

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Wheldale Sludge Treatment Facility operated by Yorkshire Water Limited.

The variation number is EPR/KP3636LU/V004.

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 application and supporting information and variation notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	No claim for commercial or industrial confidentiality has 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 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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application including the Industrial Emissions Directive (IED).	✓
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. The operator has provided a revised and updated site condition report as part of their application in accord with the Environment Agency's H5 guidance.	✓
Planning permission	We are satisfied that planning permission is in place and is appropriate for the relevant waste operation(s) applied	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	for.	
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a nature conservation, and protected species and habitat .</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	<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>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes (including sector guidance note S5.06 and reference to CIRIA 736).</p> <p>The proposed techniques 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.</p> <p>Odour Management Plans (OMP)</p> <p>We have assessed the applicants risk from odour and have <u>not yet approved</u> the OMP. Although the risk of odour causing nuisance, or pollution, are deemed to be low due to the proposals and procedures in place we have Identified a need to impose a requirement on the</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	operator through the following permit condition; Improvement Condition 6 requiring a revision of their current OMP.	
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> <p>We are satisfied that the operator can accept these wastes as their application is to only increase the throughput following the extension to the site. No addition waste types are to be added to the permit and the procedures, plant and processes will meet BAT.</p> <p>We made these decisions with respect to waste types in accordance with sector guidance note S5.06.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed an improvement condition to ensure that the appropriate measures are in place to prevent pollution from odour. An Odour Management Plan is required and should be written in accord with the Environment Agency's H4 guidance note.</p>	✓
Incorporating the application	<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>	✓
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	Technical competency is required for activities permitted.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
competence	The operator is a member of an agreed scheme.	
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
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 RGN 5 on Operator Competence.	✓

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.

Response received from
Health Protection and Intelligence, Wakefield Council
Brief summary of issues raised
No comments made
Summary of actions taken or show how this has been covered
None required.

Response received from
Environmental Hazards and Emergencies Department, Centre for Radiation, Chemical and Environmental Hazards, Institute of Population Health
Brief summary of issues raised
No comments made
Summary of actions taken or show how this has been covered
None required.