

## Environment Agency permitting decisions

### Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for Ufton Landfill Site operated by Biffa Waste Services Limited.

The variation number is EPR/NP3435PX/V007.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

*This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2010, regulation 34(1), to periodically review permits. As a result of that review we have identified a number of necessary changes we must make to your permit to reflect current legislation and best practice. These changes principally relate to:*

- *The addition of a standard condition for landfill gas management at landfills;*
- *A change to the hydrogeological risk assessment condition so that reviews are undertaken every 6 years rather than every 4 years;*
- *Standard leachate and groundwater quality monitoring tables (schedule 3); and*
- *A standard reporting table (schedule 4)*

*We also aim:*

- *Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.*
- *We will formalise changes to monitoring requirements and compliance limits where we have agreed them in writing, for example as the result of a hydrogeological risk assessment review.*
- *Waste acceptance rules will reflect the Landfill Directive and governments' waste strategies.*
- *We will implement the Industrial Emissions Directive (IED) and other regulatory changes.*
- *We will include permit conditions to implement the statutory requirements of the Waste Framework Directive, for example to reflect the requirements of the waste hierarchy.*

*Site specific issues which result in a change to the current template will also be addressed, for example incorporating completed improvement conditions into the permit and removing inconsistencies.*

*Other changes may relate to a specific permit or amendments to monitoring requirements or emission limits which have been agreed with the Environment Agency but not incorporated into the permit.*

## Purpose of this document

This decision document:

- explains how the Environment Agency initiated variation has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

## Structure of this document

- Annex 1 the decision checklist

### Annex 1: decision checklist

This document should be read in conjunction with the agreed Environment Agency variation request form and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the Environment Agency initiated variation.	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</p> <p>Certain template conditions have been amended to reflect current best practice. These changes have been developed in consultation with industry having regard to the relevant legislation as follows:</p> <p>Condition 1.5. Generic condition added to reflect the requirements of the Waste Framework Directive.</p> <p>2.6.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>2.6.2. Added to separately identify the waste types and quantities that can be accepted for restoration. While part of the landfill activity, the waste types and quantities need to be separately identified to confirm they are appropriate for use.</p> <p>2.9. Revised gas management condition imposed for all landfills that accept biodegradable to ensure compliance with the relevant requirements of the Landfill Directive.</p> <p>3.1.1. Generic condition imposed on all activities to simplify the sub-conditions. This avoids the need for additional sub-conditions that refer to compliance limits in individual tables in schedule 3.</p> <p>3.1.4 – 3.1.5. Revised conditions to reflect the terminology used by the Groundwater Directive and to require hydrogeological risk assessment reviews every 6 years rather than every 4 years.</p> <p>Two sub-conditions that referred to limits in specific tables in schedule 3 deleted as they are now covered by 3.1.1.</p> <p>3.6 Revised generic pests condition imposed on all activities.</p> <p>4.2.2. Amended to ensure that information on ‘annual production/treatment’ (Schedule 4, Table S4.2) is provided in February each year where annual reports may be submitted at other times of the year. This includes data on landfill gas collection that must be reported to government by April each year.</p> <p>4.2.2(a). Text expanded to clarify the details we require in an annual report.</p> <p>4.2.2(h). New condition requiring annual submission of a plan of monitoring and extraction locations with reference to monitoring tables in Schedule 3.</p> <p>Schedule 1, table S1.1. Amended description to the landfill activity to clarify that this includes restoration. Activity references amended to reflect changes</p>	

Aspect considered	Justification / Detail	Criteria met Yes
	<p>introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Leachate storage moved from a specified activity to a Directly Associated Activity.</p> <p>Table S1.4. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill cover.</p> <p>Schedule 2. Template list of appropriate waste added for landfills for hazardous and non-hazardous waste. Waste types prohibited by the Landfill Directive have been removed for clarity.</p> <p>Schedule 3. Monitoring and compliance tables have been re-ordered so that those with compliance limits appear first. Standard monitoring frequency and parameters have been included for certain routine monitoring requirements.</p> <p>Table S3.6. Specific requirements for monitoring asbestos fibres added.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.2. Additional details of landfill gas extracted required to improve climate change data quality.</p> <p>Table S4.3. Amended to include natural gas as an energy source for consistency with other sectors.</p> <p>Schedule 6. Definitions added to clarify meaning of:</p> <ul style="list-style-type: none"> <li>• Inert waste</li> <li>• Exceeded</li> <li>• Hazardous substances</li> <li>• Medicinal product</li> <li>• Previous year</li> <li>• Waste acceptance criteria</li> <li>• Waste acceptance procedure</li> </ul> <p>See also Schedule 1 in the reviewed permit.</p>	

Aspect considered	Justification / Detail	Criteria met
		Yes
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility for disposal. The existing waste types have been carried over from the existing permit into table S2.1, with the exception of the following codes:</p> <p>08 01 99 08 02 99 08 04 99 16 01 06 16 01 16 16 01 22 16 05 09 16 06 04 16 06 05 16 08 04 17 08 02 18 01 01 18 02 01 19 07 03 20 01 34</p> <p>We have excluded the following wastes for the following reasons:</p> <p>These codes have been excluded from the our non-hazardous landfill template list of wastes. These are either banned waste or codes considered unsuitable for non-hazardous landfill. These include: liquids, batteries, end of life vehicles, gypsum wastes, sharps, and EWC codes which poorly describe the wastes (e.g. '99' codes - wastes not otherwise specified, and similar entries).</p> <p>Table S2.2 specifies list of wastes permitted for the separate asbestos cells. These are unchanged.</p> <p>We have included a new list of wastes for restoration in Table S2.3. Wastes for restoration are discussed in Improvement conditions below.</p> <p>We made these decisions with respect to waste types in accordance with our Landfill Sector Guidance and the Landfill Directive.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Improvement conditions	<p>We consider that we need to impose improvement conditions.</p> <p>We have set IC1 to ensure that wastes for restoration are taken in accordance with an agreed restoration plan. This is a new standard improvement condition used where an agreed restoration plan is not in place for the landfill. The site is currently approaching completion, and has been operating with a list of wastes for restoration which was not included in the permit when first permitted under the IPPC.</p> <p>We have reviewed the waste list and consider that some waste types may not be suitable for restoration without an agreed restoration plan in place. These are the following EWC codes:</p> <p>01 01 01, 01 01 02, 10 12 08, 17 01 01, 17 01 02, 17 01 03, 17 01 07, 17 09 04, 19 08 05, 19 12 12.</p> <p>We have included these codes in Table S2.3 but these codes are required to be accepted only in accordance with an agreed restoration plan.</p> <p>We have allowed the other existing waste types to be used for restoration without this restriction, as restoration is currently underway at the site, and we do not want to prevent this activity from continuing. We consider that these can be used because they are either generally inert materials or soil in nature. They are on the list of waste types we are likely to accept for restoration in our draft guidance note 'The use of waste in restoration at landfills' (draft V2 July 2013). 19 05 03 is also permitted as this is accepted from the operator's adjacent composting facility and has been agreed previously with the Environment Agency.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> <li>➤ the appropriate measures are in place for the closure and decommissioning of the facility.</li> <li>➤ the appropriate measures are in place to prevent fugitive emissions.</li> </ul>	
Operating techniques	<p>We have specified that the operator must operate the permit in accordance with referenced operating techniques.</p> <p>We have added the latest Leachate Management Plan Review, from April 2014 to the agree techniques. Other techniques are unchanged.</p> <p>These are specified in the Operating Techniques table in the permit.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in order to simplify the monitoring requirements for the operator, and to take account of our Regulatory Position Statement 156 'Landfill monitoring and reporting standards.'</p> <p>Standard monitoring frequency and parameters have been included for certain routine monitoring requirements including groundwater, leachate and surface water monitoring. Updated monitoring requirements have also been included for asbestos fibres in Table S3.6.</p> <p>There have been some amendments to the existing monitoring requirements to reflect current operations on site, these are:</p> <p>Table S3.1:</p> <p>Phase 7: monitoring point 87903071 amended to 87903072.</p> <p>Phase 9: 87903092 amended to 87903093.</p> <p>Phase 10: proposed points 87903101, 87903102, 87903104, 87903105, 87903106, 87903107, 87903108, 87903109 removed from permit.</p> <p>Phase 12: 87903123 added.</p> <p>Phase 13A: 87903133, 87903134 added.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Phase 13D: 8793140, 87903141 added.            Phase 11: 87903111 removed.            Phase 1A: 87900069 amended to 87900068.            Phase 2: 87903021, 87903023 removed.            Phase 5A: 87903032 amended to 87903033.            Phase 5B: 87903049 removed, 87903024 and 87903047 added.</p> <p>Table S3.4:            Monitoring points 87900031 and 87900035 added.</p>	
Reporting	<p>We have specified reporting in the permit.            Standard table S4.1 has been added as a result of the permit review. Reporting frequencies have been reduced to reflect the simplified monitoring requirements set in the permit.</p>	✓
<b>Operator Competence</b>		
Environment management system	<p>There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓