

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 South Kirkby Waste Management Facility operated by Shanks Waste Management Limited, as a result of an application made by the Operator.

The Permit number is EPR/VP3535CL.

The Variation notice number is EPR/VP3535CL/V004.

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 Shanks Waste Management Limited: we call Shanks Waste Management Limited “the **Operator**” in this document. We refer to Shanks Waste Management Limited’s South Kirkby Waste Management Facility as “the **Installation**”.

The Application was duly made on 26 August 2014.

How this document is structured

1. Our decision
2. The legal framework
3. 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 29/06/12, 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 29/06/12 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 the 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 Best Available Techniques. 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 a 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 the facility is able to meet with the exception of showing the “newly prescribed activity” as an Installation 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 to provide a formal route to the operator to 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 29/06/12 and subsequently varied on 30/05/13 and 02/07/15. 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

For this site the regulatory changes implemented by IED means that the facility type for the Residual Waste Treatment Facility, Material Recycling Facility, Anaerobic Digestion and In-vessel Composting changes from being a waste operation to being an installation activity.

Installation activities now onsite are:

Activity	Process	Description
5.4 A1(a)(ii) – Treatment of non hazardous waste for disposal(D9, D14, D13).	Waste sorted by hand and mechanically and Waste Management Recovery Facility	Sorting of waste by hand and mechanically to separate recyclable and non-recyclable waste and the storage of treated waste.
5.4 A1(b)(i) – Treatment of non hazardous waste for recovery (R3)	Anaerobic Digestion (AD)	Anaerobic Digestion of non-hazardous waste producing bio gases to be burned CHP engines producing electricity and the storage of treated waste.
5.4 A1(b)(i) – Treatment of non hazardous waste for recovery (R3).	In-vessel composting (IVC)	Composting of organic materials to produce compost.
5.4 A1(a)(i) – Treatment of non hazardous waste for disposal – Biological treatment (D8).	Effluent treatment plant (EPT)	Treatment of non-hazardous liquid waste prior to discharge to sewer.
5.4 A1(a)(ii) – Treatment of non hazardous waste for disposal – Physico-chemical treatment (D9).		

The directly associated activities to the above installation activities are as follows:

Activity	Process	Description
DAA to AD plant - Treatment of non-hazardous waste (R3)	AD - Autoclave	Waste treated prior to assist the anaerobic digestion process.
DAA to AD plant – Combustion of bio gases	AD - CHP	Combustion of gases from the AD process in CHP engines

Activity	Process	Description
in CHP (R1)		producing electricity and heat.
DAA to AD plant – Operation of an emergency flare (D10)	AD - Flare	Incineration of bio gases from the AD process in flare due to low quality and quantity or in the event of CHP engine breakdowns or maintenance.
DAA to AD plant – De-watering of the digestate (R3)	AD - Dewatering	De-watering of the digestate from the AD process to allow it recovery offsite.
DAA to IVC – Treatment of non-hazardous waste	IVC - Physical treatment	Treatment of waste prior to composting and treatment of processed compost.
DAA to IVC – Storage of non-hazardous waste	IVC - Storage	Storage of waste prior to composting and of processed compost
DAA to EPT – Discharge to sewer (D6)	ETP - Sewer	Discharge of treated liquids to sewer.
DAA to EPT – Discharge to sewer (D6)		Effluent tankered offsite during commissioning of the site.
DAA – Discharge to surface water	Balancing pond and reed bed	Discharge of treated liquids to sewer.

The waste operations onsite are as follows:

Waste Operation	Process	Description
Waste Operation – storage of non-hazardous waste (D15/R13).	Waste Reception	Storage of non-hazardous waste prior to treatment or disposal in the activities below.
Waste Operation – Treatment of non-hazardous waste for recovery (R3/R4/R5).	Waste sorted by hand and mechanically and Waste Management Recovery Facility	Sorting of waste by hand and mechanically to separate recyclables or can go for recovery and the storage of treated waste.
Waste Operation – Storage of non-hazardous waste (R3, R4, R5, R13, D9, D14, D15)	Household waste recovery centre (HWRC)	Storage and bulking up of the waste prior to it being sent for recovery or disposal

No processes on site have changed and there has been no change in the wastes accepted, except for the removal of 2 EWC codes at the request of the operator. Please see below in Annex 1.

Operating techniques

No operations on site have changed. This is an **administrative variation** due to some activities on site now being classed as a Newly Prescribed Activities. A variation was issued 30/05/13, which implemented changes introduced by IED for the Effluent Treatment Plant. There are now five activities classed as NPA on site.

The Operating Techniques from EPR/VP3535CL/A001 will be sufficient for this permit variation.

1. Waste types

No new waste types have been introduced or taken away from site. This is simply an **administrative variation** due to some activities on site now being classed as a Newly Prescribed Activities, of which there are five. Therefore the waste types on this variation have not changed from EPR/VP3535CL/A001 except for the removal of 2 codes detailed in Annex 1.

2. Ecological impact assessment (where relevant)

Due to the site being classed as a newly prescribed activity with no changes to any processes involved in the operations no further ecological impact assessment has been carried out.

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
Consultation			
Web publicising	Web publicising, but no comments were received.		✓
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	Activity	Description	✓
	Waste Operation – storage of non-hazardous waste (D15/R13).	Waste Reception - Storage of non-hazardous waste prior to treatment or disposal in the activities below.	
	5.4 A1(a)(ii) – Treatment of non hazardous waste for disposal (D9, D14, D13).	Waste sorted by hand and mechanically and Waste Management Recovery Facility - Sorting of waste by hand and mechanically to separate recyclable and non-recyclable waste and the storage of treated waste.	
	Waste Operation – Treatment of non-hazardous waste for recovery (R3/R4/R5).	Waste sorted by hand and mechanically and Waste Management Recovery Facility - Sorting of waste by hand and mechanically to separate recyclable or can go for recovery and the storage of treated waste.	
	DAA to AD plant - Treatment of non–hazardous waste (R3)	Autoclave (AC) - Waste treated prior to the anaerobic digestion process.	
	5.4 A1(b)(i) – Treatment of non	Anaerobic Digestion (AD)- Anaerobic Digestion of non-	

Aspect considered	Justification / Detail		Criteria met
			Yes
	hazardous waste for recovery (R3)	hazardous waste producing gases to be burned CHP producing electricity and the storage of treated waste.	
	DAA to AD plant – Combustion of gases in CHP (R1)	Anaerobic Digestion (AD) - CHP - Combustion of gases from the AD process in CHP producing electricity and heat.	
	DAA to AD plant – Combustion of gases in flare (D10)	Anaerobic Digestion (AD) - Flare - Disposal of gases from the AD process in flare due to low quality and quantity or in the event of CHP breakdowns.	
	DAA to AD plant – De-watering of the digestate (R3)	Anaerobic Digestion (AD) - De-watering of the digestate from the AD process to allow it recovery offsite.	
	5.4 A1(b)(i) – Treatment of non hazardous waste for recovery (R3).	In-vessel composting (IVC) - Composting of organic materials to produce compost.	
	DAA to IVC – Treatment of non-hazardous waste (R3)	In-vessel composting (IVC) - Treatment of waste prior to composting and treatment of processed compost.	
	DAA to IVC – Storage of non-hazardous waste (R13)	In-vessel composting (IVC) - Storage of waste prior to composting and of processed compost	
	5.4 A1(a)(ii) – Treatment of non hazardous waste for disposal(D9).	Effluent treatment plant (EPT) - Treatment of non-hazardous liquid waste prior to discharge to sewer.	
	5.4 A1(a)(ii) – Treatment of non hazardous waste for disposal(D8).		
	DAA to EPT – Discharge to sewer (D6)	Effluent treatment plant (EPT) - Discharge of treated liquids to sewer.	
	DAA to EPT – Discharge to	Effluent treatment plant (EPT) - Effluent tankered offsite during	

Aspect considered	Justification / Detail		Criteria met
			Yes
	sewer (D6)	commissioning of the site.	
	DAA – Discharge to surface water	Balancing pond and reed bed - Discharge of treated liquids to sewer.	
	Waste Operation – Storage of non-hazardous waste (D15/R13)	Household waste recovery centre (HWRC) - Storage and bulking up of the waste prior to it being sent for recovery or disposal	
	Please refer to Key issues above.		
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. A site plan was submitted with the application which reflects minor changes to the site layout. There is no change to the site boundary.		✓
Environmental Risk Assessment and operating techniques			
Operating techniques	Due to no operations changing on site the operating techniques provided in EPR/VP3535CL/A001 (issued 29/06/12) will be sufficient.		
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. Table S2.1 remains the same as EPR/VP3535CL/A001.		✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes because they have the necessary infrastructure, operating systems and technical capability to manage these wastes in an appropriate manner.</p> <p>The waste accepted on site, the descriptions and quantities have not changed since EPR/VP3535CL/A001 except for 2 EWC codes that were removed from the IVC activity.</p> <p>These were:- 02 10 02 - animal-tissue waste, and 02 02 02 - animal-tissue waste.</p> <p>These codes were removed at the request of the operator as they are no longer required.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we do not need to impose improvement conditions in this variation (EPR/VP3535CL/V004).</p> <p>The improvement conditions in this variation has been carried through from EPR/VP3535CL/A001.</p>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>The emission limits in this variation has been carried through from EPR/VP3535CL/V003.</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>All monitoring in this variation has been carried through from EPR/VP3535CL/V003.</p>	✓
Reporting	We have specified reporting in the permit.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We have added additional reporting requirements. This is to reflect the additional reporting required under IED.</p> <p>Additional usage reporting for water, and raw materials has been added to Schedule 4. Also, we have required the operator to report the amount of waste discharge to sewer to monitor the amount of waste treated by the ETP.</p> <p>Apart from the above all other reporting remains the same and has been carried through from EPR/VP3535CL/A001.</p>	
Operator Competence		
Environment Management System	<p>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.</p> <p>This has not changed and has been carried through from EPR/VP3535CL/A001.</p>	✓
Technical competence	<p>Technical competency is required for activities permitted. The operator is a member of an agreed scheme.</p> <p>This has not changed and has been carried through from EPR/VP3535CL/A001.</p>	✓
Financial provision	<p>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.</p> <p>This has not changed and has been carried through from EPR/VP3535CL/A001.</p>	✓