

Environment Agency permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for Rushton Utilisation Plant operated by Aurora Energy Limited.

The variation number is EPR/HP3437NS/V002

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.

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1), to periodically review permits. As a result of that review we have identified a number of necessary changes we must make to your permit to reflect current legislation and best practice. These changes principally relate to:

- Standard monitoring for landfill gas monitoring and gas engine emissions (schedule 3)
- A standard reporting table (schedule 4)

We also aim to:

- Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.
- Implement the Industrial Emissions Directive (IED) and other regulatory changes.
- Add permit conditions to implement the statutory requirements of the Waste Framework Directive, for example to reflect the requirements of the waste hierarchy.

Site specific issues which result in a change to the current template will also be addressed, for example incorporating completed improvement conditions into the permit and removing inconsistencies.

Other changes may relate to a specific permit or amendments to monitoring requirements or emission limits which have been agreed with the Environment Agency but not incorporated into the permit.

Purpose of this document

This decision document:

- explains how the Environment Agency initiated variation 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

Annex 1: decision checklist

This document should be read in conjunction with the agreed Environment Agency variation request form and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the Environment Agency initiated variation.	✓
The permit conditions		
Updating permit conditions during consolidation.	<p>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).</p> <p>The Operator has agreed that the new conditions are acceptable</p> <p>Certain template conditions have been amended to reflect current best practice. These changes have been developed in consultation with industry having regard to the relevant legislation as follows:</p> <p>Condition 1.4 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>3.1.5 Condition added for all installations subject to the Industrial Emissions Directive (IED) for periodic monitoring of soil and groundwater.</p> <p>4.2.2. Amended to ensure that information on 'annual production/ treatment' (Schedule 4, Table S4.2) is provided in February each year where performance reports may be submitted at other times of the year.</p> <p>4.2.2(a) Text expanded to clarify the details we require in a performance report.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>4.3.1 Generic notifications condition added</p> <p>Schedule 1, table S1.1. Activity references amended to reflect changes introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Schedule 3, Standard monitoring for landfill gas engine and landfill gas flare emissions.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.3. Amended to include natural gas as an energy source for consistency with other sectors.</p> <p>Schedule 6. Definitions added to clarify meaning of:</p> <ul style="list-style-type: none"> • Exceeded • Hazardous substances • Previous year <p>See also Schedule 1 in the reviewed permit.</p>	
Operating techniques	<p>We have reviewed the Operating techniques in the existing permit to ensure only relevant and up to date operating techniques are listed in the permit.</p> <p>These are specified in the Operating Techniques table in the permit.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the certain parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>We have added new monitoring requirements as part of this variation. This new requirement reflects the landfill gas monitoring requirement set out in the new landfill template for non-hazardous landfills. The GUP is associated with a landfill where the landfill operator is not required to do this monitoring and this is important performance information and it has been included in the permit for this reason.</p>	✓
Reporting	We have specified reporting in the permit.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	Standard table S4.1 has been added as a result of the permit review. Annual production/treatment and performance parameters reporting requirements have also been amended to reflect the requirements in the new standard template.	
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 RGN 5 on Operator Competence.	✓
Growth Duty		
Section 108 Deregulation Act 2015 – Growth duty	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 vary this permit.	✓