

Environment Agency permitting decisions

Bespoke Variation

We have decided to issue the variation to the permit for Winterton South Landfill operated by Integrated Waste Management Limited.

The variation number is EPR/BW1785IH/V008.

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

- The changes introduced by the variation
- Key issues of the decision
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the changes introduced by the Variation

This is a Substantial Variation.

There are two landfill sites at Winterton: Winterton North which is a non-hazardous landfill and Winterton South which is a hazardous landfill and subject to this variation. These are adjacent to each other, but are separately permitted.

The effect of the variation is to:

- Extend the permitted boundary to incorporate an area to the north of the current permitted site (this area has been surrendered from the Winterton North site).
- Redesign the footprint of the permitted area for the disposal of hazardous waste by allowing:
 - The disposal of hazardous waste (the same waste types as currently permitted) in the extension area in accordance with the existing engineering standards and operating techniques for the hazardous landfill; and
 - The removal of Cells H1 to H4 to the south of the permitted landfill.
- Update the groundwater compliance monitoring points.

Key issues of the decision

Groundwater compliance points

The operator indicated in the Hydrogeological Risk Assessment (HRA) that some of the groundwater compliance boreholes specified in table S3.3 of the permit were not appropriate as they are not down gradient of the landfill or will become redundant as down gradient boreholes once pumping of groundwater ceases. The operator asked that these boreholes (in the Frodingham Ironstone) be removed from table S3.3.

No updated drawing showing the groundwater contours was submitted with the application and we considered that further interpretation of groundwater level monitoring data was required before we could agree which boreholes are up, cross or down gradient of the landfill. The operator submitted groundwater level plots for summer and winter and, based on these plots we agreed that boreholes HAZGW11, BH59 and BH60 are not appropriate for compliance monitoring. However, we did not agree that HAZGW09 and HAZGW10 could be removed as these are located in the area with the lowest groundwater levels and are, therefore, down gradient of the landfill.

Restoration Plan

The operator submitted a Restoration Plan in relation to an improvement condition in January 2015. However, only part of this plan has been approved. A new improvement condition has been added requiring the operator to

submit a revised Appendix A: FCC Environment Ltd Soils for restoration assessment with criteria appropriate for agricultural land rather than for open spaces. A list of wastes appropriate for restoration has been included as table S2.5.

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none">• North Lincolnshire Council – Environmental Protection• North Lincolnshire Council – Director of Public Health• Food Standards Agency• Public Health England• Health and Safety Executive	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>The revised plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of nature conservation.</p> <p>An 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>The effect of the variation is to extend the footprint of waste disposal to the north of the existing landfill and to remove the southern part of the site from the landfill footprint. There are no changes to waste types or operations so there are no changes to the emissions from the site. The impacts of the landfill on this conservation site have been assessed previously and, since the extension area is further away from the conservation site, it is considered that there will be no impact on the conservation site from the activities at the landfill.</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	<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>There will be no increase in emissions as a result of this variation and, consequently, no increase in environmental risk, as there is no change in operations or waste types and the operator has stated that the site will be engineered in accordance with the existing standards that are in compliance with the requirements of the Landfill Directive.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>There is no change in the operating techniques at the site as a result of this variation.</p> <p>We have included the parts of the Restoration Plan that have been approved in the table.</p>	✓
The permit conditions		
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>There are no changes to the types of waste to be deposited as a result of this variation.</p> <p>We have amended table S2.5 to include the list of wastes for use in the restoration that have been agreed as part of the Restoration Plan.</p>	
Improvement conditions	<p>Based on the information in the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed an improvement condition (reference 2) to ensure that the operator provides a revised Monitoring Plan that includes the additional leachate monitoring points in the extension area and a drawing showing the location and reference of these new points.</p> <p>We have included an improvement condition (reference 3) to require the operator to submit a revised Appendix A to the Restoration Plan that includes criteria for soils for agricultural use rather than for open spaces.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with the 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	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>There are no changes to the emission limits as a result of this variation.</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.</p> <p>We have updated the monitoring table in relation to leachate level monitoring to include the new monitoring points in the extension area.</p> <p>We have amended the groundwater boreholes to be used for groundwater compliance to those that are down gradient of the site.</p> <p>We made these decisions in accordance with the application, EPR 5.02: Additional guidance for the landfill sector and LFTGN02: Guidance on monitoring of landfill leachate, surface water and groundwater.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Reporting	We have specified reporting in the permit. There is no change to the reporting requirements as a result of this variation.	✓
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 our guidance on what a competent operator is.	✓
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 our guidance on what a competent operator is. There is no change to the financial provision as a result of this variation.	✓

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication 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
No comments as the only change to the permit is position of waste not quantity or other changes in working practices.
Summary of actions taken or show how this has been covered
No action required.

No responses were received as a result of our web publication.