

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 Hollybush Farm operated by Hollybush Recycling Limited, as a result of an application made by the Operator.

The Permit number is EPR/DB3601HB

The Variation notice number is EPR/DB3601HB/V003

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 Hollybush Recycling Limited: we call Hollybush Recycling Limited “the **Operator**” in this document. We refer to Hollybush Recycling Limited’s Hollybush Farm as “the **Installation**”.

The Application was duly made on 29/09/14.

How this document is structured

- Our decision
- The legal framework
- 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 13/11/97, 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 13/11/97 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 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 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, 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.

The original Permit was granted on 13/11/97 and subsequently varied on 23/08/00, 06/11/03, 04/12/03, 09/01/07, 29/03/11, 22/06/15, 14/09/15 and 01/03/16. 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. As the Variation will not have any negative effects on the environment, it is not a substantial variation and so does not require consulting on.

4 Key issues in the determination

There are two schedule 1 activities carried out which fall under section 5.4A(1)(b)(i), composting of waste under aerobic conditions in closed vessels fitted with appropriate odour abatement and composting of waste under aerobic conditions in outdoor turned windrows on impermeable surface with sealed drainage system. There are also waste activities on site, processing of waste inert materials to produce secondary aggregate and soils and production of fuel pellets and biofuel from waste wood and oversize materials from the composting processes. The site also stores Gypsum based waste material prior to transferring off site for recovery.

The site is permitted to treat and store up 305,000 tonnes of biodegradable waste a year and 244,000 tonnes of inert waste. The amount of biodegradable waste accepted is less than 305,000 tonnes as this amount includes the oversize materials which are already on site. A further restriction within the permit limits the total quantity of waste in the windrows from both composting processes at any one time to 50,000 cubic metres. The biodegradable waste is split down as follows:

- IVC composting 50,000 tonnes a year
- Open windrow composting 75,000 tonnes a year
- Wood processing 93,750 tonnes a year or 300 tonnes per day
- Oversize processing 86,250 tonnes a year or 100 tonnes per day.

In Vessel Composting (IVC)

The IVC process stage 1 includes 8 tunnels, each capable of treating 350 tonnes of material. With a residence time of 4 days this stage has a potential through put of 700 tonnes a day. This is restricted by later stages in the process, which take weeks to complete and this throughput is not achieved. Each batch from the stage 1 process is formed into a windrow for stage 2 processing. There may be up to 22 windrows on site at any one time and the process takes a minimum of four weeks. During stage 3 there are up to 12 windrows on site at any one time, each containing 600 tonnes of material. The minimum retention time is 4 weeks, this gives a through put of 257 tonnes a day. Bio filters are fitted to the vessels for the abatement of odour.

Open Windrow Composting

In practice the green waste composting area may contain up to 16 windrows, each 3m by 7m wide and 75m long. Each windrow typically holds 500m³ or approximately 125 tonnes of material. Therefore there may be 2,000 tonnes of waste on the green waste composting pad at any one time. With a four week process this gives a daily processing capacity of 288 tonnes a day.

The activities will also include the discharge of surface run off from the inert waste and wood processing area to the brook, which runs along the northern boundary of the site. This discharge will only be utilised during periods of high

rainfall. Run off will pass through an attenuation trench before reaching the discharge point, SW1.

The oversized compost processing area is currently on a hardstanding surface. There is an improvement condition in the permit to upgrade this area to a concrete pad with sealed drainage. See IC3 and IC4 in table S1.3.

The composting areas have their own sealed drainage system connected to the phase 1 leachate tank and leachate lagoon. There are no pathways for water from the composting areas to reach the discharge point.

The site is situated approximately 1km West of Cheslyn Hay, Staffordshire. The site is bounded to the South by the Hollybush Garden Centre and Nurseries, to the West by a track (Hospital Lane) and to the North and East by hedgerows and agricultural land.

Operating techniques

The operating techniques at the site have been compared to the following guidance:

- IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste;
- How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector.

The main issues considered in this variation:

- pre-acceptance of waste
- acceptance of waste
- storage and handling of waste
- process (treatment) description
- fugitive emissions to air
- fugitive emissions to surface and groundwater (secondary containment, site drainage plan)
- point source emissions to air and water
- monitoring
- accidents

The Odour Management Plan and Fire Prevention Plan submitted with the application do not meet the technical standards specified. We have therefore included improvement conditions in the notice which requires the submission of an amended OMP and FPP within 3 months of the issue date of this variation.

There is also an improvement condition which requires the oversized processing area is upgraded to a concrete pad with sealed drainage. This

work is to be planned within 6 months of the issue date of this variation and undertaken within a timescale agreed with the Environment Agency.

Waste types

The majority of waste types permitted for the composting processes (tables S2.2 and S2.3 in the permit) are listed in the following documents and are considered suitable:

- the Anaerobic Digestate Quality Protocol (PAS 110) or Compost Quality Protocol (PAS 100); and
- Environment Agency standard rules permit templates for biowaste treatment (Composting) SR2012No4 and SR2012No8.

The following waste types are not included in the Quality Protocols or standard rules templates, but have been included in the permit as they do not change the operations on site and pose no additional risk:

02 04 01 Soil from cleaning and washing of beet

03 03 08 Wastes from sorting of paper and card destined for recycling

Waste codes for Inert and Soils Processing (table S2.4 in the permit) are either in the standard rules template (SR2010No12) or are already in the permit and have been previously assessed.

Waste codes for Wood Processing (table S2.5 in the permit) are either in the standard rules template (SR2015No23) or are already in the permit and have been previously assessed, except the following waste code, which has been included in the permit as it has been limited to 'wooden items only' and does not change the operations on site and poses no additional risk:

20 03 07 Bulky Wastes (wooden items only)

Ecological impact assessment (where relevant)

There are 2 Special Areas of Conservation (SAC) sites located within 10 kilometres of the installation, Cannock Extension Canal SAC and Cannock Chase SAC. There is 1 Site of Special Scientific Interest (SSSI) located within 5 km of the installation, Stowe Pool and Walk Mill Clay Pit SSSI. There are also 8 Local Wildlife Sites (LWS), Ancient Woodlands (AW), Local Nature Reserves (LNR) within 2 km of the installation.

Potentially polluting liquids are stored in appropriate tanks or containers with secondary containment, that is a bund for tanks and drip trays for chemical containers. The site is provided with impermeable concrete surfacing and drainage from waste storage and processing areas is to a sealed lagoon. There are thus no pathways for pollution of local surface water bodies and no potential for contaminants to leach through the soils towards receptors. Dust and bio-aerosols are controlled using the following measures:

Waste is transferred in enclosed or covered lorries. Outdoor windrows are required to ensure good aeration and allow sufficient space to accommodate waste over the treatment period. All windrows and stock piles are subject to regular inspection/monitoring to allow them to be managed to prevent pollution.

Incoming bio-degradable waste is processed promptly and in general material will be shredded and formed into windrows (or placed in the IVC tunnels) within 48 hours. Composting activities are towards the centre of the site and the screening bund and surrounding vegetation aid adequate dispersion or deposition of dust. The moisture content of the windrows is managed to prevent dry dusty conditions. A bowser is available on site to damp down site roads, working areas and stockpiles as required.

Shredding and turning is managed taking account of weather conditions to minimise emissions blowing towards receptors. Windrows are monitored to ensure the temperature requirements are met and ensure pathogen kill.

All site roads are swept as necessary. The site is kept tidy and dust is not allowed to build up.

Due to the distance of the site from the protected habitats and the mitigation and control measures incorporated into the site Environmental Management System we are satisfied that the proposal is unlikely to have a significant effect on the habitats.

Bioaerosols

Following the publication of the Environment Agency's Technical Guidance Note M9 – *Environmental monitoring of bioaerosols at regulated facilities* in February 2017, we have included new conditions for the management of bioaerosols in the permit. We have also updated the bioaerosols monitoring requirements in accordance with the M9 monitoring guidance. The Environment Agency requires quarterly monitoring for the first year of operation and twice a year thereafter, unless another frequency is agreed in writing.

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
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		
Responses to consultation and web publicising	The application was publicised on the web in accordance with our guidance. No public responses were received in response to the web publicising of the application.	✓
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.	✓
The facility		
The regulated facility	The extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with RGN interpretation of installation. The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities:	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>5.4 A(1) (b) (i) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment.</p> <ul style="list-style-type: none"> • Storage of waste pending recovery or disposal • Physical treatment for the purpose of recycling • Raw material storage • Compost Storage • Process water collection and storage • Surface waste collection and storage • Leachate treatment by Reverse Osmosis <p>Remaining waste activities</p> <ul style="list-style-type: none"> • Production of secondary aggregates and soils • Production of fuel pellets and biofuel • Storage of Gypsum based waste pending transfer off site for recovery. 	
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.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .</p> <p>A full assessment of the application and its potential to affect the sites/species/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat.</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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment [or similar methodology supplied by the operator and reviewed by ourselves], all emissions may be categorised as environmentally insignificant.</p>	
<p>Operating techniques</p>	<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; • How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector. <p>The proposed techniques/emission levels for priorities for control are in line with the benchmark levels contained in the above technical guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>We are satisfied with the BAT assessment provided by the operator which adequately addresses the following points:</p> <ul style="list-style-type: none"> • pre-acceptance of waste • acceptance of waste • storage and handling of waste • process (treatment) description • fugitive emissions to air • fugitive emissions to surface and groundwater (secondary containment, site drainage plan) • point source emissions to air, water or land (where relevant) • monitoring • accidents <p>We consider that the Odour Management Plan and Fire Prevention Plan submitted with the application do not meet the technical standards specified. We consider that there are omissions in the supporting documents. We have therefore included improvement conditions in the notice which require a review of the site's operating techniques within 3 months.</p>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓
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 majority of proposed wastes types can be treated via composting as they are included in the Composting Quality Protocol (CQP) and/or in the Environment Agency standard rules permit templates for biowaste treatment facilities. There are also codes which were already in the permit and have been previously assessed.</p> <p>The following waste codes were added with no additional risk to the environment:</p> <p>02 04 01 Soil from cleaning and washing of beet 03 03 08 Wastes from sorting of paper and card destined for recycling 20 03 07 Bulky Wastes (wooden items only)</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 improvement conditions to ensure that:</p> <ul style="list-style-type: none"> ➤ the appropriate measures are in place to prevent pollution from odour. ➤ The site has an approved Fire Prevention Plan in accordance with our guidance. ➤ The oversize processing area is upgraded to a concrete pad with sealed drainage. <p>See Key Issues section of the decision document.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Incorporating the application	We have specified that the operator 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	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>The following bioaerosols (Total bacteria and <i>Aspergillus fumigatus</i>) have been identified as being emitted in significant quantities and ELVs and/or equivalent parameters or technical measures based on BAT have been set for these substances and others.</p> <p>It is considered that the ELVs/ equivalent parameters or technical measures described above will ensure that significant pollution of the environment is prevented and a high level of protection for the environment secured.</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>These monitoring requirements have been imposed in order to demonstrate compliance with the conditions of the permit for operations requiring the management of bioaerosols emissions. We made these decisions in accordance with Technical Guidance Note M9 – Environmental monitoring of bioaerosols at regulated facilities, which is considered the most appropriate TGN for this activity.</p>	✓
Reporting	<p>We have specified reporting in the permit. As the monitoring of point source emissions to air is required quarterly for the first year of operation and twice a year thereafter, the same frequency is required for reporting.</p> <p>Reporting forms have been prepared to facilitate reporting of data in a consistent format. These reporting requirements are deemed sufficient and proportional for the Installation. We made these decisions in accordance with the Technical Guidance Note M9 – Environmental monitoring of bioaerosols at regulated facilities.</p>	✓

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 National Enforcement Database has 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.	✓