

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Melton Waste Park operated by Transwaste Recycling and Aggregates Limited.

The variation number is EPR/BP3792LD/V006.

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

- Description of main features of the installation/the changes introduced by the variation
- Our decision
- The legal framework
- How we took our decision
- Key issues
- Annex 1 the decision checklist
- Annex 2 web publicising responses

Description of the changes introduced by the Variation

This is a Normal variation.

The site operates numerous waste operations. Due to the changes implemented by the IED, this variation changes one of these operations to an installation activity. The production of refuse derived fuels (RDF) and solid recovered fuels (SRF) will be classed as a Schedule 5.4 A(1) (b) (ii) activity – Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving the pre-treatment of waste for incineration or co-incineration. There are two processes on site which occur under this listed activity; the production of RDF uses municipal mixed waste sources or black bagged wastes from kerbside collections to generate a material for export off site (processed in Shed 4). Secondly, SRF is produced using a more source segregated material including commercial wastes, mixed plastics and packaging wastes (processed in sheds 2 and 3). Both materials are exported off site for recovery at R1 certified energy from waste facilities, typically to European nations. Both processes involve a materials sorting process via trommels, wind sifting and magnets to remove inert materials, ferrous and non-ferrous metals prior to shredding. Each batch is produced to meet a particular contractual standard of varying calorific values and moisture content.

In addition to this process, the site also engages in a number of separated waste operations. These include;

- Inert and aggregate crushing, screening and storage with associated soil storage (external and Shed 1).
- General materials recycling facility and transfer station (Shed 2 and 5).
- Green waste pre-treatment facility (shredding) and storage prior to composting at other sites (external)
- Wood waste shredding and chipping with storage (external).
- Hazardous waste bulking and storage (Shed 5).

The variation also permits an increase in annual waste throughput across the site from 500,000 tonnes to 750,250 tonnes per annum. However, this increase is subject to the operator completing a series of improvement programmes in order to demonstrate the site can manage the increased throughput with no increase in environmental risk.

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 30 March 2007, 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.

The legal framework

The original Permit was granted on 30 March 2007 under the Environmental Protection Act 1990 and regulated under the Waste Management Licensing Regulations 1994.

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 some time 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 was 7 July 2015.

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 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 30 March 2007 and subsequently varied on 28 April 2009, 10 October 2011, 22 January 2013 and 21 October 2013. We have reviewed the documentation submitted in support of the original permit and subsequent variation applications in this determination. We are not satisfied that the standard of protection was assessed using appropriate measures. We have determined this Application as a normal variation. The Variation is not a substantial variation and so does not require consulting on.

Key issues of the decision

Permitted waste types

Clarification of activities undertaken

The previously permitted waste operations contained a number of activities which without clear separation and capacities could also have been considered to be installation activities. We have clarified these with the operator and have agreed to remove the following:

- Storage of hazardous wastes (other than asbestos waste and hazardous WEEE). The storage of hazardous waste had the potential to be classed as a Section 5.6 activity, the temporary storage of hazardous waste under the Environmental Permitting Regulations. The operator confirmed that these are rarely accepted but will remain in the permit. A restriction limiting the operator to no more than 50 tonnes of hazardous waste stored at any time has been included within the permit, preventing the activity from becoming an installation. In addition, existing permit conditions only permit the operator to accept 10 tonnes of hazardous waste per day for disposal.
- Mechanical treatment of WEEE (hazardous and non-hazardous). Operations in the previous permit allowed the shredding and granulating of WEEE. This would become an installation activity as a Section 5.4 activity, the recovery of non-hazardous waste through treatment of waste in shredders under the Environmental Permitting Regulations. Due to the 'aggregation rule' outlined in the Environment Agency's guidance, *Regulatory Guidance Note No. 2. Understanding the meaning of a regulated facility*, this activity would become an installation. The operator has confirmed that there is no treatment of WEEE apart from manual dismantling, sorting and separation. These treatment activities have therefore been removed.

Improvement conditions

We have applied improvement conditions for the following areas:

- Best Available Techniques: The operator submitted a BAT statement with their permit application. However, we are not satisfied that the standard BAT requirements in *S5.06 – Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste* have been applied for the listed installation activity. Improvement condition IC1 has been included as part of this variation. It requires the operator to review and update their operating techniques against appropriate BAT. While we consider that the operations were previously assessed against appropriate measures available at the time of the original application, we need to ensure that measures in the permit meet the requirements of BAT while operating as an installation. We have implemented an improvement programme to ensure that current operating measures are in line with up-to-date BAT as part of the movement of a waste operation to an installation.

- Odour management plan: The existing permit contains an odour management plan (OMP) which was approved on 12 June 2014. This plan and subsequent plan submitted with the permit application do not provide an assessment of the increased level of waste accepted on site requested under this application. Furthermore, no details were provided with the application that demonstrates how the odour abatement system is able to still operate effectively at higher waste throughputs. The air abatement system is an air ionisation system, which draws air into a reactor chamber and is ionised. This ionised air is then blown via a fan and distributed throughout the building via a range of ductwork and perforated polyethylene diffusers. The negatively charged oxygen ions, theoretically collide with positively odorous molecules and causes an oxidation reaction to neutralise the odour. IC2 requires the operator to demonstrate how this method is able to provide the same level of environmental protection as the deemed Best Available Techniques specified in S5.06 – Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste. The updated OMP must demonstrate that the effectiveness of the abatement system is maintained with the increase in total annual throughput.
- Dust management plan: As outlined above, the operator’s risk assessments and existing dust management plan do not demonstrate how an increase in 250,250 tonnes per year will be effectively controlled. The revised dust management plan must be submitted within 6 months of the issuing of this permit.
- Bioaerosol monitoring: The current operations include permitted green waste treatment including screening and shredding with associated storage. This operation is not currently subject to monitoring. The variation requires the operator to start bioaerosol monitoring on a quarterly basis. IC4 requires that the operator determine the current level of bioaerosols generated on site in order to ensure that bioaerosol levels are below acceptable levels. The monitoring of bioaerosols should be based upon existing waste throughput for the green waste treatment operation.
- Impermeable surfaces with a sealed drainage system: The current waste operations; green waste treatment with storage and wood waste treatment with storage do not take place on sealed areas. The operator will be required to submit plans for installation of these surfaces in line with the requirements of:
 - *How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector.*
 - *S5.06 – Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste.*

Pre-operational conditions

The operator intends to operate at a total annual throughput of 750,250 tonnes per annum. The operator’s risk assessments do not sufficiently demonstrate that there will be no increase in environmental risk with the additional 250,250 annual tonnage. Prior to the operator expanding their

operations with the extra tonnage we have required the operator to specifically address two areas of risk which have not been addressed:

- Fire risk: Operations will be expanding and the level of combustible wastes processed and stored on site will increase. The application risk assessments do not consider this increase. Before the additional thresholds can be accepted, the operator must have an approved Fire Prevention Plan in place which meets the requirements with the Environment Agency's technical guidance, *Fire prevention plans: environmental permits*.
- Bioaerosols: The site currently stores and treats source segregated green wastes. IC4 (see improvement condition section of key issues) requires the operator to undertake monitoring of current bioaerosol levels based on the existing green waste treatment operation. Upon demonstrating that existing levels remain below acceptable levels, the operator will then be in a position to address PO2. Prior to the operator accepting more green waste as part of the variation application, a site specific bioaerosol risk assessment (SSBRA) must be approved by the Environment Agency. Cranfield University's 'Guidance on the evaluation of bioaerosol risk assessments for composting facilities' outlines that shredding and the associated pre and post storage of the green material will be a source for bioaerosols to disperse. The SSBRA must be based on clear scientific evidence and show that bioaerosols can and will be maintained at appropriate levels at any workplace or boundary of a dwelling with the additional throughput proposed.

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	The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements. For this application no consultation was required.	✓
Responses to web publicising	The web publicising 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 our guidance on what a legal operator is.	✓
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
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation.</p> <p>A full assessment of the application and its potential to affect the sites 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> <p>There is no change in the existing point source discharge to a tributary of the River Humber Estuary SAC, SPA, Ramsar and SSSI.</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 not satisfactory. We have therefore included a suite of improvement conditions and pre-operational conditions to address the overall increase in waste throughput at the site.</p> <p>The operator is now permitted as an installation and has a permit with modern conditions. Therefore, a higher degree of environmental protection should be achieved.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <ul style="list-style-type: none"> • IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste; • H4 – Odour Management. <p>We consider that the operating techniques do not meet the technical standards specified in the above technical guidance. We consider that there are omissions in the supporting documents. We have therefore included improvement conditions and pre-operational measures in the notice which requires a review of the site's operating techniques within 6 months.</p>	✓
The permit conditions		
Updating permit	We have updated previous permit conditions to those in the new generic permit template as part of permit	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
conditions during consolidation.	consolidation. The new conditions have the same meaning as those in the previous permits. The operator has agreed that the new conditions are acceptable.	
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We have excluded a number of wastes from the permit for the following reasons: <ul style="list-style-type: none"> The operator agreed to remove certain hazardous waste codes and non-hazardous waste codes which are not accepted at the site. See key issues for further details. 	✓
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. See keys issues section of the decision document.	✓
Improvement conditions	Based on the information on the application, we consider that we need to impose improvement conditions. See keys issues section of the decision document.	✓
Incorporating the application	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. These descriptions are specified in the Operating Techniques table in the permit.	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit. No emission limits have been added, amended or deleted as a result of this variation.	✓
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. Monitoring has not changed as a result of this variation.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Relevant convictions	The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓
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.	✓

Annex 2: Web publicising advertising responses

Summary of responses to web publication and the way in which we have taken these into account in the determination process:

There were no public representations received as part of the public consultation period.