

Permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for Lane Side Landfill Site operated by P. Casey Enviro Limited.

The variation number is EPR/RP3332KY/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.

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2010, 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:

- *The addition of a standard condition for landfill gas management at landfills;*
- *A change to the hydrogeological risk assessment condition so that reviews are undertaken every 6 years rather than every 4 years;*
- *Standard leachate, groundwater quality, landfill gas and surface water quality monitoring tables (schedule 3); and*
- *A standard reporting table (schedule 4)*

We also aim:

- *Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.*
- *We will formalise changes to monitoring requirements and compliance limits where we have agreed them in writing, for example as the result of a hydrogeological risk assessment review.*
- *Waste acceptance rules will reflect the Landfill Directive and governments' waste strategies.*
- *We will implement the Industrial Emissions Directive (IED) and other regulatory changes.*
- *We will include 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 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:

- explains how the Environment Agency initiated variation has been determined
- summarises 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.

Structure of this document

- Annex 1 the decision checklist

Annex 1: decision checklist

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

Aspect considered	Decision
European Directives	
Applicable directives	All applicable European directives have been considered in the determination of the Environment Agency initiated variation.
The site	
Extent of the site of the facility	A site plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection 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 1.5 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>2.7.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> <p>2.7.2. Added to separately identify the waste types and quantities that can be accepted for restoration.</p>

Aspect considered	Decision
	<p>2.10. Revised gas management condition imposed for all landfills that accept biodegradable to ensure compliance with the relevant requirements of the Landfill Directive.</p> <p>3.1.1. Generic condition imposed on all activities to simplify the sub-conditions. This avoids the need for additional sub-conditions that refer to compliance limits in individual tables in schedule 3.</p> <p>3.1.4 – 3.1.5. Revised conditions to reflect the terminology used by the Groundwater Directive and to require hydrogeological risk assessment reviews every 6 years rather than every 4 years.</p> <p>Two sub-conditions that referred to limits in specific tables in schedule 3 deleted as they are now covered by 3.1.1.</p> <p>3.6 Revised generic pests condition imposed on all activities.</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 annual reports may be submitted at other times of the year. This includes data on landfill gas collection that must be reported to government by April each year.</p> <p>4.2.2(a) Text expanded to clarify the details we require in an annual report.</p> <p>4.2.2(h) New condition requiring annual submission of a plan of monitoring and extraction locations with reference to monitoring tables in Schedule 3.</p> <p>Schedule 1, table S1.1. Amended description to the landfill activity to clarify that this includes restoration. Activity references amended to reflect changes introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Table S1.5. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill cover.</p> <p>Schedule 2. Table S2.1 Template list of appropriate waste added for landfills for non-hazardous waste. Waste types prohibited by the Landfill Directive have been removed for clarity.</p> <p>Schedule 3. Monitoring and compliance tables have been re-ordered so that those with compliance limits appear first. Standard monitoring frequency and parameters have been included for certain routine monitoring requirements.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.2 Additional details of landfill gas extracted required to improve climate change data quality.</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"> • Inert waste • Exceeded • Hazardous substance • Medicinal product • Previous year • Waste acceptance criteria • Waste acceptance procedure

Aspect considered	Decision
	See also Schedule 1 in the reviewed permit.
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which are accepted at the regulated facility. Table S2.2 list the previously agreed restoration waste materials as part of the restoration plan submitted with the original application. A total annual tonnage for restoration materials is still required to be agreed in Table S1.5, this is to be 'agreed in accordance with the Restoration Plan approved under condition 2.7.2'. Variation V002 issued 26/03/2012 approved the restoration waste types referenced under Table S2.2. However, no tonnage was agreed.</p>
Improvement programme	<p>Table S1.3 We consider that we need to continue to impose an improvement programme.</p> <p>IC 1 has been transferred over from the previous permit as improvement condition 1 remained outstanding. Reference has now been made to the compliance limits being set using the Agency's guidance on the Management of Landfill Gas, LFTGN03 and the ICOP (Perimeter soil gas emissions criteria and associated management. The wording to IC 1 has been simplified, however the meaning of the IC remains the same.</p> <p>IC 2 has been added. The drawings originally referred to in the 2011 permit, condition 2.7.6, referenced 99120/149 to 99120/157 dated 04/08/11, these do not show pre-settlement levels. The operator was asked for a new drawing as part of the permit review process, however this was not provided. This IC therefore requires the Operator to submit a pre-settlement drawing.</p> <p>IC 3 requires the Operator to provide an updated plan to show the locations of all the groundwater, surface water and gas monitoring points at the site. Referred to as the MEPP. There is currently no plan that shows all the groundwater, surface water and gas monitoring points at the site.</p>
Pre-operational Measures	<p>This site remains pre-operational.</p> <p>Table S1.4A - We consider that we need to continue to impose an improvement programme covering pre-operational measures.</p> <p>POM 1 has been complied with and therefore removed.</p> <p>POM references POM's 2, 4, 5, 6, and 7 have been transferred from the previous permit. Again some of the wording of these IC's has been simplified but the meanings of the improvement conditions remains the same. POM3 has partly been complied with by submission of a ground investigation report 'Geological Report REFA Report 10077' dated June 2014 and therefore this POM has been amended. The report is now detailed in the operating techniques Table S1.2.</p> <p>No new POM's have been added.</p> <p>Table S1.4B - In addition we consider that we need to continue to impose improvement programme for pre-operational measures for future development. POM 1, 2, 3 and 4 have been transferred from the previous permit.</p> <p>POM 1a has been imposed to ensure the operator submits a revised site plan which amends the installation boundary to include the private piped connection for leachate between the site boundary and the private sewer</p>

Aspect considered	Decision
	<p>prior to the installation of the leachate treatment plant. This was not provided at the time of the original application. This is to ensure that</p> <p>POM 3b We have imposed a new pre-operational measures to ensure that the operator submits a drawing showing the constructed layout of the gas utilisation plant referred to in Table S3.2 Point source emissions to air.</p> <p>Amendments have been made to table references where the new template has updated the tables.</p> <p>Where previously the IC/POM referred to trigger level this now reads 'compliance limit'.</p>
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>Amendments have been made to the emissions limits following the permit review as follows:</p> <p>Updated site drawing for monitoring boreholes identified on 99120/184 dated 02/07/2015.</p> <p>Table S3.1 Leachate level limits and monitoring requirements – Table limit amended to make it clearer that the limit is 1m above base and not 1.25 m.</p> <p>The 2011 table S3.1 was incorrect. This table referred to a limit of 1m above base and a trigger level of 1.25m.</p> <p>The 1.25m limit is a control level, and the 1m limit is the compliance limit. We no longer specify control limits in the monitoring tables included in the permit. If control levels apply they are now referred to in the management plans which are referenced in the Operating Techniques table (S1.2).</p> <p>The latest template requires monthly monitoring not weekly, the operator has therefore benefitted from a reduced monitoring frequency.</p> <p>We have consulted the operator on this discrepancy and although the new amended limit of 1m above base was challenged, once it was explained and evidence provided, as detailed above, the operator accepted the correction.</p> <p>Table S3.2 Point source emissions to air – updated emission point reference description to make it clearer.</p> <p>Table S3.3 Point source emissions to water (other than sewer) – emission limits and monitoring requirements – added as this table was omitted from the original permit. No limits have been imposed but this table has been added to acknowledge that the discharge exists as detailed in the original application.</p> <p>Tables 3.4 to S3.12 remain unchanged but reflect latest template format.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>Standard monitoring frequency and parameters have been included for certain routine monitoring requirements including groundwater, surface water, landfill gas and leachate.</p>

Aspect considered	Decision
	<p>No amendments have been made to the monitoring points following this permit review. .</p> <p>The amended tables are due to template requirements.</p>
Reporting	We have specified reporting in the permit.
Operating techniques	The existing operating techniques listed in the permit have been reviewed to ensure they are up to date and reflect the operations currently on site.
Operator competence	
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.