

# Permitting decisions

## Variation

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We have decided to grant the variation for Maw Green Landfill operated by 3C Waste Limited.

The variation number is [EPR/BS7722ID/V007](#)

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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 and the variation notice. The introductory note summarises what the variation covers.

## Key issues of the decision

The Application centred on utilising the existing concrete apron located in the eastern area of the site, which was formerly used as a composting facility. The proposed treatment involves biological treatment of hydrocarbon (for example TPH/PAH) contaminated soils, in standard biopiles. The treatment platforms include a biofilter to allow air circulation through the soil mass and drainage to allow drainage and prevent soils becoming saturated and anoxic, thus reducing the treatment efficiency. The treated soils are ultimately destined for use as restoration materials for the landfill.

The acceptance protocols, testing, treatment monitoring and completion testing (thus ensuring compliance with materials chemical testing parameters in line with the Restoration Plan) should ensure a control on the process. These documents were all provided as part of the Operating Techniques for the Soil Treatment Facility (STF) element of the permitted site.

Waste lists for treatment were submitted by the Operator and assessed as to whether they would be appropriate for the proposed treatment technique(s), additional information was required from the Operator in regard to a number of waste codes that did not initially seem appropriate. Assurances were received that all these codes would be soil-type materials and would undergo testing prior to treatment at the STF.

Given the existing condition of the landfill, which results in odour issues at the site, this soil treatment activity could potentially expedite the completion/capping and restoration of the landfill and mitigate against longer term odour issues.

The Odour Management Plan for the Soil Treatment Facility provided by the Operator (3695-CAU-XX-XX-RP-V-0308-A0-C3 OMP Combined dated 9<sup>th</sup> January 2020) underwent three iterations, given the sensitivity of odour issues of the site and a number of elements of monitoring and control which required confirming. The Plan was deemed satisfactory in January 2020.

The site was previously permitted to discharge to sewer from the Leachate Treatment Plant, this Activity seems to have been omitted from the previous Permit variation as an administrative error. Table S1.1 has been updated to correct this. In addition to the correction, this Permit allows for water collected at the STF drainage system to be either used in maintaining moisture levels for the treatment process, or diverting to the leachate treatment plant for discharge to sewer. An improvement condition has been added to request three rounds of monthly monitoring for H1 assessment purposes to determine any risk of the discharge of this water to sewer. The Operator has provided a pair of new site plans, detailing the location of the sewer and also the locations of the Biofilter and water sampling point.

## 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/Engagement</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> <p>Public Health England</p> <p>Local Authority (Cheshire East) – Regulatory Service and Health</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
Engagement	<p>We do not consider this application to be of high public interest but the site has historically received a number of complaints due to perceived odours emanating from the Landfill.</p> <p>A number of comments were received from the Public on the matter of varying the Permit, though these were all strictly related to matters from the existing status of the Landfill rather than issues directly related to the proposed activities from this variation.</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a> of this document.</p>
<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><b>The following Activities have been added in this variation:</b></p> <p>AR3 – Bioremediation process for hazardous waste</p> <p>AR4 – Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment</p>

Aspect considered	Decision
	<p>AR5 – Screening to remove oversize material prior to bioremediation treatment</p> <p>AR6 – Temporary storage of hazardous waste</p> <p><b>Directly Associated Activities that have been included are:</b></p> <p>AR11 – Fuel Storage</p> <p>AR12 – Water Storage</p> <p>AR13 – Pipework between the leachate treatment plant and public sewerage system</p> <p>AR14 – Storage of Non-hazardous waste</p> <p>AR15 – Screening of Non-hazardous waste to remove oversize material prior to bioremediation for recovery</p>
<b>The site</b>	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. 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.</p> <p>Noise was the other issue considered as a potential issue, but was discounted following the Operator's risk assessment and comment from FBG.</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>
<b>Operating techniques</b>	
General operating techniques	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.

Aspect considered	Decision
	<p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The Restoration Plan submitted acknowledged as submitted and in discharge of Improvement Condition 2, July 2017 has been included in the Operating Techniques.</p>
<p>Operating techniques for emissions that do not screen out as insignificant</p>	<p>We have assessed whether the proposed techniques are BAT.</p> <p>More information is provided in the Key Issues section of this document.</p> <p>Conditions are being imposed for which the appropriate emission limits are more stringent than those associated with the best available techniques as described in BAT conclusions (see also emission limits).</p>
<p>Odour management</p>	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>The Odour Management Plan agreed and included as part of the Operating Techniques in Table S1.2 is referenced 3695-CAU-XX-XX-RP-V-0308-A0-C3 OMP Combined and dated (signed) 9<sup>th</sup> January 2020.</p> <p>We consider that the odour management plan is satisfactory.</p>
<p><b>Permit conditions</b></p>	
<p>Updating permit conditions during consolidation</p>	<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>Use of conditions other than those from the template</p>	<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.</p>
<p>Raw materials</p>	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>NPK Fertiliser for treatment process regulation – limited to 50 tonnes per annum.</p>
<p>Waste types</p>	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>These wastes are included in Tables S2.3a and S2.3b</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; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We have excluded the following wastes (that were in the initial Application) and for the following reasons.</p> <p><b>Wastes for proposed Physico-chemical treatment:</b></p>

Aspect considered	Decision
	<p>05 01 15* spent filter clays [potential waste composition not suitable for treatment under the proposed method]</p> <p>10 09 06 casting cores and moulds which have undergone pouring other than those mentioned in 10 09 05 [potential waste composition not suitable for treatment under the proposed method]</p> <p>10 09 08 casting cores and moulds which have undergone pouring other than those mentioned in 10 09 07 [potential waste composition not suitable for treatment under the proposed method]</p> <p>10 10 06 casting cores and moulds which have not undergone pouring, other than those mentioned in 10 10 05 [potential waste composition not suitable for treatment under the proposed method]</p> <p>10 10 08 casting cores and moulds which have undergone pouring, other than those mentioned in 10 10 07 [potential waste composition not suitable for treatment under the proposed method]</p> <p>17 09 03* other construction and demolition wastes (including mixed wastes) containing hazardous substances [Waste code not suitable for treatment under this method; may contain elements which will not be appropriate (plasterboard, asbestos, packaging, metals etc).]</p> <p>17 09 04 mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03 [Waste code no suitable for treatment under this method; may contain elements which will not be appropriate (plasterboard, asbestos, packaging, metals etc).]</p> <p>19 02 03 premixed wastes composed only of non-hazardous wastes [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p> <p>19 02 04* premixed wastes composed of at least one hazardous waste – wastes suitable for biological treatment only [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p> <p>19 02 11* other wastes containing hazardous substances – wastes suitable for biological treatment only [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p> <p>19 08 01 screenings [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions such as rags/sanitary wastes etc.]</p> <p><b>And wastes for proposed Biological treatment:</b></p> <p>05 01 15* spent filter clays [potential waste composition not suitable for treatment under the proposed method]</p> <p>19 02 03 premixed wastes composed only of non-hazardous wastes [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p> <p>19 02 04* premixed wastes composed of at least one hazardous waste – wastes suitable for biological treatment only [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p>

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	<p>19 02 11* other wastes containing hazardous substances – wastes suitable for biological treatment only [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions.]</p> <p>19 08 01 screenings [Wastes not suitable for soil treatment; contain potentially odorous materials and other unsuitable fractions such as rags/sanitary wastes etc.]</p> <p>We have restricted the following wastes as they are not considered suitable for treatment technique proposed by the operator, given the nature of these wastes and the potential for contaminant material which would not be able to be treated under the conditions of the Activity.</p> <p>We made these decisions with respect to waste types in accordance with Technical Guidance WM3 and S5.06.</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 an appropriate assessment of the process water is carried out in line with H1 prior to being disposed of via sewer from site.</p> <p>The Operator must submit to the Agency in writing for approval, a Report containing assessment and conclusions of 3 months of monitoring of waste process water (due for disposal to sewer) from the treatment process at the Soil Treatment Facility. The Report is due four months from the issue of the Permit variation.</p>
Emission limits	<p>ELVs and] equivalent parameters or technical measures based on BAT have been added/amended/deleted for the following substances.</p> <p>STF Biofilter monitoring: Ammonia [20mg/m<sup>3</sup>] and TVOCs [40mg/m<sup>3</sup>].</p> <p>H1 Hazardous Substances as per Improvement Condition 4 for emissions to sewer from the STF drainage collection system . Determinands and limits to be confirmed.</p>
Monitoring	<p>We have decided that monitoring should be added/amended/deleted for the following parameters, using the methods detailed and to the frequencies specified:</p> <p>Table S3.13 – Moisture content, flow rate, nutrient levels and contaminant elimination .</p> <p>These monitoring requirements have been imposed in order to ensure that the treatment process is working correctly and no threat is posed to the surrounding environment from failure of treatment process.</p> <p>We made these decisions in accordance with [reference the relevant BAT Guidance.</p>
Reporting	<p>We have added/amended/deleted reporting in the permit for the following parameters:</p> <p>Point source emission to sewer as specified in Schedule 3 of the Permit, Table S3.4; and</p> <p>Process monitoring as specified in Schedule 3 of the Permit, Table S3.13.</p>

Aspect considered	Decision
	We made these decisions in accordance with BAT.
<b>Operator competence</b>	
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.
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>
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, 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>
Public Health England
<b>Brief summary of issues raised</b>
Concerns were raised regarding the clarity of the information provided in the Application in respect to the Biofilter monitoring and levels of emissions. The Operator provided an initial assurance using a benzene standard of 3250 µg m <sup>-3</sup> rather than the public health protection standard (5 µg m <sup>-3</sup> as an annual mean) which the PHE Scientists were not satisfied with the monitoring, selection of benzene as a standard and how the monitoring will be used to demonstrate no breaches for potential contaminants of concern. Further requests for clarity were made (initially 02/08/2019) on 22/10/2019.
<b>Summary of actions taken or show how this has been covered</b>
Schedule 5 Notice responses (dated 03-10-2019 and 13-12-2019) were provided by the Operator, including further information on the monitoring, justification for the use of a benzene standard and modelling data based on an existing facility. Public Health England suggested that it was satisfied with the Operator's responses, in a final letter referenced CIRIS 51774 and dated 16/01/2019. All correspondence on this matter, letters and emails have been saved to EDRM.

### Responses from organisations listed in the consultation section

<b>Response received from</b>
Cheshire East Council – Regulator Service and Health
<b>Brief summary of issues raised</b>
The following response was received: <i>"The Council's Environmental Protection regularly receives complaints relating to odour from the landfill, which is potentially causing a statutory nuisance to local residents. In light of the number of complaints received over the last month the EP team is now investigating the odour under statutory nuisance provisions. In light of this, there are concerns that further potentially odorous operations being allowed to take place on the site may add to the odour being allowed to escape from the site. The technical information does make reference to daily odour monitoring by staff associated with the activity. Unfortunately, daily checks would not be sufficient and checks should be made regularly during the day as this will help to detect any odours quicker. Also the checks should be undertaken by an employee who is not working in the area so that the person undertaking the assessment is not desensitised to the odour. In addition, the actions to be taken if an odour is detected i.e. 'by a cessation of soil movement if required or covering of odorous soils with a tarpaulin etc.' is not sufficient as what does 'etc.' refer to as it should be stated clearly what will happen. The use of a tarpaulin may be good for small piles of soil, but from the photograph supplied in the technical information the size of the soil piles is significant and as such, completely covering them would be difficult. The use of odour abatement or masking technology should be employed and used as appropriate to prevent odours from leaving the site and affecting local residents."</i>
<b>Summary of actions taken or show how this has been covered</b>
The Environment Agency has limited the materials that are to be accepted at the Soil Treatment Facility to soils which should not pose any additional odour risk. In addition, the Odour Management Plan submitted by the Operator underwent further assessment and changes were made in light of existing odour complaints from the site, to ensure a comprehensive approach to tackling any issues. The Area Enforcement Officer is aware of these issues and will act accordingly.

## Representations from individual members of the public.

<b>Brief summary of issues raised</b>
<p>Six individual responses were received from members of the public, all appeared to be from people living in proximity to the Permitted site.</p> <p>The complaints submitted centred around existing odour issues at the site and concerns that additional activities would exacerbate any existing problems perceived at the site.</p> <p>No other direct issues were raised about the proposed Activities which would arise from this variation, if granted, other than concerns regarding existing odour being worsened.</p>
<b>Summary of actions taken or show how this has been covered</b>
<p>An updated odour management plan for the site is currently being worked on by the Operator at the request of the Area Officer.</p> <p>As part of this Application, a new and bespoke Odour Management Plan was requested from the Operator and underwent a number of iterations following Schedule 5 responses in determination. The Environment Agency is now satisfied that the relatively low risk of additional odours from the soils accepted at the site in tandem with this OMP will be adequate to ensure there are no additional odour issues as a result of this Activity at the site.</p>