

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Witcham Meadlands Landfill Site operated by Mick George Limited

The variation number is EPR/LP3996ND/V006.

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:

- 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.

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

Structure of this document

- Description of the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising

Description of the changes introduced by the Variation

This is a substantial variation.

This variation authorises the following changes at the site:

- Deepening of the asbestos and stable non reactive hazardous waste (SNRHW) cells by up to 10m increase in depth;
- Variation of the annual throughput for the asbestos and SNRHW cells; and
- Addition of 9 waste codes for input to the SNRHW cell.

The application also proposed removal of the requirement for a leachate drainage blanket within the asbestos and (SNRHW) cells at the site, however this proposal was later amended to reinstate the leachate drainage blanket (see key issues below for further information).

Key issues

Leachate drainage system

The Applicant included a proposal for the removal of the leachate drainage blanket from the asbestos and SNRHW cells as part of the variation application.

Within the application document the Applicant concluded that leachate drainage blanket installation was not necessary due to the restrictions on the nature of the wastes to be deposited, the levels of leachate likely to be produced and also because the waste would compress the drainage blanket meaning it would not operate effectively. The Applicant proposed to use the basal slope as a leachate collection system and install a leachate monitoring chamber within each phase of land-filling to check that the quality of leachate was as expected.

The initial concerns we identified were as follows:

Landfills of this nature should have a leachate collection system comprising a drainage layer and its stated purpose is to ensure leachate accumulation is kept to a minimum (paragraph 3.3 of Annex I to the Directive). Whilst the Landfill Directive allows for the specification for the leachate drainage layer to be reduced, if supported by an appropriate risk assessment, proposing to not install any basal drainage layer system is not acceptable as this would not allow effective control of the leachate head across the whole site. We considered that the proposed system would not enable accurate calculation of the water balance, particularly considering the landfill is sub-water table and as such in the very long term groundwater flow into the landfill will contribute to leachate production. The leachate level needs to be managed in order to keep the landfill hydraulically contained. We did not consider that it would be possible to demonstrate that the leachate compliance limits are met across the whole site in both the asbestos cell and the SNRHW cell.

In summary, we considered that the proposal to not install a basal drainage system in accordance with guidance document 'Landfill and other permanent

deposits of waste (EPR 5.02)' would have meant that leachate could not be collected effectively across the cells.

Consequently we asked Mick George Limited to revise the engineering proposals (Schedule 5 Notice dated 27/01/17).

After a site meeting with the operator and their consultant, the Applicant submitted additional information on 08/02/17 revising their proposals by reinstating a leachate drainage blanket within both the SNRHW and asbestos cells. The specification of the drainage layer is 750mm thick, allowing for a compression effect to 500mm thick owing to the weight of the waste being placed above it. It will be laid at a gradient of 1V:100H towards the sump and protected from clogging by fines with geotextile, all in accordance with guidance EPR5.02. We understand that the specification has been previously approved as part of an earlier permit variation and through the Construction Quality Assurance process. We are satisfied that the revised proposal is in line with our guidance and will enable leachate to be adequately collected and controlled.

Change in tonnage of waste input

The variation authorises a change in the annual throughput of waste for the asbestos and SNRHW cells from 50,000 tonnes to 200,000 tonnes. The variation also implements a reduction in annual inert waste deposit from 200,000 tonnes to 50,000 tonnes. We are satisfied that the change in annual throughput will not result in unacceptable environmental risk based on the infrastructure and operating procedures proposed by the operator and the conditions specified within the permit.

Deepening of cells

The variation authorises the deepening of the asbestos and SNRHW cells by up to 10m increase in depth. The Applicant submitted a Stability Risk Assessment which detailed the change to the structural and physical stability of the landfill as a result of the proposal for the deepening of the cell. We have reviewed the Stability Risk Assessment and are satisfied that this change will not lead to unacceptable emissions provided that the pollution control systems proposed in the application are installed and maintained correctly.

Annex 1: decision checklist

This document should be read in conjunction with the application, 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.	✓
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Public Health England • Health and Safety Executive • Food Standards Agency • Director of Public Health • Environmental Health – East Cambridgeshire District Council 	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
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.	✓
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	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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>An assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites because there will be no change in emissions to air, water or ground as a result of the variation.</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>See key issues section for further information.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>See key issues section for further information.</p>	✓
The permit conditions		
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.</p>	✓
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We have added 9 additional waste codes for acceptance within the SNRHW cell. These additional waste codes will not increase the level of risk to the environment and will be treated, handled, tested and deposited in line with the existing procedures on site.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Reporting	We have not amended the reporting specified in the permit.	✓
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.	✓
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 our guidance on what a competent operator is.</p> <p>The financial provision arrangements have not changed as a result of this variation. The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

Annex 2: Consultation and web publicising

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received on 28/11/17 from
Public Health England (PHE)
Brief summary of issues raised
<p><i>'We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health:</i></p> <p><i>Emissions to air of fugitive dust or particulate matter and asbestos fibres from activities on site.</i></p> <p><i>Based solely on the information contained in the application provided, PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.'</i></p> <p>In relation to potential risk to public health, PHE also recommended that we consulted the Local Authority, the Food Standards Agency and the Director of Public Health.</p>
Summary of actions taken or show how this has been covered
<p>The permit includes standard condition 3.2 for control of fugitive emissions and also requirements for monitoring of asbestos fibres. The operator has also specified operating techniques for control of asbestos and fugitive emissions which we have assessed against relevant guidance and incorporated into the permit via table S1.2.</p> <p>We have assessed the proposed changes to the operating techniques in line with the relevant sector guidance and industry best practice – see key issues section for further information.</p> <p>We consulted the Local Authority, the Food Standards Agency and the Director of Public Health in line with our Working Together Agreements with these organisations.</p>

We also consulted the following organisations and did not receive responses:

- East Cambridgeshire Council
- Cambridgeshire Council
- The Cambridgeshire Director of Public Health
- The Food Standards Agency
- The Health and Safety Executive.

We also advertised the application on our website for four weeks and received no responses.