for CO and TOC and achieving a low TOC/LOI level in the bottom ash, gasification ash in this case.

The Waste Incineration BREF elaborates the furnace selection criteria as:

- the use of a furnace (including secondary combustion chamber) dimensions that are large enough to provide for an effective combination of gas residence time and temperature such that combustion reactions may approach completion and result in low and stable CO and TOC emissions to air and low TOC in residues.
- use of a combination of furnace design, operation and waste throughput rate that provides sufficient agitation and residence time of the waste in the furnace at sufficiently high temperatures.
- The use of furnace design that, as far as possible, physically retain the waste within the combustion chamber (e.g. grate bar spacing) to allow its complete combustion.

The BREF also provides a comparison of combustion and thermal treatment technologies and factors affecting their applicability and operational suitability used in EU and for all types of wastes. There is also some information on the comparative costs. The table below has been extracted from the BREF tables. This table is also in line with the Guidance Note "The Incineration of Waste (EPR 5.01). However, it should not be taken as an exhaustive list nor that all technologies listed have found equal application across Europe.

Overall, any of the furnace technologies listed below would be considered as BAT provided the Applicant has justified it in terms of:

- nature/physical state of the waste and its variability
- proposed plant throughput which may affect the number of incineration lines
- preference and experience of chosen technology including plant availability
- nature and quantity/quality of residues produced.
- emissions to air – usually NOx as the furnace choice could have an effect on the amount of unabated NOx produced
- energy consumption – whole plant, waste preparation, effect on GWP
- Need, if any, for further processing of residues to comply with TOC
- Costs

Summary comparison of thermal treatment technologies (reproduced from the Waste Incineration BREF)

Technique	Key waste characteristics and suitability	Throughput per line	Advantages	Disadvantages / Limitations of use	Bottom Ash Quality	Cost
Moving grate (air-cooled)	Low to medium heat values (LCV 5 – 16.5 GJ/t) Municipal and other heterogeneous solid wastes Can accept a proportion of sewage sludge and/or medical waste with municipal waste Applied at most modern MSW installations	1 to 50 t/h with most projects 5 to 30 t/h. Most industrial applications not below 2.5 or 3 t/h.	Widely proven at large scales. Robust Low maintenance cost Long operational history Can take heterogeneous wastes without special preparation	generally not suited to powders, liquids or materials that melt through the grate	TOC 0.5 % to 3 %	High capacity reduces specific cost per tonne of waste
Moving grate (liquid Cooled)	Same as air-cooled grates except: LCV 10 – 20 GJ/t	Same as air-cooled grates	As air-cooled grates but: □higher heat value waste treatable better Combustion control possible.	As air-cooled grates but: risk of grate damaging leaks and □□higher complexity	TOC 0.5 % to 3 %	Slightly higher capital cost than air-cooled

Technique	Key waste characteristics and suitability	Throughput per line	Advantages	Disadvantages / Limitations of use	Bottom Ash Quality	Cost
Rotary Kiln	Can accept liquids and pastes □□□solid feeds more limited than grate (owing to refractory damage) □□□often applied to hazardous Wastes	<10 t/h	Very well proven with □□broad range of wastes and □good burn out even of HW	Throughputs lower than grates	TOC <3 %	Higher specific cost due to reduced capacity
Fluid bed - bubbling	Only finely divided consistent wastes. Limited use for raw MSW □often applied to sludges	1 to 10 t/h	Good mixing Fly ashes of good leaching quality	Careful operation required to avoid clogging bed. Higher fly ash quantities.	TOC <3 %	FGT cost may be lower. Costs of waste preparation
Fluid bed - circulating	Only finely divided consistent wastes. Limited use for raw MSW, often applied to sludges / RDF.	1 to 20 t/h most used above 10 t/h	Greater fuel flexibility than BFB Fly ashes of good leaching quality	Cyclone required to conserve bed material Higher fly ash quantities	TOC <3 %	FGT cost may be lower. Costs of preparation.
Oscillating furnace	MSW / □heterogeneous wastes	1 – 10 t/h	Robust Low maintenance Long history □□Low NOX level Low LOI of bottom ash	-higher thermal loss than with grate furnace - LCV under 15 GJ/t	TOC 0.5 – 3 %	Similar to other technologies

Technique	Key waste characteristics and suitability	Throughput per line	Advantages	Disadvantages / Limitations of use	Bottom Ash Quality	Cost
Pulsed hearth	Only higher CV waste (LCV >20 GJ/t) □mainly used for clinical wastes	<7 t/h	can deal with liquids and powders	bed agitation may be lower	Dependent on waste type	Higher specific cost due to reduced capacity
Stepped and static hearths	Only higher CV waste (LCV >20 GJ/t) Mainly used for clinical wastes	No information	Can deal with liquids and powders	Bed agitation may be lower	Dependent on waste type	Higher specific cost due to reduced capacity
Spreader - stoker combustor	- RDF and other particle feeds □□poultry manure □□wood wastes	No information	- simple grate construction □□less sensitive to particle size than FB	only for well defined mono-streams	No information	No information
Gasification - fixed bed	- mixed plastic wastes □□other similar consistent streams □□gasification less widely used/proven than incineration	1 to 20 t/h	-low leaching residue □□□good burnout if oxygen blown □□syngas available -Reduced oxidation of recyclable metals	- limited waste feed - not full combustion - high skill level □□tar in raw gas - less widely proven	-Low leaching bottom ash □□good burnout with oxygen	High operation/ maintenance costs

Technique	Key waste characteristics and suitability	Throughput per line	Advantages	Disadvantages / Limitations of use	Bottom Ash Quality	Cost
Gasification - entrained flow	- mixed plastic wastes - other similar consistent streams □□□not suited to untreated MSW □□□gasification less widely used/proven than incineration	To 10 t/h	- low leaching slag □□reduced oxidation of recyclable metals	- limited waste feed □□not full combustion □□high skill level □□less widely proven	low leaching slag	High operation/ maintenance costs pre-treatment costs high
Gasification - fluid bed	- mixed plastic wastes □□shredded MSW □□shredder residues □□□sludges □□metal rich wastes □□other similar consistent streams □less widely used/proven than incineration	5 – 20 t/h	-temperatures e.g. for Al recovery □□separation of non-combustibles -can be combined with ash melting - reduced oxidation of recyclable metals	-limited waste size (<30cm) - tar in raw gas - higher UHV raw gas - less widely proven	If Combined with ash melting chamber ash is vitrified	Lower than other gasifiers
Pyrolysis	□□pre-treated MSW □□high metal inert streams □□shredder residues/plastics □□pyrolysis is less widely used/proven than incineration	~ 5 t/h (short drum) 5 – 10 t/h (medium drum)	□no oxidation of metals □□no combustion energy for metals/inert □□in reactor acid neutralisation possible □□syngas available	- limited wastes □□process control and engineering critical □□high skill req. □not widely proven □□need market for syngas	- dependent on process temperature □- residue produced requires further processing e.g. combustion	High pre-treatment, operation and capital costs

The Applicant has carried out a review of the following candidate furnace technologies:

- Conventional incineration
- Pyrolysis
- Gasification

The Applicant carried out a qualitative assessment of furnace technologies which includes how established the technology is, optimum plant size/costs, residue production and efficiency of electricity generation. Gasification was chosen as the preferred option for the volumes and types of wastes to be treated which is in accordance with the BREF.

The Applicant then went on to consider the types of gasification technology available:

- Fluidised bed
- Grate
- Rotary
- Other systems

The Applicant has proposed to use a furnace technology comprising a RODECS Batch gasification System. Syngas is generated in the RODECS processing primary gasification chamber which then passes to a secondary combustion chamber where it is burned to produce hot combustion gases which pass to the boiler.

They claim this technology has significant advantages over the alternative approaches, which include:

- The gasification temperature of 550^{o}C inside the RODECS gasifier is below the melting temperature of most metals; hence emissions to air are relatively low and metals within the waste are retained intact and can be easily removed for recovery and recycling;
- Thermal production of NO_x is lower due to the lower gasification temperature;
- Low carry-over of particulates from the primary gasification chamber.
- Low maintenance/downtime, flexibility; maintenance can be carried out for one line whilst another remains operational;
- Waste feed loading and post processing unloading systems are simple;
- Simple modular design allows for retrofitting of abatement and other equipment;

The preservation of the integrity of metals is integral to the choice of technology. The metals which remain within the bottom ash, post processing residue, will not have been oxidised/destroyed as would be the case with conventional incineration. These residues will be returned to the adjacent EMR facility for recovery of the metals thus increasing their recovery and recycling rates.

The BREF states that while the thermal treatment of waste by gasification is less common than traditional incineration by combustion, this technique is applied within the sector in various forms.

This particular solution enables the thermal treatment of the ASR whilst increasing the ability to recover and recycle metals in the waste stream.

The Applicant has sufficiently demonstrated that their chosen option is expected to meet the indicative BAT and IED requirements. We accept that the proposal for gasification, using the RODECS batch system is BAT for the treatment of 180,000 tonnes/year of ASR.

The Applicant proposes to use natural gas as support fuel for start-up, shut down and for the auxiliary burners. The choice of support fuel is BAT for the Installation.

Boiler Design

In accordance with our Technical Guidance Note, S5.01, the Applicant has confirmed that the boiler design will include the following features to minimise the potential for reformation of dioxins within the de-novo synthesis range:

- ensuring that the steam/metal heat transfer surface temperature is a minimum where the exhaust gases are within the de-novo synthesis range;
- design of the boilers using CFD to ensure no pockets of stagnant or low velocity gas;
- boiler passes are progressively decreased in volume so that the gas velocity increases through the boiler; and
- Design of boiler surfaces to prevent boundary layers of slow moving gas.

We have considered the assessments made by the Applicant and agree that the furnace technology chosen represents BAT. We believe that, based on the information gathered by the BREF process, the chosen technology will achieve the requirements of Chapter IV of the IED for the air emission of TOC/CO and the TOC on bottom ash.

6.2 BAT and emissions control

The prime function of flue gas treatment (FGT) is to reduce the concentration of pollutants in the exhaust gas as far as practicable. The techniques which are described as BAT individually are targeted to remove specific pollutants, but the BREF notes that there is benefit from considering the FGT system as a whole unit. Individual units often interact, providing a primary abatement for some pollutants and an additional effect on others.

The BREF lists the general factors requiring consideration when selecting FGT systems as:

- type of waste, its composition and variation
- type of combustion process, and its size
- flue-gas flow and temperature
- flue-gas content, size and rate of fluctuations in composition
- target emission limit values
- restrictions on discharge of aqueous effluents
- plume visibility requirements
- land and space availability
- availability and cost of outlets for residues accumulated/recovered
- compatibility with any existing process components (existing plants)
- availability and cost of water and other reagents
- energy supply possibilities (e.g. supply of heat from condensing scrubbers)
- reduction of emissions by primary methods
- release of noise.

Taking these factors into account the Technical Guidance Note points to a range of technologies being BAT subject to circumstances of the Installation.

6.2.1 Particulate Matter

Particulate matter				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Bag / Fabric filters (BF)	Reliable abatement of particulate matter to below 5mg/m^3	Max temp 250°C	Multiple compartments Bag burst detectors	Most plants
Wet scrubbing	May reduce acid gases simultaneously.	Not normally BAT. Liquid effluent produced	Require reheat to prevent visible plume and dew point problems.	Where scrubbing required for other pollutants
Ceramic filters	High temperature applications Smaller plant.	May "blind" more than fabric filters		Small plant. High temperature gas cleaning required.
Electrostatic precipitators	Low pressure gradient. Use with BF may reduce the energy consumption of the induced draft fan.	Not normally BAT.		When used with other particulate abatement plant

The Applicant proposes to use ceramic filters for the abatement of particulate matter. They confirm that ceramic filters are used extensively in the secondary metals field and make reference to the Non-Ferrous Metals Industries BREF document. They also confirm that ceramic filters are employed in numerous comparable facilities which all show limits well below that required by the IED. During installation and commissioning the filter elements are pre-conditioned in order to reduce and/or prevent 'blinding' of the filter elements.

Emissions of particulate matter have been previously assessed as insignificant, and so the Environment Agency agrees that the Applicant's proposed technique is BAT for the Installation.

6.2.2 Oxides of Nitrogen

Oxides of Nitrogen : Primary Measures				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Low NOx burners	Reduces NOx at source		Start-up, supplementary firing.	Where auxiliary burners required.
Starved air systems	Reduce CO simultaneously.			Pyrolysis, Gasification systems.
Optimise primary and secondary air injection				All plant.
Flue Gas Recirculation (FGR)	Reduces the consumption of reagents used for secondary NOx control. May increase overall energy recovery	Some applications experience corrosion problems.		All plant unless impractical in design (needs to be demonstrated)

Oxides of Nitrogen : Secondary Measures (BAT is to apply Primary Measures first)				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Selective catalytic reduction (SCR)	NOx emissions < 70mg/ m^3 Reduces CO, VOC, dioxins	Expensive. Re-heat required – reduces plant efficiency		All plant
Selective non-catalytic reduction (SNCR)	NOx emissions typically 150 - 180mg/m^3	Relies on an optimum temperature around 900 °C, and sufficient retention time for reduction May lead to Ammonia slip	Port injection location	All plant unless lower NOx release required for local environmental protection.
Reagent Type: Ammonia	Likely to be BAT Lower nitrous oxide formation	More difficult to handle Narrower temperature window		All plant
Reagent Type: Urea	Likely to be BAT			All plant

The Applicant proposes to implement the following primary measures:

- Low NO_x burners – this technique reduces NO_x at source and is defined as BAT where auxiliary burners are required.
- Starved air systems – this technique also simultaneously reduces CO and is defined as BAT for pyrolysis and gasification systems.
- Optimise primary and secondary air injection – this technique is BAT for all plant.
- Flue gas recirculation – this technique reduces the consumption of reagents for secondary NO_x control and can increase overall energy recovery, although in some applications there can be corrosion problems – the technique is considered BAT for all plant.

There are two recognised techniques for secondary measures to reduce NO_x. These are Selective Catalytic Reduction (SCR) and Selective Non-Catalytic Reduction (SNCR). For each technique, there is a choice of urea or ammonia reagent.

SCR can reduce NO_x levels to below 70 mg/m^3 and can be applied to all plant, it is generally more expensive than SNCR and requires reheating of the

waste gas stream which reduces energy efficiency, periodic replacement of the catalysts also produces a hazardous waste. SNCR can typically reduce NO_x levels to between 150 and 180 mg/m^3, it relies on an optimum temperature of around 900 ^oC and sufficient retention time for reduction. SNCR is more likely to have higher levels of ammonia slip. The technique can be applied to all plant unless lower NO_x releases are required for local environmental protection. Urea or ammonia can be used as the reagent with either technique, urea is somewhat easier to handle than ammonia and has a wider operating temperature window, but tends to result in higher emissions of N_2O. Either reagent is BAT, and the use of one over the other is not normally significant in environmental terms.

The Applicant proposes to use SNCR with ammonia as the reagent.

Emissions of NO_x cannot be screened out as insignificant. Our assessment is set out in Section 5 above and shows that the impact is not significantly above the insignificant screening criteria with a predicted PC in the range of 1.8 to 4.35% of the EQS at Lawley Street. Therefore the Applicant has carried out a comparison of SNCR and SCR to establish BAT. The Applicant considers that SNCR represents BAT based primarily on the additional cost of SCR over SNCR coupled with the reduction in the electrical output that they claim reduces from 40 MWe to 31.5 MWe.

The Applicant has justified the use of ammonia as the reagent on the basis of lower nitrous oxide formation and lower energy requirements. The Environment Agency is satisfied that the ammonia based SNCR system is BAT.

The amount of ammonia used for NO_x abatement will need to be optimised to maximise NO_x reduction and minimise NH_3 slip. An Improvement Condition requires the Operator to report to the Environment Agency on optimising the performance of the NO_x abatement system. The Operator is also required to monitor and report on NH_3 and N_2O emissions every 6 months.

6.2.3 Acid Gases, SO_x, HCl and HF

Acid gases and halogens : Primary Measures				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Low sulphur fuel, (< 0.1%S gasoil or natural gas)	Reduces SOx at source		Start-up, supplementary firing.	Where auxiliary fuel required.
Management of waste streams	Disperses sources of acid gases (e.g. PVC) through feed.	Requires closer control of waste management		All plant with heterogeneous waste feed

Acid gases and halogens : Secondary Measures (BAT is to apply Primary Measures first)				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Wet	High reaction rates Low solid residues production Reagent delivery may be optimised by concentration and flow rate	Large effluent disposal and water consumption if not fully treated for re-cycle Effluent treatment plant required May result in wet plume Energy required for effluent treatment and plume reheat		Plants with high acid gas and metal components in exhaust gas – HWIs
Dry	Low water use Reagent consumption may be reduced by recycling in plant Lower energy use Higher reliability	Higher solid residue production Reagent consumption controlled only by input rate		All plant
Semi-dry	Medium reaction rates Reagent delivery may be varied by concentration and input rate	Higher solid waste residues		All plant
Reagent Type:	Highest removal rates	Corrosive material		HWIs

Sodium Hydroxide	Low solid waste production	ETP sludge for disposal		
Reagent Type: Lime	Very good removal rates Low leaching solid residue Temperature of reaction well suited to use with bag filters	Corrosive material May give greater residue volume if no in-plant recycle	Wide range of uses	MWIs, CWIs
Reagent Type: Sodium Bicarbonate	Good removal rates Easiest to handle Dry recycle systems proven	Efficient temperature range may be at upper end for use with bag filters – Leachable solid residues Bicarbonate more expensive	Not proven at large plant	CWIs

The Applicant proposes to implement the following primary measures:

- Use of low sulphur fuels for start up and auxiliary burners – gas should be used if available, where fuel oil is used, this will be low sulphur (i.e. <0.1%), this will reduce SO_x at source. The Applicant has proposed to use natural gas.
- Management of heterogeneous wastes – this will disperse problem wastes such as PVC by ensuring a homogeneous waste feed.

There are three recognised techniques for secondary measures to reduce acid gases. These are wet, dry and semi-dry. Wet scrubbing produces an effluent for treatment and disposal in compliance with Article 46(3) of IED. It will also require reheat of the exhaust to avoid a visible plume. Wet scrubbing is unlikely to be BAT except where there are high acid gas and metal components in the exhaust gas as may be the case for some hazardous waste incinerators. In this case, the Applicant does not propose using wet scrubbing, and the Environment Agency agrees that wet scrubbing is not appropriate in this case.

The Applicant has therefore considered dry and semi-dry methods of secondary measures for acid gas abatement. Either can be BAT for this type of facility.

Both dry and semi-dry methods rely on the dosing of powdered materials into the exhaust gas stream. Semi-dry systems (i.e. hydrated reagent) offer reduced material consumption through faster reaction rates, but reagent recycling in dry systems can offset this.

In both dry and semi-dry systems, the injected powdered reagent reacts with the acid gases and is removed from the gas stream by the bag filter system. The powdered materials are either lime or sodium bicarbonate. Both are effective at reducing acid gases, and dosing rates can be controlled from continuously monitoring acid gas emissions. The decision on which reagent to use is normally economic. Lime produces a lower leaching solid residue in the APC residues than sodium bicarbonate and the reaction temperature is well suited to bag filters, it tends to be lower cost, but it is a corrosive material and can generate a greater volume of solid waste residues than sodium bicarbonate. Either reagent is BAT, and the use of one over the other is not significant in environmental terms in this case.

In this case, the Applicant proposes to use a dry system with sodium bicarbonate. The Environment Agency is satisfied that this is BAT

6.2.4 Carbon monoxide and volatile organic compounds (VOCs)

The prevention and minimisation of emissions of carbon monoxide and volatile organic compounds is through the optimisation of combustion controls, where all measures will increase the oxidation of these species.

Carbon monoxide and volatile organic compounds (VOCs)				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Optimise combustion control	All measures will increase oxidation of these species.		Covered in section on furnace selection	All plants

6.2.5 Dioxins and furans (and Other POPs)

Dioxins and furans				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Optimise combustion control	All measures will increase oxidation of these species.		Covered in section on furnace selection	All plants
Avoid *de novo* synthesis			Covered in boiler design	All plant
Effective Particulate matter removal			Covered in section on particulate matter	All plant
Activated Carbon injection	Can be combined with acid gas absorber or fed separately.	Combined feed rate usually controlled by acid gas content.		All plant. Separate feed normally BAT unless feed is constant and acid gas control also controls dioxin release.

The prevention and minimisation of emissions of dioxins and furans is achieved through:

- optimisation of combustion control including the maintenance of permit conditions on combustion temperature and residence time, which has been considered in 6.1.1 above;
- avoidance of de novo synthesis, which has been covered in the consideration of boiler design;
- the effective removal of particulate matter, which has been considered in 6.2.1 above;
- injection of activated carbon. This can be combined with the acid gas reagent or dosed separately. Where the feed is combined, the combined feed rate will be controlled by the acid gas concentration in the exhaust. Therefore, separate feed of activated carbon would normally be considered BAT unless the feed was relatively constant. Effective control of acid gas emissions also assists in the control of dioxin releases.

In this case the Applicant proposes separate feed and we are satisfied their proposals are BAT.

6.2.6 Metals

Metals				
Technique	**Advantages**	**Disadvantages**	**Optimisation**	**Defined as BAT in BREF or TGN for:**
Effective Particulate matter removal			Covered in section on particulate matter	All plant
Activated Carbon injection for mercury recovery	Can be combined with acid gas absorber or fed separately.	Combined feed rate usually controlled by acid gas content.		All plant. Separate feed normally BAT unless feed is constant and acid gas control also controls dioxin release.

The prevention and minimisation of metal emissions is achieved through the effective removal of particulate matter, and this has been considered in 6.2.1 above.

Unlike other metals however, mercury if present will be in the vapour phase. BAT for mercury removal is also dosing of activated carbon into the exhaust gas stream. This can be combined with the acid gas reagent or dosed separately. Where the feed is combined, the combined feed rate will be controlled by the acid gas concentration in the exhaust. Therefore, separate feed of activated carbon would normally be considered BAT unless the feed was relatively constant.

In this case the Applicant proposes separate feed and we are satisfied their proposals are BAT.

6.3 BAT and global warming potential

This section summarises the assessment of greenhouse gas impacts which has been made in the determination of this Permit. Emissions of carbon dioxide (CO_2) and other greenhouse gases differ from those of other pollutants in that, except at gross levels, they have no localised environmental impact. Their impact is at a global level and in terms of climate change. Nonetheless, CO_2 is clearly a pollutant for IED purposes.

The principal greenhouse gas emitted is CO_2, but the plant also emits small amounts of N_2O arising from the operation of secondary NO_x abatement. N_2O has a global warming potential 310 times that of CO_2. The Applicant will therefore be required to optimise the performance of the secondary NO_x abatement system to ensure its GWP impact is minimised.

The major source of greenhouse gas emissions from the Installation is however CO_2 from the combustion of waste. There will also be CO_2 emissions from the burning of support fuels at start up, shut down and should it be necessary to maintain combustion temperatures. BAT for greenhouse gas emissions is to maximise energy recovery and efficiency.

The electricity that is generated by the Installation will displace emissions of CO_2 elsewhere in the UK, as virgin fossil fuels will not be burnt to create the same electricity. The Applicant has therefore included within its GWP calculations a CO_2 offset for the net amount of electricity exported from the Installation.

Taking this into account, the net emissions of CO_2 from the Installation are estimated at 202,179 tonnes per annum. At this level emissions cannot be characterised as insignificant. The Installation is not subject to the Greenhouse Gas Emissions Trading Scheme Regulations 2003; therefore it is a requirement of IED to investigate how emissions of greenhouse gases emitted from the Installation might be prevented or minimised.

The Applicant has considered GWP as part of its BAT options appraisal. There are a number of areas in which a difference can be made to the GWP of the Installation, e.g. The Applicant's BAT options appraisal compared SCR and SNCR methods of secondary NO_x abatement. In summary, the following factors influence the GWP of the facility:

On the debit side

- CO_2 emissions from the burning of the waste;
- CO_2 emissions from burning auxiliary or supplementary fuels;
- CO_2 emissions associated with electrical energy used;
- N_2O from the de-NOx process.

On the credit side

- CO_2 saved from the export of electricity to the public supply by displacement of burning of virgin fuels;
- CO_2 saved from the use of waste heat by displacement of burning of virgin fuels.

Note: avoidance of methane which would be formed if the waste was landfilled has not been included in this assessment. If it were included due to its avoidance it would be included on the credit side. Ammonia has no direct GWP effect.

The Applicant's assessment shows that the GWP of the plant is dominated by the emissions of carbon dioxide that are released as a result of waste treatment. This is constant for all options considered in the BAT assessment.

The differences in the GWP of the options in the BAT appraisal arise from small differences in energy recovery and in the amount of N_2O emitted.

The Applicant's assessment did not compare the GWP of the different options; however taking all other factors into account we agree that the chosen option is BAT for the Installation.

6.4 BAT and POPs

International action on Persistent Organic pollutants (POPs) is required under the UN's Stockholm Convention, which entered into force in 2004. The EU implemented the Convention through the POPs Regulation (850/2004), which is directly applicable in UK law. The Environment Agency is required by national POPs Regulations (SI 2007 No 3106) to give effect to Article 6(3) of the EC POPs Regulation when determining applications for environmental Permits.

However, it needs to be borne in mind that this application is for a particular type of installation, namely a waste incinerator. The Stockholm Convention distinguishes between intentionally-produced and unintentionally-produced POPs. Intentionally-produced POPs are those used deliberately (mainly in the past) in agriculture (primarily as pesticides) and industry. Those intentionally-produced POPs are not relevant where waste incineration is concerned, as in fact high-temperature incineration is one of the prescribed methods for destroying POPs.

The unintentionally-produced POPs addressed by the Convention are:

- dioxins and furans;
- HCB (hexachlorobenzene)
- PCBs (polychlorobiphenyls) and
- PeCB (pentachlorobenzene)

The UK's national implementation plan for the Stockholm Convention, published in 2007, makes explicit that the relevant controls for unintentionally-produced POPs, such as might be produced by waste incineration, are delivered through the requirements of IED. That would include an examination of BAT, including potential alternative techniques, with a view to preventing or minimising harmful emissions. These have been applied as explained in this document, which explicitly addresses alternative techniques and BAT for the minimisation of emissions of dioxins.

Our legal obligation, under regulation 4(b) of the POPs Regulations, is, when considering an application for an environmental permit, to comply with article 6(3) of the POPs Regulation:

> "Member States shall, when considering proposals to construct new facilities or significantly to modify existing facilities using processes that release chemicals listed in Annex III, without prejudice to Council Directive 1996/61/EC, give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex III."

The 1998 Protocol to the Convention recommended that unintentionally produced should be controlled by imposing emission limits (e.g 0.1 ng/m^3 for MWIs) and using BAT for incineration. UN Economic Commission for Europe (Executive Body for the Convention) (ECE-EB) produced BAT guidance for the parties to the Convention in 2009. This document considers various control techniques and concludes that primary measures involving management of feed material by reducing halogenated substances are not technically effective. This is not surprising because halogenated wastes still need to be disposed of and because POPs can be generated from relatively low concentrations of halogens. In summary, the successful control techniques for waste incinerators listed in the ECE-EB BAT are:

- maintaining furnace temperature of 850^{o}C and a combustion gas residence time of at least 2 seconds
- rapid cooling of flue gases to avoid the *de novo* reformation temperature range of 250-450^{o}C
- use of bag filters and the injection of activated carbon or coke to adsorb residual POPs components.

Using the methods listed above, the UN-ECE BAT document concludes that incinerators can achieve an emission concentration of 0.1 ng TEQ/m^3.

We believe that the Permit ensures that the formation and release of POPs will be prevented or minimised. As we explain above, high-temperature incineration is one of the prescribed methods for destroying POPs. Permit conditions are based on the use of BAT and Chapter IV of IED and incorporate all the above requirements of the UN-ECE BAT guidance and deliver the requirements of the Stockholm Convention in relation to unintentionally produced POPs.

The release of **dioxins and furans** to air is required by the IED to be assessed against the I-TEQ (International Toxic Equivalence) limit of 0.1 ng/m^3. Further development of the understanding of the harm caused by dioxins has resulted in the World Health Organisation (WHO) producing updated factors to calculate the WHO-TEQ value. Certain **PCBs** have structures which make them behave like dioxins (dioxin-like PCBs), and these also have toxic equivalence factors defined by WHO to make them capable of being considered together with dioxins. The UK's independent health advisory committee, the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) has adopted WHO-TEQ values for both dioxins and dioxin-like PCBs in their review of Tolerable Daily Intake (TDI) criteria. EPR requires that, in addition to the requirements of the IED, the WHO-TEQ values for both dioxins and dioxin-like PCBs should be specified for monitoring and reporting purposes, to enable evaluation of exposure to dioxins and dioxin-like PCBs to be made using the revised TDI recommended by COT. The release of dioxin-like PCBs and PAHs is expected to be low where measures have been taken to control dioxin releases. We require monitoring of a range of PAHs and dioxin-like PCBs in waste incineration Permits at the same frequency as dioxins are monitored. We have included a requirement to monitor and report against these WHO-

TEQ values for dioxins and dioxin-like PCBs and the range of PAHs identified by Defra in the Environmental Permitting Guidance on the IED. We are confident that the measures taken to control the release of dioxins will also control the releases of dioxin-like PCBs and PAHs. Section 5 of this document details the assessment of emissions to air, which includes dioxins and concludes that there will be no adverse effect on human health from either normal or abnormal operation.

Hexachlorobenzene (HCB) is released into the atmosphere as an accidental product from the combustion of coal, waste incineration and certain metal processes. It has also been used as a fungicide, especially for seed treatment although this use has been banned in the UK since 1975. Natural fires and volcanoes may serve as natural sources. Releases of (HCB) are addressed by the European Environment Agency (EEA), which advises that:

> "*due to comparatively low levels in emissions from most (combustion) processes special measures for HCB control are usually not proposed. HCB emissions can be controlled generally like other chlorinated organic compounds in emissions, for instance dioxins/furans and PCBs: regulation of time of combustion, combustion temperature, temperature in cleaning devices, sorbents application for waste gases cleaning etc*." [reference http://www.eea.europa.eu/publications/EMEPCORINAIR4/sources_of_HCB.pdf]

Pentachlorobenzene (PeCB) is another of the POPs list to be considered under incineration. PeCB has been used as a fungicide or flame retardant, there is no data available however on production, recent or past, outside the UN-ECE region. PeCBs can be emitted from the same sources as for PCDD/F: waste incineration, thermal metallurgic processes and combustion plants providing energy. As discussed above, the control techniques described in the UN-ECE BAT guidance and included in the permit, are effective in controlling the emissions of all relevant POPs including PeCB.

We have assessed the control techniques proposed for dioxins by the Applicant and have concluded that they are appropriate for dioxin control. We are confident that these controls are in line with the UN-ECE BAT guidance and will minimise the release of HCB, PCB and PeCB.

We are therefore satisfied that the substantive requirements of the Convention and the POPs Regulation have been addressed and complied with.

6.5 Other Emissions to the Environment

6.5.1 Emissions to water

Uncontaminated surface water run-off will be collected in the surface water drainage system and directed to the adjacent EMR facility. It will then be stored and subsequently used in the process.

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.

6.5.2 Emissions to sewer

Process effluents will be generated from boiler blow down losses and plant maintenance and will be discharged to sewer.

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

6.5.3 Fugitive emissions

The IED specifies that plants must be able to demonstrate that the plant is designed in such a way as to prevent the unauthorised and accidental release of polluting substances into soil, surface water and groundwater. In addition storage requirements for waste and for contaminated water of Article 46(5) must be arranged.

The facility will be supplied with diesel (fuelling on-site vehicles) and chemicals which will be stored in an appropriate manner incorporating the use of bunding and other measures to ensure appropriate containment. Storage of ASR will be within an enclosed building. The potential for accidents, and associated environmental impacts, is therefore limited.

Tanker off-loading of will take place within areas of concrete hard standing. The storage tanks will be bunded at 110% of the tank capacity and the offloading point will be fully contained with the appropriate capacity to contain any spills during delivery.

In the event of a fire, the fire fighting water will be collected in the surface water drainage system and directed to the adjacent EMR facility.

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

6.5.4 Odour

The Applicant did not consider that the storage and combustion of ASR would give rise to emissions of odour.

Waste accepted at the Installation will be delivered by covered conveyor direct to the unprocessed ASR storage area within an enclosed building. Residual material from the gasifier will then be transferred back to the adjacent EMR site via the return conveyor.

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.

6.5.5 Noise and vibration

The Application contains a noise impact assessment which identified local noise-sensitive receptors, potential sources of noise at the proposed plant and noise attenuation measures. Measurements were taken of the prevailing ambient noise levels to produce a baseline noise survey and an assessment was carried out in accordance with BS4142 to compare the predicted plant rating noise levels with the established background levels.

The Applicant predicts noise impacts at receptors to be of marginal significance or less in accordance with BS4142. We have audited the Applicant's model (Report ref: AQMAU_C1152a_WD01) and have identified that the likelihood of complaints will be dependent on whether or not tonal elements from the main noise contributors are likely to be audible at the closest receptor at Whitgreave Street.

We have carried out sensitivity modelling to these observations and as a result of this we do not agree with the Applicant's absolute numerical predictions. Assuming there is no audible tonality at receptors, our check modelling indicates impacts may be higher than the Applicant's predicted values at above marginal significance but remaining below the level at which complaints are likely.

If tonal elements are audible at receptors, with the 5dB correction factor taken into consideration, impacts at Whitgreave receptor will be above the likelihood for complaints for both day and night-time scenarios. However, from our check modelling a tonal element from the stack fans are not likely to stand out over the main noise contributor at this receptor, and therefore it is acceptable for a 5dB correction not to be added.

We have set an improvement condition to confirm acceptability once commissioned particularly with regard to the tonal elements. 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.

6.6 Setting ELVs and other Permit conditions

6.6.1 Translating BAT into Permit conditions

Article 14(3) of IED states that BAT conclusions shall be the reference for permit conditions. Article 15(3) further requires that under normal operating conditions; emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions.

At the time of writing of this document, no BAT conclusions have been published for waste incineration or co-incineration.

The use of IED Chapter IV emission limits for air dispersion modelling sets the worst case scenario. If this shows emissions are insignificant then we have accepted that the Applicant's proposals are BAT, and that there is no justification to reduce ELVs below the Chapter IV limits in these circumstances.

Below we consider whether, for those emission not screened out as insignificant, different conditions are required as a result of consideration of local or other factors, so that no significant pollution is caused (Article 11(c)) or to comply with environmental quality standards (Article 18).

(i) Local factors

We have considered the proximity of the Installation to the AQMA declared for NO_2, in Section 5 of this document. We have also considered the controls in place to prevent and minimise emissions of NO_2 in Section 6.2.2.

Regarding the technology proposed, we have not required the Applicant to go beyond what is BAT for this type of facility; however we have set a lower daily average limit for NO_2 of 150 mg/m^3 (IED daily limit is 200 mg/m^3) due to the adjacent AQMA. We accept that this limit will be achievable based on the low thermal NO_x production and the design of the air and ammonia injection systems. The consistent nature of the feedstock will also assist with better control of the gasification conditions.

(ii) National and European EQSs

In view of our assessment in section 5.2.4 we have set a lower daily average limit for NO_2 of 150 mg/m^3.

(iii) Global Warming

CO_2 is an inevitable product of the combustion of waste. The amount of CO_2 emitted will be essentially determined by the quantity and characteristics of waste being incinerated, which are already subject to conditions in the Permit. It is therefore inappropriate to set an emission limit value for CO_2, which could do no more than recognise what is going to be emitted. The gas is not therefore targeted as a key pollutant under Annex II of IED, which lists the

main polluting substances that are to be considered when setting emission limit values (ELVs) in Permits.

We have therefore considered setting equivalent parameters or technical measures for CO_2. However, provided energy is recovered efficiently (see section 4.3.7 above), there are no additional equivalent technical measures (beyond those relating to the quantity and characteristics of the waste) that can be imposed that do not run counter to the primary purpose of the plant, which is the recovery of energy from waste. Controls in the form of restrictions on the volume and type of waste that can be accepted at the Installation and permit conditions relating to energy efficiency effectively apply equivalent technical measures to limit CO_2 emissions.

(iv) Commissioning

The Application refers to commissioning and the validation of combustion conditions for the gasification plant. We have secured this by setting a pre-operational condition.

We have also set a pre-operational condition requiring a commissioning plan including timelines for completion. The commissioning plan will include the expected actual emissions (rather than the permitted emissions) to the environment during the different stages of commissioning, the expected durations of commissioning activities and the actions to be taken to protect the environment and report to the Environment Agency in the event that actual emissions exceed expected emissions. Commissioning shall be carried out in accordance with the commissioning plan as approved.

6.7 Monitoring

6.7.1 Monitoring during normal operations

We have decided that monitoring should be carried out for the parameters listed in Schedule 3 using the methods and to the frequencies specified in those tables. These monitoring requirements have been imposed in order to demonstrate compliance with emission limit values and to enable correction of measured concentration of substances to the appropriate reference conditions; to gather information about the performance of the SNCR system; establish data on the release of dioxin-like PCBs and PAHs from the incineration process and to deliver the requirements of Chapter IV of IED for monitoring of residues and temperature in the combustion chamber.

For emissions to air, the methods for continuous and periodic monitoring are in accordance with the Environment Agency's Guidance M2 for monitoring of stack emissions to air.

Based on the information in the Application and the requirements set in the conditions of the permit we are satisfied that the Operator's techniques, personnel and equipment will have either MCERTS certification or MCERTS accreditation as appropriate.

6.7.2 Monitoring under abnormal operations arising from the failure of the installed CEMs

The Operator has stated that they will provide back-up CEMS working in parallel to the operating CEMS. These will be switched into full operation immediately in the event that there is any failure in the regular monitoring equipment. The back-up CEMS measure the same parameters as the operating CEMS. In the unlikely event that the back-up CEMS also fail Condition 2.3.10 of the permit requires that the abnormal operating conditions apply.

6.7.3 Continuous emissions monitoring for dioxins and heavy metals

Chapter IV of IED specifies manual extractive sampling for heavy metals and dioxin monitoring. However, Article 48(5) of the IED enables The Commission to act through delegated, authority to set the date from which continuous measurements of the air emission limit values for heavy metals, dioxins and furans shall be carried out, as soon as appropriate measurement techniques are available within the Community. No such decision has yet been made by the Commission.

The Environment Agency has reviewed the applicability of continuous sampling and monitoring techniques to the installation.

Recent advances in mercury monitoring techniques have allowed standards to be developed for continuous mercury monitoring, including both vapour-phase and particulate mercury. There is a standard which can apply to CEMs which measure mercury (EN 15267-3) and standards to certify CEMs for mercury, which are EN 15267-1 and EN 15267-3. Furthermore, there is an MCERTS-certified CEM which has been used in trials in the UK and which has been verified on-site using many parallel reference tests as specified using the steps outlined in EN 14181.

In the case of dioxins, equipment is available for taking a sample for an extended period (several weeks), but the sample must then be analysed in the conventional way. However, the continuous sampling systems do not meet the requirements of BS EN 1948 which is the standard for dioxin analysis. BS EN 1948 requires traversing the sampler across the duct and collecting parts of the sample at various points across the duct to ensure that all of the gas phase is sampled proportionately, in case there are variations in gas flow rate or composition resulting in a non-homogeneous gas flow. This requirement is particularly important where suspended solids are present in the gas, and dioxins are often associated with suspended solid particles. Continuous samplers are currently designed for operation at one or two fixed sampling points within the duct, and traverses are not carried out automatically. Using such samplers, more information could be obtained about the variation with time of the dioxin measurement, but the measured results could be systematically higher or lower than those obtained by the approved standard method which is the reference technique required to demonstrate compliance

with the limit specified in the IED. The lack of a primary reference method (e.g. involving a reference gas of known concentration of dioxin) prohibits any one approach being considered more accurate than another. Because compliance with the IED's requirements is an essential element of EPR regulation, we have set emission limits for dioxins in the permit based on the use of BS EN 1948 and the manual sampling method remains the only acceptable way to monitor dioxins for the purpose of regulation.

For either continuous monitoring of mercury or continuous sampling of dioxins to be used for regulatory purposes, an emission limit value would need to be devised which is applicable to continuous monitoring. Such limits for mercury and dioxins have not been set by the European Commission. Use of a manual sample train is the only technique which fulfils the requirements of the IED. At the present time, it is considered that in view of the predicted low levels of mercury and dioxin emission it is not justifiable to require the Operator to install additionally continuous monitoring or sampling devices for these substances.

In accordance with its legal requirement to do so, the Environment Agency reviews the development of new methods and standards and their performance in industrial applications. In particular the Environment Agency considers continuous sampling systems for dioxins to have promise as a potential means of improving process control and obtaining more accurate mass emission estimates.

6.8 Reporting

We have specified the reporting requirements in Schedule 4 of the Permit either to meet the reporting requirements set out in the IED, or to ensure data is reported to enable timely review by the Environment Agency to ensure compliance with permit conditions and to monitor the efficiency of material use and energy recovery at the Installation.

7 Other legal requirements

In this section we explain how we have addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

7.1 The EPR 2010 and related Directives

The EPR delivers the requirements of a number of European and national laws.

7.1.1 Schedules 1 and 7 to the EPR 2010 – **IED Directive**

We address the requirements of the IED in the body of this document above and the specific requirements of Chapter IV in Annex 1 of this document.

There is one requirement not addressed above, which is that contained in Article 5(3) IED. Article 5(3) requires that "In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EC (the EIA Directive) applies, any relevant information obtained or conclusion arrived at pursuant to articles 5, 6 and 7 of that Directive shall be examined and used for the purposes of granting the permit."

- Article 5 of EIA Directive relates to the obligation on developers to supply the information set out in Annex IV of the Directive when making an application for development consent.
- Article 6(1) requires Member States to ensure that the authorities likely to be concerned by a development by reason of their specific environmental responsibilities are consulted on the Environmental Statement and the request for development consent.
- Article 6(2)-6(6) makes provision for public consultation on applications for development consent.
- Article 7 relates to projects with transboundary effects and consequential obligations to consult with affected Member States.

The grant or refusal of development consent is a matter for the relevant local planning authority. The Environment Agency's obligation is therefore to examine and use any relevant information obtained or conclusion arrived at by the local planning authorities pursuant to those EIA Directive articles.

In determining the Application we have considered the following documents:

- The Environmental Statement submitted with the planning application (which also formed part of the Environmental Permit Application).
- The decision of Sandwell Council to grant planning permission on 22 June 2011.
- The report and decision notice of Sandwell Council accompanying the grant of planning permission.
- The response of the Environment Agency to the local planning authority in its role as consultee to the planning process.

From consideration of all the documents above, the Environment Agency considers that no additional or different conditions are necessary.

Our initial objection to the proposed development was withdrawn following submission of a revised flood risk assessment (FRA) ((ref W698-t5-110527-FRA, May 2011) and drainage scheme.

The FRA provided with this Application was dated October 2010 which was the original version and not the revised one that we accepted and was granted planning permission. We requested submission of the approved Flood Risk Assessment (FRA) (ref W698-t5-110527-FRA, May 2011) which was provided 10 July 2014.

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. When making permitting decisions, flood risk is still a relevant consideration, but only in so far as it is taken into account in the accident management plan and that appropriate measures are in place to prevent pollution in the event of a credible flooding incident.

The Environment Agency has also carried out its own consultation on the Environmental Permitting Application which includes the Environmental Statement submitted to the local planning authority. The results of our consultation are described elsewhere in this decision document.

7.1.2 Schedule 9 to the EPR 2010 – **Waste Framework Directive**

As the Installation involves the treatment of waste, it is carrying out a *waste operation* for the purposes of the EPR 2010, and the requirements of Schedule 9 therefore apply. This means that we must exercise our functions so as to ensure implementation of certain articles of the WFD.

We must exercise our relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the Waste Framework Directive. (See also section 4.3.9)

The conditions of the permit ensure that waste generation from the facility is minimised. Where the production of waste cannot be prevented it will be recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.

We must also exercise our relevant functions for the purposes of implementing Article 13 of the Waste Framework Directive; ensuring that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met; and ensuring compliance with Articles 18(2)(b), 18(2)(c), 23(3), 23(4) and 35(1) of the Waste Framework Directive.

Article 13 relates to the protection of human health and the environment. These objectives are addressed elsewhere in this document.

Article 23(1) requires the permit to specify:

(a) the types and quantities of waste that may be treated;
(b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
(c) the safety and precautionary measures to be taken;
(d) the method to be used for each type of operation;
(e) such monitoring and control operations as may be necessary;
(f) such closure and after-care provisions as may be necessary.

These are all covered by Permit conditions.

The Permit does not allow the mixing of hazardous waste so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection so Article 23(3) does not apply. Energy efficiency is dealt with elsewhere in this document but we consider the conditions of the Permit ensure that the recovery of energy take place with a high level of energy efficiency in accordance with Article 23(4).

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions.

7.1.3 Schedule 22 to the EPR 2010 – **Groundwater, Water Framework and Groundwater Daughter Directives**

To the extent that it might lead to a discharge of pollutants to groundwater (a "groundwater activity" under the EPR 2010), the Permit is subject to the requirements of Schedule 22, which delivers the requirements of EU Directives relating to pollution of groundwater. The Permit will require the taking of all necessary measures to prevent the input of any hazardous substances to groundwater, and to limit the input of non-hazardous pollutants into groundwater so as to ensure such pollutants do not cause pollution, and satisfies the requirements of Schedule 22.

No releases to groundwater from the Installation are permitted. The Permit also requires material storage areas to be designed and maintained to a high standard to prevent accidental releases.

7.1.4 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 is being consulted upon in line with this statement.

Our draft 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 a draft decision document. The way in which this has been done is set out in Section 2. A summary of the responses received to our consultations and our consideration of them is set out in Annex 4.

7.2 National primary legislation

7.2.1 **Environment Act 1995**

(i) Section 4 (Pursuit of Sustainable Development)

We are required to contribute towards achieving sustainable development, as considered appropriate by Ministers and set out in guidance issued to us. The Secretary of State for Environment, Food and Rural Affairs has issued *The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*. This document:

> "*provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency*".

In respect of regulation of industrial pollution through the EPR, the Guidance refers in particular to the objective of setting permit conditions "*in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matters…*". The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

(ii) Section 7 (Pursuit of Conservation Objectives)

We considered whether we should impose any additional or different requirements in terms of our duty to have regard to the various conservation objectives set out in Section 7, but concluded that we should not.

We have considered the impact of the Installation on local wildlife sites within 2 km which are not designated as either European Sites or SSSIs. We are satisfied that no additional conditions are required.

(iii) Section 81 (National Air Quality Strategy)

We have had regard to the National Air Quality Strategy and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

7.2.2 **Human Rights Act 1998**

We have considered potential interference with rights addressed by the European Convention on Human Rights in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998. In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). We do not believe that Convention rights are engaged in relation to this determination.

7.2.3 **Countryside and Rights of Way Act 2000 (CROW 2000)**

Section 85 of this Act imposes a duty on Environment Agency to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB). There is no AONB which could be affected by the Installation.

7.2.4 **Wildlife and Countryside Act 1981**

Under section 28G of the Wildlife and Countryside Act 1981 the Environment Agency has a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest. Under section 28I the Environment Agency has a duty to consult Natural England in relation to any permit that is likely to damage SSSIs.

We assessed the Application and concluded that there are no SSSIs within the 2 km screening distance of the Installation.

7.2.5 **Natural Environment and Rural Communities Act 2006**

Section 40 of this Act requires us to have regard, so far as is consistent with the proper exercise of our functions, to the purpose of conserving biodiversity. We have done so and consider that no different or additional conditions in the Permit are required.

7.3 National secondary legislation

7.3.1 **The Conservation of Natural Habitats and Species Regulations 2010**

We have assessed the Application in accordance with guidance agreed jointly with Natural England and concluded that there will be no likely significant effect on any European Site.

We sent an Appendix 11 assessment to Natural England.

They agreed with our conclusion, that the operation of the Installation would not have a likely significant effect on the interest features of protected sites.

The habitat assessment is summarised in greater detail in section 5.4 of this document. A copy of the full Appendix 11 Assessment can be found on the public register.

7.3.2 **Water Framework Directive Regulations 2003**

Consideration has been given to whether any additional requirements should be imposed in terms of the Environment Agency's duty under regulation 3 to secure the requirements of the Water Framework Directive through (inter alia) EP permits, but it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

7.3.3 **The Persistent Organic Pollutants Regulations 2007**

We have explained our approach to these Regulations, which give effect to the Stockholm Convention on POPs and the EU's POPs Regulation, above.

7.4 Other relevant legal requirements

7.4.1 Duty to Involve

S23 of the Local Democracy, Economic Development and Construction Act 2009 require us where we consider it appropriate to take such steps as we consider appropriate to secure the involvement of interested persons in the exercise of our functions by providing hem with information, consulting them or involving them in any other way. S24 requires us to have regard to any Secretary of State guidance as to how we should do that.

The way in which the Environment Agency has consulted with the public and other interested parties is set out in section 2 of this document. The way in which we have taken account of the representations we have received is set out in Annex 4. Our public consultation duties are also set out in the EP Regulations, and our statutory Public Participation Statement, which implement the requirements of the Public Participation Directive. In addition to meeting our consultation responsibilities, we have also taken account of our guidance in Environment Agency Guidance Note RGS6 and the Environment Agency's Building Trust with Communities toolkit.

ANNEX 1: APPLICATION OF CHAPTER IV OF THE INDUSTRIAL EMISSIONS DIRECTIVE

IED Article	Requirement	Delivered by
45(1)(a)	The permit shall include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2000/532/EC, if possible, and containing information on the quantity of each type of waste, where appropriate.	Condition 2.3.3 and Table S2.2 in Schedule 2
45(1)(b)	The permit shall include the total waste incinerating or co-incinerating capacity of the plant.	Condition 2.3.3 and Table S2.2 in Schedule 2
45(1)(c)	The permit shall include the limit values for emissions into air and water.	Conditions 3.1.1 and 3.1.2 and Tables S3.1 and S3.1(a) in Schedule 3
45(1)(e)	The permit shall include the sampling and measurement procedures and frequencies to be used to comply with the conditions set for emissions monitoring.	Conditions 3.5.1 and Tables S3.1, S3.1(a), S3.2, S3.3, S3.4 and S3.5. also compliance with Articles 10 and 11
45(1)(f)	The permit shall include the maximum permissible period of unavoidable stoppages, disturbances or failures of the purification devices or the measurement devices, during which the emissions into the air and the discharges of waste water may exceed the prescribed emission limit values.	Conditions 2.3.6 to 2.3.11
46(1)	Waste gases shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.	Emissions and their ground-level impacts are discussed in the body of this document.
46(2)	Emission into air shall not exceed the emission limit values set out in part of Annex VI.	Conditions 3.1.1 and 3.1.2 and Tables S3.1 and S3.1a.
46(3)	Relates to conditions for water discharges from the cleaning of exhaust gases.	There are no such discharges as condition 3.1.1 prohibits this.

IED Article	Requirement	Delivered by
46(4)	Relates to conditions for water discharges from the cleaning of exhaust gases.	There are no such discharges as condition 3.1.1 prohibits this.
46(5)	Prevention of unauthorised and accidental release of any polluting substances into soil, surface water or groundwater. Adequate storage capacity for contaminated rainwater run-off from the site or for contaminated water from spillage or fire-fighting.	The application explains the measures to be in place for achieving the directive requirements
46(6)	Limits the maximum period of operation when an ELV is exceeded to 4 hours uninterrupted duration in any one instance, and with a maximum cumulative limit of 60 hours per year. Limits on dust (150 mg/m3), CO and TOC not to be exceeded during this period.	Conditions 2.3.8 to 2.3.11 and Table S3.1(a)
47	In the event of breakdown, reduce or close down operations as soon as practicable. Limits on dust (150 mg/m3), CO and TOC not to be exceeded during this period.	Conditions 2.3.6, 2.3.9 and 2.3.10
48(1)	Monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI.	Permit conditions 3.5.1 to 3.5.5, schedules 3 and 6
48(2)	Installation and functioning of the automated measurement systems shall be subject to control and to annual surveillance tests as set out in point 1 of Part 6 of Annex VI.	Condition 3.5.3, and tables S3.1, S3.1(a), and S3.4
48(3)	The competent authority shall determine the location of sampling or measurement points to be used for monitoring of emissions.	Tables S3.1, S3.1(a) and S3.4
48(4)	All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions and emission limit values which are included in the permit.	Conditions 4.1.1 and 4.1.2

IED Article	Requirement	Delivered by
49	The emission limit values for air and water shall be regarded as being complied with if the conditions described in Part 8 of Annex VI are fulfilled.	Condition 3.5.5 (b) to (e)
50(1)	Slag and bottom ash to have Total Organic Carbon (TOC) < 3% or loss on ignition (LOI) < 5%.	Conditions 3.5.1 and Table S3.5
50(2)	Flue gas to be raised to a temperature of 850ºC for two seconds, as measured at representative point of the combustion chamber.	Condition 2.3.6 and Pre-operational condition PO6. The application specifies measurement point
50(3)	At least one auxiliary burner which must not be fed with fuels which can cause higher emissions than those resulting from the burning of gas oil liquefied gas or natural gas.	Condition 2.3.7
50(4)(a)	Automatic shut to prevent waste feed if at start up until the specified temperature has been reached.	Condition 2.3.6
50(4)(b)	Automatic shut to prevent waste feed if the combustion temperature is not maintained.	Condition 2.3.6
50(4)(c)	Automatic shut to prevent waste feed if the CEMs show that ELVs are exceeded due to disturbances or failure of waste cleaning devices.	Condition 2.3.6
50(5)	Any heat generated from the process shall be recovered as far as practicable.	The plant will generate electricity Operator to review the available heat recovery options prior to commissioning (Condition PO2) and then every 2 years (Condition 1.2.3)
50(7)	Management of the Installation to be in the hands of a natural person who is competent to manage it.	Conditions 1.1.1 to 1.1.3 and 2.3.1 of the Permit fulfil this requirement
51(1)	Different conditions than those laid down in Article 50(1), (2) and (3) and, as regards the temperature Article 50(4) may be authorised, provided the other requirements of this chapter are me.	No such conditions have been allowed

IED Article	Requirement	Delivered by
51(2)	Changes in operating conditions do not cause more residues or residues with a higher content of organic polluting substances compared to those residues which could be expected under the conditions laid down in Articles 50(1), (2) and (3).	No such conditions have been allowed
52(1)	Take all necessary precautions concerning delivery and reception of Wastes, to prevent or minimise pollution.	EPR require prevent or minimise pollution. The Application defines how this will be carried out. Conditions 2.3.1, 2.3.3, 3.2, 3.3 and 3.4
52(2)	Determine the mass of each category of wastes, if possible according to the EWC, prior to accepting the waste.	The application describes procedures for the reception and monitoring of incoming waste
53(1)	Residues to be minimised in their amount and harmfulness, and recycled where appropriate.	Conditions 1.4.1 and 3.5.1
53(2)	Prevent dispersal of dry residues and dust during transport and storage.	Conditions 2.3.1 and 3.2.1
53(3)	Test residues for their physical and chemical characteristics and polluting potential including heavy metal content (soluble fraction).	Condition 3.5.1 and pre-operational condition PO3.
55(1)	Application, decision and permit to be publicly available.	All documents are accessible from the Environment Agency Public Register
55(2)	An annual report on plant operation and monitoring for all plants burning more than 2 tonne/hour waste.	Condition 4.2.2

ANNEX 2: Pre-Operational Conditions

Based on the information in the Application, we consider that we do need to impose pre-operational conditions. These conditions are set out below and referred to, where applicable, in the text of the decision document. We are using these conditions to require the Operator to confirm that the details and measures proposed in the Application have been adopted or implemented prior to the operation of the Installation.

Reference	Pre-operational measures
PO1	Prior to the commencement of commissioning, the Operator shall send a summary of the site Environment Management System (EMS) to the Environment Agency and make available for inspection all documents and procedures which form part of the EMS. The EMS shall be developed in line with the requirements set out in Section 1 of How to comply with your environmental permit. The documents and procedures set out in the EMS shall form the written management system referenced in condition 1.1.1 (a) of the permit.
PO2	Prior to the commencement of commissioning, the Operator shall send a report to the Environment Agency which will contain a comprehensive review of the options available for utilising the heat generated by the waste gasification process in order to ensure that it is recovered as far as practicable. The review shall detail any identified proposals for improving the recovery and utilisation of waste heat and shall provide a timetable for their implementation.
PO3	Prior to the commencement of commissioning, the Operator shall submit to the Environment Agency for approval a protocol for the sampling and testing of gasification ash for the purposes of assessing its hazard status. Sampling and testing shall be carried out in accordance with the protocol as approved.
PO4	Prior to the commencement of commissioning; the Operator shall provide a written commissioning plan, including timelines for completion, for approval by the Environment Agency. The commissioning plan shall include the expected emissions to the environment during the different stages of commissioning, the expected durations of commissioning activities and the actions to be taken to protect the environment and report to the Environment Agency in the event that actual emissions exceed expected emissions. Commissioning shall be carried out in accordance with the commissioning plan as approved.
PO5	Prior to the commencement of commissioning, the Operator shall submit a written report to the Agency detailing the waste acceptance procedure to be used at the site. The waste acceptance procedure shall include the process and systems by which wastes unsuitable for gasification at the site will be controlled. The procedure shall be implemented in accordance with the written approval from the Environment Agency.

PO6	After completion of combustion chamber design and at least three calendar months before any combustion chamber operation; the operator shall submit a written report to the Environment Agency of the details of the computational fluid dynamic (CFD) modelling. The report shall demonstrate whether the design combustion conditions comply with the residence time and temperature requirements as defined by the Industrial Emissions Directive.
PO7	The Operator shall submit the written protocol referenced in condition 3.2.4 for the monitoring of soil and groundwater for approval by the Environment Agency. The protocol shall demonstrate how the Operator will meet the requirements of Articles 14(1)(b), 14(1)(e) and 16(2) of the IED. The procedure shall be implemented in accordance with the written approval from the Environment Agency.

ANNEX 3: Improvement Conditions

Based on the information in the Application we consider that we need to set improvement conditions. These conditions are set out below - justifications for these is provided at the relevant section of the decision document. We are using these conditions to require the Operator to provide the Environment Agency with details that need to be established or confirmed during and/or after commissioning.

Reference	Improvement measure	Completion date
IC1	The Operator shall submit a written report to the Environment Agency on the implementation of its Environmental Management System and the progress made in the certification of the system by an external body or if appropriate submit a schedule by which the EMS will be certified.	Within 12 months of the date on which waste is first gasified.
IC2	The Operator shall submit a written proposal to the Environment Agency to carry out tests to determine the size distribution of the particulate matter in the exhaust gas emissions to air from emission point A1, identifying the fractions within the PM_{10}, and $PM_{2.5}$ ranges. The proposal shall include a timetable for approval by the Environment Agency to carry out such tests and produce a report on the results. On receipt of written agreement by the Environment Agency to the proposal and the timetable, the Operator shall carry out the tests and submit to the Environment Agency a report on the results.	Within 6 months of the completion of commissioning.
IC3	The Operator shall submit a written report to the Environment Agency on the commissioning of the Installation. The report shall summarise the environmental performance of the plant as installed against the design parameters set out in the Application. The report shall also include a review of the performance of the facility against the conditions of this permit and details of procedures developed during commissioning for achieving and demonstrating compliance with permit conditions.	Within 4 months of the completion of commissioning.

IC4	The Operator shall carry out checks to verify the residence time, minimum temperature and oxygen content of the exhaust gases in the combustion chamber whilst operating under the anticipated most unfavourable operating conditions. The results shall be submitted in writing to the Environment Agency.	Within 4 months of the completion of commissioning.
IC5	The Operator shall submit a written report to the Environment Agency describing the performance and optimisation of the Selective Non Catalytic Reduction (SNCR) system and combustion settings to minimise oxides of nitrogen (NO_x) emissions within the emission limit values described in this permit with the minimisation of nitrous oxide emissions. The report shall include an assessment of the level of NO_x and N_2O emissions that can be achieved under optimum operating conditions. The report shall also provide details of the optimisation (including dosing rates) for the control of acid gases and dioxins	Within 4 months of the completion of commissioning.
IC6	The Operator shall carry out an assessment of the impact of emissions to air of the component metals subject to emission limit values, i.e. As, Cr, Cd and Ni. A report on the assessment shall be made to the Environment Agency. Emissions monitoring data obtained during the first year of operation shall be used to compare the actual emissions with those assumed in the impact assessment submitted with the Application. An assessment shall be made of the impact of each metal against the relevant EQS/EAL. In the event that the assessment shows that an EQS/EAL can be exceeded, the report shall include proposals for further investigative work.	15 months from commencement of operations

IC7	The Operator shall submit a written summary report to the Agency to confirm by the results of calibration and verification testing that the performance of Continuous Emission Monitors for parameters as specified in Table S3.1 and Table S3.1(a) complies with the requirements of BS EN 14181, specifically the requirements of QAL1, QAL2 and QAL3.	Initial calibration report to be submitted to the Agency within 3 months of completion of commissioning. Full summary evidence compliance report to be submitted within 18 months of commissioning.
IC8	The Operator shall provide a report to the Environment Agency detailing the findings of a noise survey conducted in accordance with BS4142:1997 designed for comparison with the predictive calculations presented in the Application. If the assessment indicates that the plant might give rise to complaints then the report will include further investigation and studies undertaken to identify the specific source(s) of the problematic noise and measures proposed to mitigate the potential impact to acceptable levels in accordance with BS4142:1997.	Within 3 months of completion of commissioning.

ANNEX 4: Consultation Reponses

A) Advertising and Consultation on the Application

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of all consultation responses have been placed on the Environment Agency and Local Authority public registers.

The Application was advertised on the Environment Agency website from 11 June to 9 July 2014. Copies of the Application were made publicly available at the Environment Agency.

The following statutory and non-statutory bodies were consulted:

- Director of Public Health
- Public Health England (PHE)
- Sandwell Metropolitan Borough Council (MBC) - (Environmental Health/Planning)
- Food Standards Agency (FSA)
- Health & Safety Executive (HSE)
- West Midland Fire & Rescue Service
- National Grid
- Severn Trent Water Limited

1) Consultation Responses from Statutory and Non-Statutory Bodies

Response Received from **Public Health England (PHE)**, letter dated 20 June 2014	
Brief summary of issues raised:	Summary of action taken / how this has been covered
That any Permit issued should contain conditions to ensure that emissions to air from the facility do not impact on public health. This includes emissions from combustion (e.g. particulate, NO_x, metals etc) and fugitive particulate emissions from site operations.	Our assessment of the impact from atmospheric pollution is detailed in Section 5 of this document and is based on a worst case scenario of the plant operating at 100% capacity. Any Permit issued would be in accordance with the EPR and IED which ensure that the necessary controls and safety measures will be in place. Our assessment of emissions control is detailed in Section 6 of this document.

That a health risk assessment for dioxins has not been undertaken and that an assessment for a hypothetically maximally exposed individual would provide greater reassurance to the local population and enable a more robust assessment to be undertaken by PHE.	A human health risk assessment (HHRA) was provided in Appendix K of the Application. We sent this to PHE. (See additional response below)
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.	This will be covered by an accident management plan which will form part of the sites EMS. This is detailed in Sections 4.3.2 and 4.3.4 of this document. The purpose of the accident management plan is to identify potential accidents, put in place any necessary measures to minimise the chances of them happening and have plans in place to minimise the effects if the worst occurs. We have also consulted with West Midland Fire & Rescue Service.
That any additional information obtained in relation to these comments should be sent to PHE for consideration.	We sent the revised report for the HHRA together with our assessment of this. (see below)

Response Received from **Public Health England (PHE)**, Specialist Environmental Scientist, received electronically 18 July 2014 in response to HHRA.	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Based on the HHRA, the risk to the health of receptors from dioxin and furan exposure is considered to be extremely low. The predicted additional intake of dioxin and furans in local residents who consume solely local produce is 70 fg ITEQ/kg bodyweight/day which is 3.5% of the Tolerable Daily Intake (TDI) (*i.e.* 2 pg ITEQ/kg bodyweight/day) recommended by the UK Committee on Toxicity.	(See action above on HHRA)

Response Received from **National Grid**, letters dated 25 June 2014 and 30 June 2014	
Brief summary of issues raised:	Summary of action taken / how this has been covered
The responses provided included maps, guidance, gas engineering recommendations and national grid code of practice.	This information is not relevant to the EPR process.

Response Received from **National Grid**, letter dated 05 August 2014 (WM_TW_Z2_3NWP_002194), Asset Protection Assistant (and letter dated 1 September 2014)	
Brief summary of issues raised:	Summary of action taken / how this has been covered
That they exercise their right to place a Holding Objection to the proposal which is in close proximity to High Voltage Transmission Overhead Line – VT. They recommend that no permanent structures are built directly beneath their overhead lines and require 3D drawings to be provided.	This information is not relevant to the EPR process; we did however email this response to the Applicant 08 August and 5 September 2014.

Response Received from **National Grid**, email sent 26 August 2014, Asset Protection Assistant	
Brief summary of issues raised:	Summary of action taken / how this has been covered
We were copied into an email that was sent to the Applicant asking for specific information to enable assessment of the potential impact that the proposal may have on their infrastructure in the area.	No action required by the Environment Agency.

Response Received from **National Grid**, letter dated 16 September 2014, Asset Protection Assistant	
Brief summary of issues raised:	Summary of action taken / how this has been covered
That they have no objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line - VT.	No action required by the Environment Agency.

Response Received from **Severn Trent Water Limited**, Environmental Permits & Compliance Team, Environmental & Commercial Customer Compliance, Operations Support Services - Waste Water, received electronically 9 July 2014	
Brief summary of issues raised:	Summary of action taken / how this has been covered
This site has a discharge to sewer which is subject to a Trade Effluent Consent issued by Severn Trent Water Ltd.	No action required

2) <u>Consultation Responses from Members of the Public and Community Organisations</u>

<u>Representations from Community and Other Organisations</u>

A Representation was received from Nottingham friends of the Earth, who raised the following issues:

Response Received from **Nottingham Friends of the Earth**, received electronically 8 July 2014	
Brief summary of issues raised:	Summary of action taken / how this has been covered
That Appendix H of the Planning Permission includes Planning Condition (No. 21) requiring the daily average of NO_x to not exceed 100mg/m^3. Documentation for the Environmental Permit assumes 200mg/m^3 for NO_x. Concerned that Sandwell MBC are expecting the Permit to enforce 100 mg/m^3.	We have set a lower NO_x ELV of 150 mg/m^3. Our assessment of this is detailed in section 5 above. Planning condition 21 was changed to remove the NO_x limit of 100 mg/m^3 and to include a requirement to monitor and report instead (Application No. DC/12/54866).
That the Planning Application, as detailed in Sandwell's committee report (Appendix H) is for 160,000 tpa and the planning permission includes this limit. Concerned that the Environmental Permit Application is for 180,000 tpa.	We acknowledge this; however the impact assessments provided with this Application are based on the maximum of 180,000 tpa representing a worst case scenario. We have consulted with Sandwell MBC and they have not raised any concerns on this matter.
That the Supporting Statement refers to electricity output power in MW-hr which presumably should be MW.	The Applicant acknowledges this error in their email sent to us on 24 April 2014. This does not materially impact on any conclusions.
That the gasification process uses limited oxygen to produce syngas which will presumably produce products of incomplete combustion in the gas and in the remaining pyrolysis char. The char will then be burnt with	Conditions in the permit specify limits for TOC in the gasifier ash (char) and TOC in emissions to air. These limits have been set to comply with Chapter (IV) of the IED, see articles 46(2) and 50(1) in Annex 1 of this document.

excess oxygen. It is not clear what the control process is to guarantee complete burnout in the char and the syngas. The solid residue will then be returned to EMR for extraction of metals so the complete removal of hydrocarbon contamination from this residue will be important.	Compliance with these limits will demonstrate that good combustion control and waste burnout is being achieved and waste generation is being avoided where practicable.
That Chinook's previous experience of gasification is mainly in cleaning contaminated aluminium and copper and that the process associated with this Application will be more challenging.	When we assess Operator competence for a facility of this nature a key requirement is that they will have an Environmental Management System (EMS) in place. The EMS covers the design and installation of suitable equipment, operation and maintenance, accidents, training of staff and operating instructions. A pre-operational condition 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 is included requiring the Operator to report progress gaining accreditation of its EMS.