

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation for Copley Lane Landfill operated by C.F. Harris Limited.

The variation number is EPR/TP3830BD/V002.

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

## **Purpose of this document**

This decision document:

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

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## **Structure of this document**

- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  Amendments have been made to the conditions 4.3.1 and 4.3.2 of this variation so that it now implements the requirements of the Industrial Emissions Directive (IED).	✓
<b>The site</b>		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A new plan is included in the permit showing the installation boundary and location of new cells 6 and 7.	✓
Planning permission	The operator has applied for a planning permission.	✓
Site condition report	The operator has provided a description of the condition of the site.  We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).	✓
Biodiversity, Heritage,	Our biodiversity search showed that the application is within the relevant distance criteria of a Wildlife Site.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Landscape and Nature Conservation	However, a consultation with local Fisheries & Biodiversity Team confirmed that this designation has been deleted in 2005 because the habitat was not found to be of Sites of Importance for Nature Conservation (SINC) quality. Therefore no further assessment of potential impact was required.	
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The hydrogeological risk assessment (HRA) submitted within the application contains information on the leachate source term. However, the data does not include a typical range of trace organic substances. This is because leachate analysis undertaken during the period 2003 to 2013 has not found any basis to require simulation of the fate of other substances except ammoniacal nitrogen and chloride. We accept the model this time but we are required to closely monitor the organic content of the future leachate samples to ensure that the model remains valid. If significant hazardous organic substances are detected in the annual leachate screening, then this should be taken into consideration in subsequent HRAs. If risks are shown to be unacceptable then a review of waste types would be necessary. In addition although the range of modelled substances is limited, the operator has compliance limits in place which include an additional metal and a hazardous organic substance.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes - How to comply with your environmental permit – Additional guidance for landfill (EPR 5.02).</p> <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the Technical Guidance Note (TGN) and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with the TGN.</p>	✓
<b>The permit conditions</b>		
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	regulated facility. This variation does not change permitted waste types.	
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. Pre-operational condition PO1 requires the operator to carry out background gas monitoring in new boreholes BH15, BH16 and BH17 prior to commencement of landfilling in new cells 6 and 7 and propose trigger limits for methane based on the monitoring results. An accelerated monitoring program covering variations in atmospheric conditions during the construction of cells is deemed satisfactory. Based on this monitoring the operator can propose trigger levels with a relatively high degree of confidence.	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p> <p>We were not satisfied with the operator's original proposal to recirculate leachate on the open landfill surfaces in new cells 6 and 7. The operator submitted a revised proposal that confirmed that recirculation will be carried out by using a buried system. The operator also submitted a revised leachate odour management plan that we have approved and incorporated to the permit.</p>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>The operator proposed increases in the groundwater trigger limits for mercury and nickel because these have been frequently exceeded in background groundwater. The boreholes with elevated readings are downstream of the landfill. This would normally be cause for concern but on examination of leachate concentrations, we have determined the groundwater results are in fact higher, which makes the landfill very unlikely to be the source of these concentrations. Additionally, travel times through the liner should mean that breakthrough should not yet be</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	happening unless a catastrophic failure of the containment has occurred. We therefore agree that some revisions are required. However, we have determined that only the limits for BH 11A need changing. The only other borehole to register an exceedence according to figures 2 and 3 of the HRA is BH 11B for mercury on one occasion.	
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>Two additional leachate monitoring points (LMP1, LMP2, LMP3, LMP4) per each new cell have been incorporated to the permit. Initially only one per cell was proposed by the applicant but was revised to two per cell as shown on Drawing 12182/560 Rev B dated March 2014. Drawing 12182/552 Rev A dated 03/10/13 provides details of target pads for leachate collection and monitoring wells in cells 6 and 7. The number of leachate monitoring points in the existing cells is less than the recommended two per cell in addition to the point of collection. The leachate monitoring infrastructure for the existing site should be reviewed at the earliest opportunity.</p> <p>Three additional perimeter gas monitoring boreholes (BH15, BH16, BH17) have been incorporated to the permit.</p> <p>These monitoring requirements have been imposed in order to meet requirements imposed by the Landfill Directive and the Guidance Document 'How to comply with your environmental permit – Additional guidance for landfill (EPR 5.02)'.</p>	✓
Reporting	We have specified reporting in the permit.	✓
<b>Operator Competence</b>		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Technical	Technical competency is required for activities permitted.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
competence	The operator is a member of an agreed scheme.	
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.  The financial provision arrangements for cells 6 and 7 do not satisfy the financial provisions criteria. We have imposed conditions in the permit that require the Operator to enter into an Agreement with the Environment Agency or vary the existing agreement prior to the commencement of activities in cells 6 and 7.	✓

## Annex 2: Consultation and web publicising responses

Response received from
Public Health England
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Health & Safety Executive
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Selby District Council, Environmental Health
Brief summary of issues raised
Several odour complaints received within last two years.
Summary of actions taken or show how this has been covered
The Environment Agency has been notified of odour emissions. We have concluded that these have been caused by inadequate management of landfill gas. There are not enough gas wells within the old cells and therefore large areas are left to vent landfill gas. We are however satisfied that the new cells will not increase the potential for odour emissions. The new cells are constructed and managed in accordance with the requirements of the Landfill Directive. Recirculation of leachate is carried out by using a buried system rather than on open surfaces. Also the operator has an odour management plan in place that includes odour control measures during recirculation of leachate.

Response received from
North Yorkshire County Council – Planning department
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action required.