

Environment Agency permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for The Maltings Organic Treatment Facility operated by The Maltings Organic Treatment Limited.

The permit number is EPR/FP3090SZ

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document:

- explains how the operator's application 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



- Key issues
- Annex 1 the decision checklist

Key issues of the decision

Changes Requested

The area being surrendered comprises the eastern section of the 'northern compound' area and an area to its immediate south, see red hatched area on the plan below. These areas had previously comprised concrete surfacing, a strip pond and three circular grain silos, all of which been removed as part of the area's redevelopment. The site plan in Schedule 7 of the permit is amended accordingly.



-  AREA FOR SURRENDER
-  ENVIRONMENTAL PERMIT BOUNDARY

1 Site Condition Report - Summary

1.1 Original Site Condition Report (SCR) - September 2009 MS1007/03

The SCR provided with the initial application (EPR/FP3090SZ/A001) identified that previous uses of the site are likely to have caused contamination, but did not carry out a site investigation. At this time we did advise that it was in the applicant's best interests to do this as it may prove difficult at surrender.

The applicant responded as follows:

From the desk study undertaken in order to inform the Site Condition Report (SCR), the historic pollution incidents within 250m of the site are listed. It is considered that due to the age, location and classification of severity, that these pollution incidents are unlikely to have affected the site. Whilst a statement is made within the SCR that there is a possibility of potential sources of pollution from the previous site use, no evidence of this has been uncovered during occupation of the site by the client. A borehole was installed 8 months ago on the site and no presence of contamination was noted. Civil engineering works undertaken within the vicinity of the proposed operations have shown approximately 600mm of made ground and sub-soils before the drift deposits of glacial clays which extended to over 5 metres in thickness. At no point was contamination evident during the works. The excavated material is still on site, so chemical testing could be undertaken if required.

We had some concerns about a number of boreholes on-site. The applicant responded as follows:

These Boreholes are in service and will play a role in full site operations, as was the case during the site's previous use. The boreholes will provide service water for the site's offices and welfare block, the other borehole will be used as a source of water for the process. These licences are in the name of D. Carrie, one of the Directors of The Maltings Organic Treatment Limited.

We also had a query about a pond/lagoon feature. The applicant responded as follows:

The pond / lagoon feature was constructed and utilised as part of the previous site usage, where it provided storage for water used in the process, and as a source of emergency water in the event of a fire. The pond has been reduced in size to accommodate the development of the facility, and these works were undertaken in conjunction with Natural England.

On the 18 December 2009 we concluded that **Pollution of land was likely** and that additional information regarding the boreholes on site was required before an assessment could be made.

1.2 Low Risk Surrender - Rejected

A low risk surrender EPR/FP3090SZ/S007 was submitted on the 22 February 2016 and rejected on the 16 May 2016, Report No: MO1010/SSR, dated February 2016.

The application was returned on the following grounds:

1. We did not consider that the site met the requirements for a low risk surrender, Regulatory Guidance Note RGN 9, for Surrenders states the following:
 - 2.15 - The extent of evidence required at surrender to prove the facility is in a satisfactory state depends on the possible risk at that point. We have developed low risk surrender arrangements where the evidence burden is small or non-existent. Currently, this includes:
 - For installations (non-landfills) and waste facilities, where the risk to the environment is sufficiently low that we do not need intrusive site survey or monitoring data in the surrender site condition report.
 2. The site surrender report indicates that the investigation boreholes penetrated through the overlying clay into the underlying magnesian limestone (Brotherton Formation), as per the site inspectors email dated 6 November 2015 there may be a pollutant pathway into the limestone which needs to be adequately assessed.
 3. There are currently three abstraction licenses on the Maltings site that are licensed for "food and drink" purposes. The proximity of these to the surrender site means that this site is in a Source Protection Zone 1, and the risks to drinking water supplies need to be adequately assessed.

1.3 Surrender SCR provided with this application

Surrender SCR - Report No.: MO1010/SSR(v2), Version 2, September 2016.

Updates were provided from Environment Agency officers with experience of the site:

Technical specialist

During the time in which the area proposed for surrender was used for waste management activities only part of the area was actually used. The strip pond being used to collect contaminated surface water and the north western area was used to store green waste derived compost. The compost was primarily stored on concrete and was removed from site some years ago. The silos and the northern and eastern areas of the highlighted area were not used.

The majority of the area proposed for partial surrender has been cleared during the development of the Anaerobic Digester (AD), operated by AB Agri Limited. A permit has been issued for the AD plant EPR/VP3533DP. This

included the demolition of the former grain silos and the emptying and removal of the strip pond. The civil engineering works included the excavation and removal of a significant depth of soil from the area. Given all of the above we are satisfied that any contamination of the area associated with the former waste management activities has been removed and have no objection to the application for a partial surrender.

Environment Officer

- We need to ensure that The Maltings Organic Treatment Facility SCR submitted with this application and the AB Agri SCR (SLR Ref: 404.04723.00002.010, version No.1, March 2016), (EPR/VP3533DP, public register ref: 9277838) submitted last year are consistent.
- The AB Agri SCR suggests some contamination at the site. The question we need to answer is whether this contamination is as a result of The Maltings operation on site during the lifetime of the permit they are now trying to part-surrender. If we feel it is then we should not accept the part-surrender.
- The main issues at the site have been odour nuisance off site and storage of material on site inappropriately, including contaminated composts outdoors.

1.3.1 Our Assessment of the SCR – 26 January 2017

Insufficient information was supplied to show that pollution risk has been removed or that the site is in a satisfactory state and as such at this stage we did not accept the application to surrender part of the permit.

1.3.2 Further Information Requested

We requested further information by email 30 January 2017. Responses were received from the applicant 10 February 2017, see below.

Table 6 of the SCR compares the metal results inside and outside of the surrender area. The aim of the table is to compare soil samples from an area where permitted activities have taken place to an area where those permitted activities haven't taken place and are therefore representative of a baseline condition.	
Further Information Request	Response
Please confirm whether the samples taken outside of the surrender area and still within the permitted area are suitable for comparison as outlined above.	Samples used to represent soil concentrations outside of the area of surrender are taken from operational areas in which the integrity of the impermeable concrete pavement have been maintained throughout the operational life of the permitted facility. Similarly, based on borehole records the upper boundary of the underlying till deposits falls to the north. The condition of the soils beneath the

	southern area of the site is therefore unlikely to have been influenced by any waste operations permitted at the site since 2009. It is therefore considered that the samples from outside the surrender area are suitable for comparison against the results of samples taken from within the surrender area.
Please confirm if the storage of treated wood chip and compost occurred outside of the surrender area where the soil samples were taken.	Any storage and treatment on areas to the west and south of the surrender area have only been carried out over impermeable surfacing.
In Section 5.3, the SCR indicates that the made ground was excavated and screened into oversized material and fines. The report then indicates that a proportion of the remaining waste fines were stabilised with a cement binder.	
Further Information Request	Response
Please provide additional information on the fines material to indicate whether this material has been impacted by contamination, e.g. was it derived from the waste material or from the made ground that could have been impacted from the waste material.	All waste/compost materials deposited over the surface of the made-ground deposits were removed prior to the excavation of the underlying made-ground materials and re-deposited on other operational areas of the main Maltings facility comprising engineered concrete pavement.
The SCR indicates that remediation was undertaken by the future occupants of the surrender area. Part of the remediation included installation of a Geosynthetic Clay Liner (GCL).	
Further Information Request	Response
Please confirm the purpose of the installation of the GCL.	The concentrations of contaminants within the site soils (made ground or clays) were not in exceedance of Soil Guideline Values (or appropriate equivalent thresholds/standards) for commercial land use. Consequently, no remedial measures were necessary to enable safe use of the land due to contamination. The GCL has been installed as part of the engineered containment and drainage infrastructure of the AD facility only, in accordance with the requirements of the Environmental Permitting Regulations only. The stabilisation operations were carried out to improve the geotechnical characteristics of the site-won materials only.

1.3.3 Our Assessment of the Further Information

We reviewed the additional information and concluded that we have no objection to this partial surrender. Our assessment of this information which lead us to this conclusion is detailed below:

We requested confirmation that the fine material used had not been impacted by contamination. It is noted that this query was not answered in the response. Therefore there is the potential that the site doesn't meet the terms of the surrender.

The site was used commercially prior to the permit being issued. Therefore there is the potential for historic activities to have impacted the ground. The site setting also indicates that there is a clay layer overlying the principal aquifer which will create a protective barrier. Therefore it is unlikely that there will be an impact on the underlying aquifer.

We have adopted a site specific risk based approach for this surrender application and in this instance, we have no objection to this partial surrender.

1.4 AB Agri SCR - EPR/VP3533DP

We assessed the SCR prior to the AB Agri installation permit being issued. Our comments were as follows:

We are satisfied with the level of information provided to us from the site condition report, the risk assessment and the baseline reports.

We agree with the analysis of the environmental setting of the site and the description of the site's history.

The applicant has collected groundwater quality data from both the perched water within the superficial drifts and from groundwater within the principal limestone aquifer. The quality data can be used as the baseline data for the condition of groundwater underneath this site.

We believe that sufficient information has been submitted to describe the existing condition of the hydrogeology.

The site's ground and groundwater recorded some historic contamination issues, which have been taken into consideration when assessing this permit. There is low likelihood of risks to groundwater within the principal aquifer from this activity.

Annex 1: decision checklist

This document should be read in conjunction with the application and supporting information and permit/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.	✓
The facility		
The regulated facility	<p>There are no changes to the permitted regulated facilities as a result of the partial surrender. The only change is to the site plan.</p> <p>The area being surrendered comprises the eastern section of the 'northern compound' area and an area to its immediate south that had previously comprised concrete surfacing, a strip pond and three circular grain silos, all of which been removed as part of the area's redevelopment. The site plan in Schedule 7 of the permit is amended accordingly.</p> <p>A permit has been issued (EPR/VP3533DP) to AB Agri to operate an Anaerobic Digester on the area of land being surrendered, see Key issues section above.</p>	✓
The permit conditions		
Changes to permit conditions	<p>The permit conditions have not changed as a result of the partial surrender; however we have made some other changes as follows:</p> <p>Following the publication of the Environment Agency's Technical Guidance Note M9 – <i>Environmental monitoring of bioaerosols at regulated facilities</i> in February 2017, we have included new conditions 3.7.1 and 3.7.2 for the management of bioaerosols in the permit. We have also updated the bioaerosols monitoring requirements in accordance with the M9 monitoring guidance. We require quarterly monitoring for the first year of operation and twice a year thereafter, unless another frequency is agreed in writing.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We have also made some changes to update the permit with the removal of completed pre-operational and improvement conditions.	
The site		
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.	✓
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.	✓
Satisfactory state	We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state. In coming to this decision we have had regard to the state of the site before the facility was put into operation, see Key issues section above.	✓

The post code for the registered company on Companies House was incorrect, ending 5DN instead of 5FP. We have used the correct post code in the Notice and the Permit.