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

Decision document recording our decision-making process

We have decided to vary the Permit for Stanley's Quarry operated by Mr Ian Bond and Mrs Caroline Bond, as a result of an application made by the Operator.

The Permit number is EPR/GP3893MX

The Variation notice number is EPR/GP3893MX/V005

What this document is about

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

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.

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 Mr Ian Bond and Mrs Caroline Bond: we call Mr Ian Bond and Mrs Caroline Bond "the **Operator**" in this document. We refer to Mr Ian Bond and Mrs Caroline Bond's Stanley's Quarry as "the **Installation**".

The Application was duly made on 30 September 2014.

How this document is structured

- Our decision
- The legal framework
- How we took our decision
- Key issues in the determination
- Annex 1 – the decision checklist

1 Our decision

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

This Variation does several different things:

- **First**, it gives effect to our decisions following the identification of the Operator as undertaking a "newly prescribed activity" (NPA) under the Industrial Emissions Directive (IED);

- **Second**, it takes the opportunity to bring earlier variations into an up-to-date, consolidated Permit. The consolidated Permit should be easier to understand and use; and

- **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 ("PPC") were replaced in 2008 by a new statutory regime under the Environmental Permitting Regulations 2007 (now the 2010 version).

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 consider that, in reaching our 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 13 October 2010, ensured that the facility, would be operated in a manner which would ensure the protection of the environment specified in the existing Guidance at the time. To the extent that we have substantively altered the Permit as a result of this variation, the new requirements will deliver a higher level of protection to that which was previously achieved.

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

2 The legal framework

The original Permit was granted on 13 October 2010 and regulated under the Environmental Permitting Regulations 2007 [now 2010].

The Installation will be subject to the requirements of the Industrial Emissions Directive (IED) 2010/75/EU and regulated under the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675). The IED was transposed in England and Wales by the Environmental Permitting (England and Wales)(Amendment) Regulations 2013 on 27 February 2013.

The IED seeks to achieve a high level of protection for the environment taken as a whole from harmful effects of industrial activities. It does so by requiring each of the industrial installations to have a permit from the competent authority (in England, the Environment Agency, or for smaller Installations, the relevant Local Authority). The IED has increased the number of activities that require an Installations permit. These are predominantly regulated as "waste operations" and include (when exceeding specific thresholds described in IED):

- hazardous waste treatment for recovery;
- hazardous waste storage;
- biowaste treatment – recovery and/or disposal;
- treatment of slags and ashes
- metals shredding;
- pre-treatment of waste for incineration/co-incineration;
- biological production of chemicals; and
- independently operated wastewater treatment works serving only industrial activities subject to the Directive

Article 11 of the IED requires the relevant authority (the Environment Agency in this case) 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 Best Available Techniques (BAT). Under Article 15(2), 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.

We are required by Article 13 of the IED to keep abreast of developments in BAT. In addition, Article 13 requires us to carry out a periodic review of the permit's conditions, and to update them if necessary.

The IED also 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 sector technical guidance. The Commission is also required to update BREF notes on a regular basis. The waste treatment BREF notes are currently being reviewed and a final issue date is anticipated in 2016. Under the IED, all permits will be subject to review within four years of the publication of revised BREF notes. This means that we will need to do a further review against any new standards in the BREF notes at sometime in the future.

The IED is to be implemented over several years commencing from 7 January 2013. For existing installations operating "newly prescribed activities", the relevant date for implementation is 7 July 2015.

3 How we reached our decision

It is the Operators responsibility to ensure they are correctly regulated for the activities they are carrying out. Following adoption of the IED, the Environment Agency has engaged in a range of briefings and communications with the waste industry sector to raise awareness of the implications of the Directive and the need to ensure their facilities are correctly regulated (particularly after the implementation date of 7 July 2015 for newly prescribed activities).

Early in 2014, the Environment Agency provided further briefings to industry trade bodies and wrote to operators we believed may be implicated by these changes. We provided detailed information sheets that described the implications and the process operators should follow if they decided to have their activities permitted as Installations.

We confirmed that most facilities fell into one of two groups:

- Facilities permitted from April 2007
  When these facilities were permitted, a thorough assessment would have been carried out to confirm whether the proposed activities were using "appropriate measures" as a standard to protect the environment.

  This standard of protection is the same standards that would have been assessed against had the facilities applied as an Installation activity (i.e. BAT). The permit would have also been issued with modern conditions that ensured protection of the environment.

  We consider that these facilities are effectively 'IED-compliant' in terms of the technical standard of the facility with the exception of the "newly prescribed activity". For these facilities, we consider that, in general, no further technical assessment is required, so administrative variations are an appropriate mechanism to show the activities as Installation activities. The administrative variation is a necessary route for the Operator to formally ask for this activity to be included in their permit and for us to advertise that request on our Public Register.

It is understood that the Environment Agency granted permits for new waste activities under the Waste Management Licensing Regulations 1994 beyond April 2007. Where a facility falls into this group, the Environment Agency shall determine whether or not the application was assessed using “appropriate measures”. Where it is determined that the application was assessed using “appropriate measures”, the application will be designated as an “administrative variation”.

- Facilities permitted before April 2007
  For these facilities, a “normal” or “substantial” variation is appropriate because a detailed technical assessment is required on aspects of the Application (ecological impact assessment, waste types, secondary containment etc.) in addition to the administrative changes.
  Substantial variations will only be relevant where the newly prescribed activity is being added to an existing installation permit.

This Variation

The original Permit was granted on 13 October 2010 and subsequently varied on 14 July 2014 and 3 October 2014. We have reviewed the documentation submitted in support of the original permit and subsequent variation applications in this determination. We are satisfied that the standard of protection was assessed using appropriate measures. We have determined this Variation as an administrative variation.

4 Key issues in the determination

1. Operating techniques

The original permit was issued on 13 October 2010 and later varied on 14 July 2014 and 03 October 2014. Therefore it is considered that the following requirements have been assessed in accordance with the technical guidance note, IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste:

- pre-acceptance of waste
- acceptance of waste
- storage and handling of waste
- process (treatment) description
- fugitive emissions to air
- fugitive emissions to surface and groundwater (secondary containment, site drainage plan)
- odour management
- point source emissions to air, water or land (where relevant)
- monitoring
- accidents

There will be no residual waste activities following consolidation of this permit. All activities will fall under Section 5.4A (1) b) (i) Disposal of non-hazardous waste with a capacity exceeding 100 tonnes per day involving biological treatment. All other activities on site are considered directly associated.

2. Waste types

The waste types added in the variation dated 03/10/2014 have been included with the exclusion of EWC 07 01 08*. This has been removed as it is a waste with hazardous characteristics and should not have been included in previous variation. The operator has confirmed in their e-mail dated 21/05/2015 they don't accept this waste type at the site and that they are happy for it to be removed.

- **Annex 1 – decision checklist**

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

Aspect considered	Justification / Detail	Criteria met Yes
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 facility	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: Section 5.4A (1) b) (i) Disposal of non-hazardous waste with a capacity exceeding 100 tonnes per day involving biological treatment. All other activities on site are considered directly associated. The following directly associated activities apply: • Storage of waste pending recovery or disposal • Physical treatment for the purpose of recycling (including pasteurisation of waste) • Steam and electrical power supply • Combustion of biogas in engines • Emergency flare operation • Raw material storage • Biogas storage (prior to combustion) • Digestate storage (prior to despatch off-site)	✓
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	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓

Aspect considered	Justification / Detail	Criteria met Yes
The permit conditions		
Updating permit conditions during consolidation	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).	✓
Raw materials	We have specified limits and controls on the use of raw materials and fuels.	
Waste types	We have excluded EWC 07 01 08*. This has been removed as it is waste with hazardous characteristics and should not have been included in previous variation. The operator has confirmed in their e-mail dated 21/05/15 they don't accept this waste type at the site and that they are happy for us to remove it.	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit. The following substances (Nitrogen oxides, Sulphur dioxide, Carbon monoxide, Total Volatile Organic Compounds) have been identified as being emitted in significant quantities and ELVs and/or equivalent parameters or technical measures based on BAT have been set for these substances and others.	✓
Monitoring	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 demonstrate compliance with the conditions of the permit for operations requiring the management of air emissions. We made these decisions in accordance with *LFTGN 08: Guidance for monitoring landfill gas engine emissions* and *Guidance for monitoring enclosed landfill gas flares* (LFTGN 05) which are considered the most appropriate TGN for this activity.	✓
Reporting	We have specified reporting in the permit. We have specified reporting in the permit. As the monitoring of point source emissions to air is only required annually, reporting is also required annually. Reporting forms have been prepared to facilitate reporting of data in a consistent format. These reporting requirements are deemed sufficient and proportional for the Installation. We made these decisions in accordance with our guidance *How to Comply with your Environmental Permit* and Regulatory Guidance Note - No. 4 Setting standards for environmental protection.	✓