

Environment Agency permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for Ash Lagoons 1-4 operated by Lynemouth Power Limited.

The variation number is EPR/FP3437CZ/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 groundwater and surface water 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.

Also as part of the review the DAA for waste treatment in the previous permit has been amended. This change was required due to an amendment to the

Environmental Permitting Regulations in 2013, where the treatment of slags and ashes is now a Section 5.4 Part A(1)(b)(iii) activity. The Operator had submitted a separate application for this change, however it was decided to determine this as part of the review process. For this reason table S1.1 in the permit has been amended.

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 the decision checklist

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 |
| The permit conditions | | |
| 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>Certain template conditions have been amended to reflect current best practice. These changes have been developed in consultation with industry having regard to the relevant legislation as follows:</p> <p>Condition 1.5 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>2.7.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met Yes |
|-------------------|--|---------------------|
| | <p>2.7.2. Added to allow the receipt of waste for treatment.</p> <p>2.7.3. 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 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(g) 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 S1.5. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill</p> | |

| Aspect considered | Justification / Detail | Criteria met Yes |
|-------------------|---|---------------------|
| | <p>cover.</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> <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"> • Inert waste • Exceeded • Hazardous substance • Medicinal product • Previous year • Waste acceptance criteria • Waste acceptance procedure <p>See also Schedule 1 in the reviewed permit.</p> | |
| Waste types | <p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>The following waste codes have been added to the permit as part of this variation:</p> <p>10 01 01- bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)</p> <p>10 01 03- fly ash from peat and untreated wood</p> <p>We have also specified waste codes that are acceptable for treatment. We have included an improvement condition that requires the Operator to submit proposals for waste for restoration, this is to ensure the Operator's restoration techniques are compliant with the updated landfill restoration guidance.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|----------------------------|--|--------------|
| | | Yes |
| Pre-operational conditions | 2 new pre operational conditions for future development have been added to the Permit. These conditions require the Operator to submit a methodology for assessing the risk to the environment from the landfilling of PFA resulting from the burning of biomass or from a combustion process that uses SNCR abatement. | ✓ |
| Improvement condition | <p>We have included 4 new improvement conditions to the permit.</p> <ul style="list-style-type: none"> - A condition that requires the submission of new restoration proposals. - A condition requiring the submission of a new drawing showing pre-settlement levels at the site. - 2 conditions requiring the Operator to carry out an impact assessment in the event that the site accepts PFA from the burning of biomass or where SNCR is used as abatement. <p>The condition requiring the risk assessment has been included because when the permit was originally issued the risk assessments were based on PFA from the burning of coal only and without SNCR abatement. If biomass and SNCR are used this has the potential to change the composition of the PFA, and therefore it may increase the risk of pollution. These conditions require the Operator to assess this risk.</p> <p>Improvement condition 3 in the previous permit has been deleted as there is no evidence that the site produces landfill gas.</p> | |
| Operating techniques | We have reviewed the Operating techniques referenced in table S1.2 of the permit to ensure only current and relevant techniques are listed in the permit. | ✓ |
| Emission limits | Emission limits have remained unchanged. | ✓ |
| Monitoring | There have been some amendments to the monitoring requirements. Standard monitoring tables for other groundwater and surface water quality have been added, and replace previously existing tables in the permit. | ✓ |
| Reporting | Standard table S4.1 has been added as a result of the permit review. | ✓ |