

# Permitting decisions

## Variation

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We have decided to grant the variation for Wanlip Composting & Anaerobic Digestion Facility operated by Biffa Leicester Limited.

The variation number is EPR/DB3806MD/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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account.

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

# Key issues of the decision

## **1. EWC Code for additional permitted waste stream:**

The operator applied to add EWC Code, 16 03 05\* (off specification batches and unused products: organic wastes containing hazardous substances) to Table S2.2 in their permit. They justified this code, a hazardous waste mirror entry of an existing permitted waste type (16 03 06), on the basis that this higher strength alcohol waste would not be received from or via any other waste management facilities. It would be transferred directly from the original manufacturer/source, such as production of off-specification alcohols and alcohols confiscated by government agencies. Therefore a Chapter 19 code for wastes arriving from waste management facilities was not appropriate in this case although a significant proportion of existing waste received on site is currently sourced via a waste management facility.

The EWC 16 03 05\* waste stream is not included in the list of standard wastes on the Environment Agency's biowaste treatment permit templates. We therefore required the operator to provide an assessment to demonstrate the suitability of this waste (higher strength alcohol) for treatment via anaerobic digestion using our Framework Guidance Note July 2013. This was served in an information notice dated 25 October 2017.

The operator, on 13 November 2017, provided a justification of the proposed new waste stream in accordance with our Framework Guidance Note July 2013. We have assessed this and are satisfied the waste stream meets the requirements of the Framework Guidance Note.

The operator has demonstrated, through an alcohol dosing and feeding procedure, that the dosing rate, dosing periods and concentrations of alcohols dosed, will ensure the proposed new waste stream is suitable for the anaerobic digestion system. We have agreed that the dosing and feeding procedure is appropriate for the proposed new waste stream.

## **2. Storage and Handling of Wastes:**

The operator proposed to store the hazardous waste stream (higher strength alcohol) in an existing 100 m<sup>3</sup> storage tank on site after which it will be fed into a hydrolysis tank prior to one of three anaerobic digestion tanks. This tank would also be used to store other non-hazardous liquid wastes resulting in the probability that hazardous and non-hazardous wastes would be stored together (mixed) within this tank. This mixed waste storage would cause all the waste in the storage tank to be classified as hazardous waste.

The operator did not apply for a Schedule 5.6 activity (Environmental Permitting (England and Wales) Regulations 2016) to allow the storage of more than 50 tonnes of hazardous waste storage on site. Originally the operator stated that compliance with this 50 tonnes limit for hazardous waste storage would be achieved through written procedures and understanding of waste arrivals to site.

In response to an information notice dated 25 October 2017, the operator agreed to install an alarm and automatic shut off on the input valve to this tank should the level reach 50 m<sup>3</sup>. We consider that this demonstrates sufficient control to ensure the site is not storing greater than 50 tonnes of hazardous waste. This will be dependent on appropriate maintenance and operational efficiency which will be addressed as part of the site management system.

We have included a pre-operational condition 1 which requires the operator to install this alarm and automatic shut-off valve prior to acceptance of the new hazardous waste stream on site.

The operator has demonstrated that they have a procedure in place for the dosing of alcohol wastes into the anaerobic digestion system (WANSOP007 – Standard Operating Procedure for Feeding & Alcohol Waste Dosing). This ensures all alcohol wastes, of normal and increased strength, are dosed into the system at rates which will not cause inhibition to the anaerobic digestion bacteria or exceedance of the alcohol flash point limits.

### **3. Impact of Higher Strength Alcohol on Emissions, Wastes, Digestate from the Wanlip Anaerobic Digestion Facility:**

The operator stated that existing waste storage, handling and management systems would be utilised for the proposed new waste stream. They carried out a risk assessment to demonstrate that the use of higher strength alcohols would not cause any negative environmental impact because:

- the waste contains only materials that would be fully treated by the anaerobic digestion process breaking down into methane and carbon dioxide which will not affect the solid or liquid wastes from the facility;
- the waste contains no materials that would result in the formation of complex intermediates which could be discharged to foul sewer from the facility or remain in the digestate produced by the facility that would be applied to land; and
- the gas produced from treatment of this additional waste stream will remain within the capacity of the gas combustion and utilisation plant whose emissions were modelled in the original permit application and so no negative impact to gaseous emissions would be expected.

The facility is not within the screening distance for any protected sites.

We are satisfied that the import, storage and processing of this new hazardous waste stream will not cause any significant adverse impact on the products, wastes or releases from the anaerobic digestion plant.

### **4. Review of Permit against Anaerobic Digestion Template:**

We have also amended the permit to reflect the requirements of the anaerobic digestion permit template:

- the requirement to monitor and report bioaerosols has been removed as the facility is >250m from the nearest receptor, waste is stored inside a building under negative pressure and all treatment of waste is carried out in enclosed tanks
- the requirement to report biofilter efficiency is removed
- the requirement for a fire prevention plan for the facility is removed in line with the position statement from FPP Panel dated 28/01/16.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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 confidentiality.
<b>Consultation/Engagement</b>	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.  The application was publicised on the GOV.UK website.  We consulted the following organisations:  Public Health England  Charnwood Borough Council, Environmental Health Department  Charnwood Borough Council Planning Department  Health & Safety Executive  Food Standards Agency  Leicester City council  The comments and our responses are summarised in the <u>consultation section</u> .
<b>The facility</b>	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.  The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
<b>The site</b>	
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
<b>Environmental risk assessment</b>	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility.  The operator's risk assessment is satisfactory.

Aspect considered	Decision
<b>Operating techniques</b>	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<b>Permit conditions</b>	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
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 for the following reasons:</p> <ul style="list-style-type: none"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with our Framework Guidance Note "Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment" (July 2013).</p>
Pre-operational conditions	Based on the information in the application, we consider that we need to impose a pre-operational condition (see Key Issues).
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that a revised odour management plan is submitted to the Environment Agency for approval. The original close out date for this condition was 08/08/16 but this has been amended to 01/08/18 in this variation.</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	We have removed monitoring requirements as a result of this variation (see Key issues section).
Reporting	We have removed reporting requirements as a result of this variation (see Key issues section).
<b>Operator competence</b>	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

Aspect considered	Decision
<b>Growth Duty</b>	
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

## Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, newspaper advertising, (delete as appropriate) and the way in which we have considered these in the determination process.

### Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
The consultee noted that the application for variation stated there will be no changes to storage, processing operations or management techniques. Based on the information contained in the application, the consultee had no significant concerns regarding the health of the local population from the installation.
<b>Summary of actions taken or show how this has been covered</b>
The consultee raised no specific issues relating to this variation. Standard permit templates were deemed sufficient.

<b>Response received from</b>
Charnwood Borough Council, Environmental Health Department
<b>Brief summary of issues raised</b>
The consultee noted that, although aware of odour issues in the locality of the application site, they had no evidence that the currently permitted installation is responsible. The consultee had no significant concerns having considered the variation proposals and associated measures to control emissions to air.
<b>Summary of actions taken or show how this has been covered</b>
The operator's Standard Operating Procedure for Feeding & Alcohol Waste Dosing was included in the Operating Techniques of the permit variation. Compliance with this should minimise potential for any additional odours from treatment of higher strength alcohols at the installation.