

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Birkenhead WwTW Sludge Treatment Facility operated by United Utilities Water Limited.

The permit number is EPR/PP3330YU/A001.

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:

- 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. The introductory note summarises what the permit covers.

### Key issues of the decision

#### **BAT review for In-process controls under section 2.1 of EPR S5.06 Guidance for the recovery and disposal of hazardous and non-hazardous waste**

We consider that BAT measures are in place in terms of both pre-acceptance and acceptance procedures. The only waste stream to be treated is the onsite sewage sludge from the adjacent Birkenhead WwTW. No off site waste is accepted, and all waste from the WwTW is delivered to the installation via a private pipeline.

We consider that BAT measures are in place for waste storage with one exception which is that underground pipe work for sludge transfer is not currently inspected as a part of the regular inspection and maintenance programmes. To address this deficiency we have included two improvement requirements in the permit that require the operator to carry out a CCTV inspection within three months of the permit issue and implement any necessary improvements, and also update the Environment Management System to include regular inspections in the future.

We are satisfied that all four above ground storage tanks are made of reinforced concrete and in a good condition and suitable for purpose. We are satisfied that all the storage tanks are enclosed and limited by high level controls below the maximum capacities of the tanks. They are also fitted with alarms.

We are satisfied that the key treatment techniques; dewatering via a strain press and gravity belt thickeners represent BAT for sludge treatment. The liquid displaced from the sludge is returned to the head of the works to receive full treatment within the Birkenhead WwTW flow.

**BAT review for Fugitive emissions to surface water, sewer and groundwater under section 2.2.5 of EPR S5.06 Guidance for the recovery and disposal of hazardous and non-hazardous waste**

We are satisfied that the existing subsurface infrastructure including the drainage and sumps are constructed from impervious material that is resistant to the sludge in accordance with operator asset standard design procedures to minimise the risk of leakage. The site surfacing is also constructed of impermeable concrete that is resistant to the sludge. All the operations that sit within the surfacing are connected to the WwTW' sealed drainage system that directs any spillages back to the WwTW' flow for full treatment.

Prior to the application submission, the Environment Agency carried out an inspection of the site where as it was identified that there were some areas where the containment kerbing should be extended and where some kerb joints and cracks in the concrete surfacing should be repaired. We are satisfied that these improvements were completed in July 2017, along with some additional sealing of previously unsealed land to provide increased containment.

In conclusion, we consider that usage of primary containment with level control and alarms combined with the secondary containment of impermeable surfacing, kerbing and sealed drainage system flowing back to the head of the WwTW represents BAT for the installation.

## 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.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Local Authority Environment Protection Department – Wirral Council; Environmental Health</li> <li>• Health and Safety Executive</li> <li>• Public Health England</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
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 legal operator for environmental permits.
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>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.</p> <p>We accept that the site's odour control unit (OCU) does not need to be included as a DAA in the permit because the OCU serves a number of activities on the wider Birkenhead Waste Water Treatment Works (WwTW) and only a small portion of treated air originates from the sludge treatment facility. We have made this decision in accordance with Appendix 2 of RGN2 'Defining the scope of the installation'.</p>
<b>The site</b>	

Aspect considered	Decision
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 including the emission points. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. This is because there are no point source emissions to air and all water discharges are contained and pumped back to the head of the WwTW flow for treatment.</p>
<b>Environmental risk assessment</b>	
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> <p>The operator has identified risks associated with fugitive emissions, noise, odour and accidents. We accept the operator's conclusions of not significant effects on any of receptors based on the operator's control and management measures.</p>
<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>See <u>key issues</u> section for further detail about the key operating techniques.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>We accept that the site's odour control unit (OCU) does not need to be included as a DAA in this permit. However, we have assessed the suitability of the system in principle as a part of our assessment of the odour management plan. We are satisfied that the wet chemical scrubbing followed by activated carbon polish prior to discharge via stack is appropriate treatment technology. We are also satisfied that the operator has a</p>

Aspect considered	Decision
	continuous monitoring in place to monitor for key process controls such as oxygen reduction potential, pH and water flow as well as emission monitoring of H <sub>2</sub> S. The monitoring results indicate that the system is working within the design parameters.
<b>Permit conditions</b>	
Use of conditions other than those from the template	We have agreed to remove a standard condition relating to a periodic monitoring of groundwater and soil. This condition was introduced to permits under IED. The operator has a number of active appeals in relation to the interpretation of the IED at their sludge treatment facilities. Depending on the outcome of these appeals, the condition may need to be reinserted to the permit.
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.</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</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with Sector Guidance Note S5.06: Guidance for the recovery and disposal of hazardous and non-hazardous waste.</p> <p>Only sludge originating from onsite Birkenhead WwTW is permitted for treatment.</p>
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:</p> <p>The land and groundwater is protected during the life of the permit.</p> <p>We have imposed improvement requirement IC1 to request CCTV inspection of the installation's underground drainage system within six months of the permit issue. This is to ensure that the drainage system is fit for purpose. We have also included improvement requirement IC2 to ensure that the operator will update the Environmental Management System to include the regular inspections and maintenance of the installation's drainage systems as confirmed in their response to request for further information (13/12/17).</p>
Emission limits	We have decided that emission limits are not required in the permit. Tables S3.1 and S3.2 identify the point source emissions to air and sewer. We acknowledge that the point source emissions A1 and A2 in Table S3.1 are not direct discharges to air but we have included these in the permit to include a reference point to connecting point to ducting serving the OCU within the Birkenhead WwTW.

Aspect considered	Decision
Reporting	We have specified reporting in the permit.
<b>Operator competence</b>	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<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 and our notice on GOV.UK for the public 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>
Wirral Council – Environmental Health Department
<b>Brief summary of issues raised</b>
The waste water treatment works have generated odour complaints in past, but none within the last year.
<b>Summary of actions taken or show how this has been covered</b>
We have approved an odour management plan that covers the operation of the sludge treatment facility within this variation. We are satisfied with the proposed odour control measures. The risk of odour from the sludge treatment facility is considered relatively low as all tanks are enclosed. The odour control unit was upgraded in 2013, however the operation of wider waste water treatment works is outside the scope of this variation.

<b>Response received from</b>
Public Health England (PHE)
<b>Brief summary of issues raised</b>
PHE 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: particulates, and nuisances such as odour, noise or vermin. PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
<b>Summary of actions taken or show how this has been covered</b>
The permit includes conditions 3.3, 3.4 and 3.6 in relation to nuisance issues. We have assessed the proposals and are satisfied that the proposals are in accordance with relevant guidance (Sector Guidance Note S5.06: Guidance for the recovery and disposal of hazardous and non-hazardous waste).