

## **Environment Agency initiated variation**

We have decided to issue an Environment Agency initiated variation for Brotherton Ings Ash Disposal Site operated by Keadby Generation Limited.

The variation number is EPR/RP3930BD/V003.

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.

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2010, regulation 34(1), to periodically review permits. As a result of that review we have identified a number of necessary changes we must make to your permit to reflect current legislation and best practice. These changes principally relate to:

- A change to the hydrogeological risk assessment condition so that reviews are undertaken every 6 years rather than every 4 years;
- Standard leachate and groundwater quality monitoring tables (schedule 3); and
- A standard reporting table (schedule 4)

We also aim:

- Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.
- We will formalise changes to monitoring requirements and compliance limits where we have agreed them in writing, for example as the result of a hydrogeological risk assessment review.
- Waste acceptance rules will reflect the Landfill Directive and governments' waste strategies.
- We will implement the Industrial Emissions Directive (IED) and other regulatory changes.
- We will include permit conditions to implement the statutory requirements of the Waste Framework Directive, for example to reflect the requirements of the waste hierarchy.

Site specific issues which result in a change to the current template will also be addressed, for example incorporating completed improvement conditions into the permit and removing inconsistencies.

Other changes may relate to a specific permit or amendments to monitoring requirements or emission limits which have been agreed with the Environment Agency but not incorporated into the permit.

### **Purpose of this document**

This decision document:

- explains how the Environment Agency initiated variation has been determined

- provides a record of the decision-making process
- shows how all relevant factors have been taken into account

## Structure of this document

### Annex 1: decision checklist

This document should be read in conjunction with the agreed Environment Agency variation request form and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>The facility</b>		
The regulated facility	<p>The extent/nature of the facilities taking place at the site required clarification.</p> <p>The operator applied for an IED variation to add the following activity:</p> <p>Section 5.4, Part A(1)(b)(iii), Treatment of non-hazardous slags and ashes for the crushing, screening or other physical grading of the waste with a capacity &gt;75tonnes/day prior to export from the site.</p> <p>However the operator later confirmed that there is not nor is there likely to be, any ash/slag recovery activity on site. Therefore the IED recovery activity is no longer required to be added to the permit.</p>	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the Environment Agency initiated variation.	✓
<b>The site</b>		
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>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p> <p>The operator has increased the site boundary to add the Brotherton Cut and emission point W2.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
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> <p>The Site Condition Report covers the additional area which has been included within the installation boundary only. The additional area of land includes the Brotherton Cut waterbody and monitoring point W2.</p>	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	<p>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).</p> <p>The operator has agreed that the new conditions are acceptable.</p> <p>Condition 1.5 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>2.6.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> <p>2.7.2. Added to separately identify the waste types and quantities that can be accepted for restoration. While part of the landfill activity, the waste types and quantities need to be separately identified to confirm they are appropriate for use.</p> <p>3.1.1. Generic condition imposed on all activities to simplify the sub-conditions. This avoids the need for additional sub-conditions that refer to compliance limits in individual tables in schedule 3</p> <p>3.1.3 – 3.1.4. Revised conditions to reflect the</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>terminology used by the Groundwater Directive and to require hydrogeological risk assessment reviews every 6 years rather than every 4 years.</p> <p>Two sub-conditions that referred to limits in specific tables in schedule 3 deleted as they are now covered by 3.1.1.</p> <p>4.2.2. Amended to ensure that information on ‘annual production/ treatment’ (Schedule 4, Table S4.2) is provided in February each year where annual reports may be submitted at other times of the year. This includes data on landfill gas collection that must be reported to government by April each year.</p> <p>4.2.2(a) Text expanded to clarify the details we require in an annual report.</p> <p>4.2.2(h) New condition requiring annual submission of a plan of monitoring and extraction locations with reference to monitoring tables in Schedule 3.</p> <p>Schedule 1, table S1.1. Amended description to the landfill activity to clarify that this includes restoration. Activity references amended to reflect changes introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Table S1.4. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill cover.</p> <p>Schedule 2. List of wastes relevant for PFA LF from standard list of wastes added.</p> <p>Schedule 3. Monitoring and compliance tables have been re-ordered so that those with compliance limits appear first. Standard monitoring frequency and parameters have been included for certain routine monitoring requirements.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p>	

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Table S4.2 Amended to require reports of PFA treated and reused.</p> <p>Table S4.3 Amended to include natural gas as an energy source for consistency with other sectors.</p> <p>Schedule 6. Definitions added to clarify meaning of:</p> <ul style="list-style-type: none"> <li>• Inert waste</li> <li>• Exceeded</li> <li>• Hazardous substance</li> <li>• Medicinal product</li> <li>• Previous year</li> <li>• Waste acceptance criteria</li> <li>• Waste acceptance procedure</li> </ul> <p>See also Schedule 1 in the reviewed permit.</p>	
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.	✓
Improvement conditions	<p>We consider that we need to impose improvement conditions.</p> <p>We have added an improvement condition as part of the permit review process.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> <li>➤ an appropriate restoration plan is provided.</li> </ul>	✓
Operating techniques	<p>We have specified that the operator must operate the permit in accordance with referenced operating techniques.</p> <p>The operating techniques in table S1.2 have been transferred across from the previous variation.</p> <p>These are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Amendments have been made to the following emission limits following the permit review:</p> <p>Monitoring point W2 and associated emission limits have been added to table S3.1 in the variation notice entitled, 'Point source emissions to water (other than sewer) – emission limits and monitoring requirements'. The monitoring points and emission limits have been taken from Ferrybridge Power Station's permit (EPR/VP3337SR), with the exception of suspended solids which has been added.</p> <p>The limit on vanadium at borehole A12 was reduced to 0.02 mg/l under a Minor Operational Change (EP3930BD/lt08) dated February 2014.</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>Table S3.2 Groundwater The EA agreed that borehole W11 does not need to be monitored in CAR RP3930BD/0207 293 dated 6 May 2014 – therefore this monitoring point has been removed from the table.</p> <p>Leachate monitoring point L1 was considered to be monitoring groundwater rather than leachate. Therefore monitoring point L1 will be monitored as part of the MEPP in table S3.3 (Groundwater – other monitoring requirements). There is considered to no leachate onsite – therefore all leachate monitoring has been removed from the permit.</p> <p>Standard monitoring tables for groundwater and surface water quality may have been added as part of the permit review process.</p> <p>These monitoring requirements have been imposed in order to simplify the monitoring requirements for the operator.</p>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>Standard table S4.1 has been added as a result of the permit review.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Operator Competence</b>		
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.	✓

