Review of an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010

Decision document recording our decision-making process

We have decided to vary the permit for Melton Ross Lime Works operated by Singleton Birch Limited, as a result of an Environment Agency review of the permit.

The Permit number is EPR/BL8805IZ

The Variation notice number is EPR/BL8805IZ/V004

What this document is about

This is a decision document, which accompanies a variation notice.

It explains:

- **how** we have carried out our statutory review[1] of the Operator's Permit;
- **why** we have decided to vary the Permit as a result of that review; and
- **why** we have included the specific conditions in the revised Permit through the variation notice we have issued.

It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position.

This is a more complex variation than the norm, because it is doing three different things at the same time:

- **First**, it gives effect to our decisions following the statutory review of the existing Permit.
- **Second**, it takes the opportunity to bring earlier variations into an up-to-date, consolidated Permit. These changes have already taken place, but the consolidated Permit should be easier to understand and use.
- **Third**, it modernises the entire Permit to reflect our current template. The template reflects our modern regulatory permitting philosophy and was introduced because of a change in the governing legislation. This took place when the Pollution Prevention and Control (England and Wales) Regulations 2000 were replaced in 2008 by a new statutory regime under the Environmental Permitting Regulations 2007 (now the 2010 version).

[1] Explained further below: see section 2 *The legal framework*.

The introduction of new template conditions makes the Permit consistent with our current general approach and philosophy. Although the wording of some conditions has changed, while others have disappeared because of the new regulatory approach, it does not affect the level of environmental protection achieved by the Permit in any way. We therefore explain only the statutory review in this document.

This Variation is considered to be a minor technical variation because most of the changes are administrative in nature i.e. consolidating previous variations and moving to the new template. The BAT review work will require some technical input but not sufficient for this to be a normal variation. As the Variation will not have any negative effects on the environment it is not a substantial variation and so does not require consulting on. A fixed minor technical variation charge of £1280 will be invoiced to the operator.

Preliminary information and use of terms

We refer to the permit (both existing and as varied) as “the **Permit**” in this document; and to the variation of the Permit as “the **Variation**”.

The operator of the Installation is Singleton Birch Limited: we call Singleton Birch “the **Operator**” in this document. We refer to Singleton Birch’s Melton Ross Lime Works as “the **Installation**”.

How this document is structured

- Summary of our proposed decision
- The legal framework
- How we took our decision
- The changes we are proposing
- Conclusion

1 Our decision

We have issued a Variation, which will allow the Operator to operate the Installation, subject to the conditions in the varied Permit.

The Variation does three things:

- it consolidates the original Permit to reflect changes made through earlier variations;
- it brings the Permit into line with our modern regulatory template; and
- it varies the Permit where appropriate to reflect the outcome of our statutory review.

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

The original Permit, issued on 22 August 2002, ensured that the Installation, employed Best Available Techniques (BAT) by setting improvement conditions to achieve BAT and so ensuring a high level of protection for human health and the environment. To the extent that we have substantively altered the Permit as a result of the statutory review, the new requirements will deliver a superior level of protection to that which was previously achieved.

As we explained above, we do not in this document address changes to the Permit, to the extent that they give effect to either the consolidation of earlier variations, or introduce new template conditions.

2 The legal framework

The Installation is regulated under the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675). It is also subject to the requirements of (among other things) the European Integrated Pollution Prevention and Control (IPPC).

The original Permit was granted on 22 August 2002 under the Pollution Prevention and Control (England and Wales) Regulations 2000. This regime also delivered compliance with European Directives, including IPPCD.

Article 3 of the IPPCD requires us to ensure that the Installation is operated in such a way that all the appropriate preventative measures are taken against pollution, in particular through the application of the BAT. Under Article 9(3), the Permit must contain emission limit values (ELVs) (or equivalent parameters or technical measures) for any pollutants likely to be emitted from the Installation in significant quantities. These ELVs are to be based on BAT, but also on local factors and EU Environmental Quality Standards. The overarching requirement is to ensure a high level of protection for the

environment and human health. In issuing the original Permit in 2002 we have already satisfied these requirements.

We are required by Article 11 of the IPPCD to keep abreast of developments in Best Available Techniques. In addition, Article 13 requires us to carry out a periodic review of the Permit's conditions, and to update them if necessary.

The IPPCD requires the European Commission to organise an exchange of information between EU Member States so that what are known as BAT reference documents (or BREF notes) can be published, creating a level playing field across the EU, providing a consistent set of standards for new plant, to which regulatory authorities in the Member States can then have reference. These BREF notes are the basis for our own national sectoral technical guidance. The Commission is also required to update BREF notes on a regular basis. The cement and lime sector BREF was originally one of the first to be published, in December 2001. It was consequently one of the first to be reviewed, the revised document being published in May 2010.

The publication of the revised BREF note provided the ideal opportunity for us to conduct a statutory review of the permits issued in this sector. For this Installation, that means ensuring that it is at, or is moving sufficiently quickly towards the standards accepted across the EU (and increasingly internationally) as the best for the industry.

The new BREF note has changed only in terms of new techniques which improve environmental protection. Our review therefore moves in one direction only: to upgrade standards. As the Permit already achieves a high standard of protection for the environment and human health, this will clearly continue to be the case.

This Variation therefore takes place pursuant to regulation 34 of the EPR 2010 and Article 13 of the IPPCD.

3 How we reached our decision

The revised BREF note was published in May 2010. In December 2009 we completed our performance review of the entire cement and lime sector, which identified a series of areas which needed to be addressed by the industry. Consultation on our revised Sector Guidance Note for the lime industry (S3.01b) was completed on 21 April 2010 and is expected to be published by the end of August 2010.

The review noted that the lime industry is not a major source of <u>any</u> air pollutants for which national reduction targets have been set. It is against this background that the review was conducted.

The next stage in the process was our Permit Review Plan (PRP) finalised in May 2010. The Plan sets out and explains the changes to permit conditions

that we considered are needed in each case, and to which this Variation gives effect (the Installation is addressed at section 4.4 of the PRP).

4 The changes we are proposing

(A) Changes to conditions - general

The site's Environmental Management System and Permit condition 1.1.1 requires the operator to manage and operate the installation in accordance with the written management system that identifies and minimises risks of pollution. The format of the EPR Permit conditions reflect this approach and all conditions in the original Permit are replaced.

(B) Changes to ELVs – substance-specific

i) Oxides of nitrogen (NO_x)

Under the original Permit, emissions of NO_x limits are already below BAT-AEL and do not have excessive headroom. Therefore no change to the limits are required.

ii) Sulphur dioxide (SO_2)

Under the original Permit, emissions of SO_2 limits are already below BAT-AEL and do not have excessive headroom. Therefore no change to the limits are required.

iii) Particulate matter (PM)

Emissions of particulates from the Installation derive from several sources from normal operation. The first, and the most significant, are from kilns' main stacks A1, A2, A3 and A4. Significant emissions also arise from the following non kiln sources: A5 Hydrator 2, A6 Hydrator 3, A7 and A8 Microlime plant stacks.

The emission limit for A5 Hydrator has been reduced from 100mg/m3 to 30mg/m3 at the suggestion of the operator, to be in line with the limit for A6 Hydrator 3.

Kiln Stack emissions and Non Kiln emission point sources,
In order for the site to meet current BAT we have included improvement conditions IC1 and IC2, requiring the Operator to submit a report to us within 12 months, showing how stacks emissions will be reduced to <10mg/m3 or <20 mg/m3 as daily averages when using wet scrubbers.

As there are no indicative BAT-AEL emission level values for hourly averages or periodic measurements the requirement to monitor and report on hourly averages has been removed from the permit.

iv) Improved Monitoring Arrangements

An Improvement condition IC3 will be included in the new permit requiring the Operator to provide a report describing the measures that will be taken to improve the monitoring of NOx, CO, SO_2 and particulates including the installation of continuous monitors, or justify on the grounds of BAT why no changes are necessary. The report shall provide a fully detailed BAT Assessment, including an economic appraisal, of all options for improving monitoring of these parameters by no later than 31st December 2012

Furthermore an Improvement Condition IC4 will be included in the new permit requiring the Operator to carry out a sampling exercise to monitor dioxins and furans from the lime kiln, and send the results of the monitoring to the Environment Agency. The results will be used to decide whether any further monitoring will be required.

5 Conclusion

We consider that the Installation already employed what used to be BAT, and that the Operator has achieved significant improvements in performance since the Permit was originally granted. The revised BREF and its BAT-AELs provide the opportunity to consider further environmental improvements. Coupled with the consolidation and modernisation of the Permit, we believe this Variation provides a sound basis for ongoing regulation of the Installation.

We believe that we have ensured compliance with all relevant legal requirements in carrying out this review and making our determination on the Variation.