

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Oak Farm Quarry Landfill operated by Himley Environmental Limited.

The permit number is EPR/UP3830NT/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
Consultation		
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.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
The facility		
The regulated installation facility	The extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with RGN 1 - Understanding the meaning of operator RGN2 - Understanding the meaning of regulated facility RGN4 - Setting standards for environmental protection The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities. <ul style="list-style-type: none">Section 5.2 Part A(1) (a), The disposal of waste in a landfill. Landfill for non-hazardous waste (D5 – Specially engineered landfill)Section 5.2 Part A(1) (a), The disposal of waste in a landfill. Landfill for hazardous waste (D5 – Specially	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>engineered landfill) - stable non reactive wastes</p> <ul style="list-style-type: none"> • Surface water management • Groundwater management • Fuel storage • Construction of screening bunds and restoration 	
The regulated waste facility	<p>The extent/nature of the facilities taking place at the site required clarification.</p> <p>The decision on the facility was taken in accordance with</p> <p>RGN 1 - Understanding the meaning of operator</p> <p>RGN2 - Understanding the meaning of regulated facility</p> <p>RGN4 - Setting standards for environmental protection</p> <p>The regulated waste facility is a waste operation which comprises the following activities :</p> <ul style="list-style-type: none"> • D9 – Physical treatment of waste for disposal • D15 – Storage of waste prior to an activity under D1 to D14 • R3 – Treatment of organic waste for recovery • R5 – Treatment of inorganic waste for recovery • R13 – Storage of waste prior to treatment under R1 to R12 	✓
European Directives		
Applicable directives (installation and waste operation)	<p>All applicable European directives have been considered in the determination of the application.</p> <ul style="list-style-type: none"> • Waste Framework Directive (WFD) • Landfill Directive (LFD) 	✓
The site		
Extent of the site of the facility (installation and waste activities)	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Planning permission (installation	<p>We are satisfied that planning permission is in place and is appropriate for the relevant waste operations applied for.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
and waste activities)		
Biodiversity, Heritage, Landscape and Nature Conservation (installation and waste activities)	<p>The application is within the relevant distance criteria of a site of nature conservation – Fens Pool Special Area of Conservation (SAC).</p> <p>A full assessment of the application and its potential to affect the site has been carried out as part of the permitting process. We consider that the application will not affect the features of the site.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk (installation)	<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>	✓
Environmental risk (waste operation)	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is unsatisfactory and required additional Environment Agency assessment to make up the shortfall. Our assessment has concluded that a review of the Dust and Particulate Management Plan is required to fully address operation of the new waste operation.</p> <p>The operator is required to monitor for particulates. We have set a limit for particulate deposition of 200mg/m²/day. The operator is also required to have a Dust and Particulate Management Plan to be able to ensure that dust does not cause pollution. We have required the Operator to review the Dust and Particulate Management Plan (see 'Improvement Conditions' 1 and 2 below) to reflect the new activity for the treatment of non hazardous waste and the potential for dust emission associated with this activity.</p>	✓
Operating techniques (installation)	<p>We have reviewed the techniques used by the operator as described in the application and compared these with the relevant guidance as set out in:</p> <ul style="list-style-type: none"> • Sector Guidance Note IPPC S5.06 - 'Guidance for the recovery and disposal of hazardous and non-hazardous waste', 3rd edition 2013; • EPR 1.00 'How to comply with your environmental permit - Getting the Basics Right', Version 3, November 2011; 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> EPR 5.02 How to comply with your environmental permit. Additional guidance for: Landfill, Waste Sampling and Testing for Disposal to Landfill. <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	
Operating techniques (waste activity)	<p>We have reviewed the techniques used by the operator as described in the application and compared these with the relevant guidance as set out in:</p> <ul style="list-style-type: none"> Sector Guidance Note IPPC S5.06 - 'Guidance for the recovery and disposal of hazardous and non-hazardous waste', 3rd edition 2013; EPR 1.00 'How to comply with your environmental permit - Getting the Basics Right', Version 3, November 2011; EPR 5.02 How to comply with your environmental permit. Additional guidance for: Landfill, Waste Sampling and Testing for Disposal to Landfill. <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.</p>	✓
The permit conditions		
Waste types (Installation)	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <p>The wastes are being deposited in specifically designed landfill cells that are lined, have the correct infrastructure and will be capped. The emissions from the wastes will be controlled and the relevant management systems are in place to ensure that during deposit the impact on the environment is minimised.</p> <p>We made these decisions with respect to waste types in accordance with WM2 – Hazardous Waste – Interpretation of the definition and classification of hazardous waste (3rd Edition 2013).</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Waste Types (waste activity)	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <p>The wastes are being treated on specifically designed hardstanding with sealed drainage that has the correct associated infrastructure. The emissions from the wastes will be controlled and the relevant management systems are in place to ensure that during treatment the impact on the environment is minimised.</p> <p>We made these decisions with respect to waste types in accordance with WM2 – Hazardous Waste – Interpretation of the definition and classification of hazardous waste (3rd Edition 2013).</p>	✓
Improvement conditions	<p>Based on the information in the application and recommendations from consultees, we consider that we need to impose an improvement condition (IC 2) regarding dust and particulate management.</p> <p>Also, the operator wished to accept the following wastes to use in the “blinding layer”, or regulating layer, of fill below the cap. Prior to these wastes being accepted we need to ensure that they are chemically suitable. We have imposed improvement condition IC 3) to review and agree that these wastes can be used. The waste codes are</p> <p>10 09 06 - (010906 typographical error in letter) 10 09 08 10 10 06 10 10 08 19 02 03</p>	✓
Incorporating the application (installation and waste activity)	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits (installation and waste)	We have decided that emission limits should be set for the parameters listed in the permit.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
activity)	<p>The following substances have been identified as being emitted in significant quantities and compliance limits have been set for those substances:</p> <p>Methane, Oxygen, Carbon Dioxide, Asbestos fibres, Ammoniacal Nitrogen, Chloride, Suspended Solids, and Visible oil.</p>	
Monitoring (installation)	<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>The monitoring requirements have been imposed in order to ensure the site is working within the management procedures set out in the application.</p> <p>We made these decisions in accordance with</p> <ul style="list-style-type: none"> • TGN02 – Monitoring of Landfill leachate, groundwater and surface water • Waste acceptance at landfills - Guidance on waste acceptance procedures and criteria • Waste Sampling and Testing for Disposal to Landfill • TGN03 - Guidance on the management of landfill gas • TGN04 - Guidance for monitoring trace components in landfill gas • TGN07 - Guidance on monitoring landfill gas surface emissions • TGN M17 - Monitoring Particulate Matter in Ambient Air around Waste Facilities v2 (July 2013) <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>	✓
Monitoring (waste	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
operation)	<p>detailed and to the frequencies specified.</p> <p>The monitoring requirements have been imposed in order to ensure the site is working within the management procedures set out in the application.</p> <p>We made these decisions in accordance with</p> <ul style="list-style-type: none"> • TGN M17 - Monitoring Particulate Matter in Ambient Air around Waste Facilities v2 (July 2013) • EPR 1.00 'How to comply with your environmental permit - Getting the Basics Right'. Version 3. November 2011. 	
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the above.</p>	✓
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

Annex 2: Consultation and web publicising

Summary of responses to consultation, and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Public Health England
Brief summary of issues raised
<p>They recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health:</p> <ul style="list-style-type: none">• fugitive emissions from the mobile crusher,• fugitive emissions from vehicles driving along the site haul roads,• fugitive emissions from stored wastes on site. <p>Additionally, dust and particulate monitoring (deposited and in air) as well as landfill gas and leachate monitoring will also take place as described in the permit application documentation.</p> <p>Monitoring data should be reported to the Environment Agency on a regular basis. Should elevated levels of particulates, landfill gas or leachate be observed, results should be discussed with PHE regarding potential risks to public health.</p> <p>Based on the information contained in the application documentation, and providing that the applicant takes all appropriate measures to prevent or control pollution in accordance with the relevant sector technical guidance or industry best practice, and that the applicant also implements a site perimeter asbestos monitoring programme, PHE has no other significant concerns regarding the potential risk to health of the local population from this proposed activity</p>
Summary of actions taken or show how this has been covered
<p>We have concluded that the conditions and monitoring regime specified in the permit satisfies the above recommendations and that the site will be controlled.</p> <p>Please see above in the Environmental Risk section.</p>
Response received from
Dudley Metropolitan Borough Council
Brief summary of issues raised
Confirmation that to date no nuisance complaints
Summary of actions taken or show how this has been covered

We are satisfied that the permit condition and proposed management system will control possible nuisance issues.
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Response received from

HSE

Brief summary of issues raised

No comments

Summary of actions taken or show how this has been covered
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Not applicable

Response received from

Director of Public Health

Brief summary of issues raised

They have recommended that any environmental permit should be conditional on
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| <ul style="list-style-type: none"> • ensuring that there is no impact to public health from fugitive emissions that result either from the materials crusher, from vehicles driving along access roads or from stored wastes; • that noise emissions have been studied and are unlikely to have a significant impact but these should also be monitored; • that the results of any ongoing monitoring should be published. |
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In view of the relatively secluded location and the risks to people who have trespassed on the site (including a teenager who drowned in 2012) they have recommended that perimeter security is monitored every day to ensure there are no breaches in the perimeter fence and no unsecured gates.
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Summary of actions taken or show how this has been covered
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We have concluded that the conditions and monitoring regime specified in the permit satisfies the above recommendations and that the site will be controlled.
