

Review of an Environmental Permit for an Installation subject to Chapter II of the Industrial Emissions Directive under the Environmental Permitting (England & Wales) Regulations 2016 (as amended)

Decision document recording our decision-making process following review of a permit

The Permit number is: EPR/YP3236RW
The Operator is: Duranta Teesside Limited
The Installation is: Teesside AD Power Plant
This Variation Notice number is: EPR/YP3236RW/V004

What this document is about

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication by the European Commission of updated decisions on BAT Conclusions.

We have reviewed the permit for this installation against the revised BAT Conclusions for the Waste Treatment industry sector published on 10 August 2018 in the Official Journal of the European Union. In this decision document, we set out the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the Operator in the operation and control of the plant and activities of the installation. This review has been undertaken with reference to the decision made by the European Commission establishing Best Available Techniques (BAT) Conclusions (BATc) for Waste Treatment as detailed in document reference C(2018) 5070. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position. It also provides a justification for the inclusion of any specific conditions in the permit that are in addition to those included in our generic permit template.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

The introduction of new template conditions makes the Permit consistent with our current general approach and with other permits issued to Installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the Permit in any way. In this document, we therefore address only our determination of substantive issues relating to the new BAT Conclusions.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future.

How this document is structured

1. Our decision
2. How we reached our decision
3. The legal framework
4. Annex 1 – Review of operating techniques within the Installation against BAT Conclusions.
5. Annex 2 – Review and assessment of changes that are not part of the BAT Conclusions derived permit review
6. Annex 3 – Improvement Conditions

1 Our decision

We have decided to issue the Variation Notice to the Operator. This will allow the Operator to continue to operate the Installation, subject to the conditions in the Consolidated Variation Notice that updates the whole permit.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the varied permit will ensure that a high level of protection is provided for the environment and human health.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the Operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our use of “tailor-made” or installation-specific conditions, or where our Permit template provides two or more options.

2 How we reached our decision

2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 25 May 2019 requiring the Operator to provide information to demonstrate where the operation of their installation currently meets, or how it will subsequently meet, the revised standards described in the relevant BAT Conclusions document.

The Notice required that where the revised standards are not currently met, the Operator should provide information that:

- describes the techniques that will be implemented before 17 August 2022, which will then ensure that operations meet the revised standards, or
- justifies why standards will not be met by 17 August 2022, and confirmation of the date when the operation of those processes will cease within the Installation or an explanation of why the revised BAT standards are not applicable to those processes, or
- justifies why an alternative technique will achieve the same level of environmental protection equivalent to the revised BAT standards described in the BAT Conclusions.

Where the Operator proposed that they were not intending to meet a BAT standard that also included a BAT Associated Emission Level (BAT-AEL) described in the BAT Conclusions Document, the Regulation 61 Notice required that the Operator make a formal request for derogation from compliance with that BAT-AEL (as provisioned by Article 15(4) of IED). In this circumstance, the Notice identified that any such request for derogation must be supported and justified by sufficient technical and commercial information that would enable us to determine acceptability of the derogation request.

The Regulation 61 Notice response from the Operator was received on 21 April 2020.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review but not that it necessarily contained all the information to confirm that site activities meet the relevant BAT conclusions. We completed the determination based on the information and supporting information received.

The Operator made no claim for commercial confidentiality. We have not received any information in relation to the Regulation 61 Notice response that appears to be confidential in relation to any party.

2.2 Review of our own information in respect to the capability of the Installation to meet revised standards included in the BAT Conclusions document

Based on our records and previous experience in the regulation of the installation we consider that the Operator will be able to comply with the techniques and standards described in the BAT Conclusions other than for those techniques and requirements described in BAT Conclusions, 1, 2, 3, 5, 8, 10, 11, 14, 15, 16, 17, 19, 21, 23, 34 and 38. In relation to these BAT Conclusions, we do not fully agree with the Operator in respect of their current stated capability as recorded in their response to the Regulation 61 Notice. We have therefore included Improvement Conditions IP11 and IP12 (abbreviated to *IP* in the permit notice) in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered before 17 August 2022.

3 The legal framework

The Consolidated Variation Notice will be issued under Regulations 18 and 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of other relevant legislation which also have to be addressed.

We consider that, in issuing the Consolidated Variation Notice, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

Annex 1: decision checklist regarding relevant BAT Conclusions

BAT Conclusions for the Waste Treatment sector were published by the European Commission on 10 August 2018. There are 53 BAT Conclusions. This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

The overall status of compliance with the BAT conclusion is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

FC – Compliant in the future (within 4 years of publication of BAT Conclusions)

NC – Not Compliant

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
1	<p>In order to improve the overall environmental performance, BAT is to implement and adhere to an environmental management system (EMS) that incorporates all of the following features:</p> <ul style="list-style-type: none"> I. commitment of the management, including senior management; II. definition, by the management, of an environmental policy that includes the continuous improvement of the environmental performance of the installation; III. planning and establishing the necessary procedures, objectives and targets, in conjunction with financial planning and investment; IV. implementation of procedures paying particular attention to: <ul style="list-style-type: none"> (a) structure and responsibility, (b) recruitment, training, awareness and competence, (c) communication, (d) employee involvement, (e) documentation, (f) effective process control, (g) maintenance programmes, (h) emergency preparedness and response, (i) safeguarding compliance with environmental legislation; 	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 1. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 1.</p> <p>The Operator's response confirmed that they are currently not compliant with all of the management system requirements as specified under BATc 1. The Operator has committed to undertaking a review of the EMS.</p> <p>We consider that the Operator will be future compliant with BATc 1. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>V. checking performance and taking corrective action, paying particular attention to:</p> <ul style="list-style-type: none"> (a) monitoring and measurement (see also the JRC Reference Report on Monitoring of emissions to air and water from IED installations – ROM), (b) corrective and preventive action, recruitment, training, awareness and competence, (c) maintenance of records, (d) independent (where practicable) internal or external auditing in order to determine whether or not the EMS conforms to planned arrangements and has been properly implemented and maintained <p>VI. review, by senior management, of the EMS and its continuing suitability, adequacy and effectiveness;</p> <p>VII. following the development of cleaner technologies;</p> <p>VIII. consideration for the environmental impacts from the eventual decommissioning of the plant at the stage of designing a new plant, and throughout its operating life;</p> <p>IX. application of sectoral benchmarking on a regular basis;</p> <p>X. waste stream management (see BAT 2);</p> <p>XI. an inventory of waste water and waste gas streams (see BAT 3);</p>		

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	XII. residues management plan (see description in Section 6.5); XIII. accident management plan (see description in Section 6.5); XIV. odour management plan (see BAT 12) XV. noise and vibration management plan (see BAT 17).		
2	In order to improve the overall environmental performance of the plant, BAT is to use all of the techniques listed below: (a) Set up and implement waste characterisation and pre-acceptance procedures; (b) Set up and implement waste acceptance procedures; (c) Set up and implement a waste tracking system and inventory; (d) Set up and implement an output quality management system; (e) Ensure waste segregation; (f) Ensure waste compatibility prior to mixing or blending of waste; (g) Sort incoming solid waste	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 2 (b), (c), (d), (e), (f) and (g).</p> <p>BATc 2(a) requires the characterisation of wastes accepted in the installation. The Operator currently accepts wastes which are not included in our published permit templates for anaerobic digestion treatment. As discussed further in Annex 2 of this document, these waste codes will need detailed characterisation in line with BATc 2(a).</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			We consider that the Operator will be future compliant with BATc 2. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).
3	<p>In order to facilitate the reduction of emissions to water and air, BAT is to establish and to maintain an inventory of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the following features:</p> <p>(i) information about the characteristics of the waste to be treated and the waste treatment processes, including: (a) simplified process flow sheets that show the origin of the emissions; (b) descriptions of process-integrated techniques and waste water/waste gas treatment at source including their performances;</p> <p>(ii) information about the characteristics of the waste water streams, such as: (a) average values and variability of flow, pH, temperature, and conductivity; (b) average concentration and load values of relevant substances and their variability (e.g. COD/TOC, nitrogen species, phosphorus, metals, priority substances /micropollutants);</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 3. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 3.</p> <p>The Operator's response claims that they are currently compliant with BATc 3. They also identify that part (ii) of BATc 3 is not relevant as there are no discharge of process water to surface waters. For the other parts (i) (waste characterisation) and (ii) (waste gas inventory), much of the information required by the BATc was not submitted. No waste inventory was submitted and only brief descriptions of the waste gases produced was provided. No description of the characteristics of the waste gases produced were included.</p>

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	<p>(c) data on bioeliminability (e.g. BOD, BOD to COD ratio, Zahn-Wellens test, biological inhibition potential (e.g. inhibition of activated sludge)) (see BAT 52);</p> <p>(iii) information about the characteristics of the waste gas streams, such as:</p> <ul style="list-style-type: none"> (a) average values and variability of flow and temperature; (b) average concentration and load values of relevant substances and their variability (e.g. organic compounds, POPs such as PCBs); (c) flammability, lower and higher explosive limits, reactivity; (d) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, nitrogen, water vapour, dust). 		<p>We consider that the Operator will be future compliant with BATc 3. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
4	<p>In order to reduce the environmental risk associated with the storage of waste, BAT is to use all of the techniques given below:</p> <ul style="list-style-type: none"> (a) Optimised storage location; (b) Adequate storage capacity; (c) Safe storage operation; (d) Separate area for storage and handling of packaged hazardous waste. 	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 4. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 4.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
5	<p>In order to reduce the environmental risk associated with the handling and transfer of waste, BAT is to set up and implement handling and transfer procedures.</p> <p>Handling and transfer procedures aim to ensure that wastes are safely handled and transferred to the respective storage or treatment. They include the following elements:</p> <ul style="list-style-type: none"> • handling and transfer of waste are carried out by competent staff; • handling and transfer of waste are duly documented, validated prior to execution and verified after execution; • measures are taken to prevent, detect and mitigate spills; • operation and design precautions are taken when mixing or blending wastes (e.g. vacuuming dusty/powdery wastes). <p>Handling and transfer procedures are risk-based considering the likelihood of accidents and incidents and their environmental impact.</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 5. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 5.</p> <p>The Operator's response claims that they are currently compliant with BATc 5. They have described and summarised the techniques implemented on site to minimise the environmental risk from the handling and transfer of waste. However, the response references a number of supporting documents and procedures which were not submitted. These procedures may meet BAT, however, as they were not submitted, we cannot confirm that the Operator is currently compliant with BATc 5</p> <p>We consider that the Operator will be future compliant with BATc 5. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
6	For relevant emissions to water as identified by the inventory of waste water streams (see BAT 3), BAT is to monitor key process parameters (e.g. waste water flow, pH, temperature, conductivity, BOD) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 6 is not applicable to this Installation. The current permit does include a discharge of waters to surface waters (road sewer and to the River Tees). While this discharge includes emission limits for dissolved oxygen and visual monitoring, the discharge is restricted to uncontaminated site surface water only. There are no point source emissions of waste or process waters from the installation activities.</p>
7	BAT is to monitor emissions to water with at least the frequency given in BATc 7, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 7 is not applicable to this Installation. The current permit does include a discharge of waters to surface waters (road sewer and to the River Tees). While this discharge includes emission limits for dissolved oxygen and visual monitoring, the discharge is restricted to uncontaminated site surface water only. There are no point source emissions of waste or process waters from the installation activities.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
8	<p>BAT is to monitor channelled emissions to air with at least the frequency given in BATc 8, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 8. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 8.</p> <p>The Operator's response indicates that monitoring of channelled emissions to air from air extraction points (scrubbers and biofilter) is not yet undertaken. The Operator states that they will implement a monitoring regime of NH₃, H₂S and odour concentrations for these emission points in line with BATc 8 by the Waste Treatment BREF and BAT by the compliance date, 17 August 2022. It is noted that there are other point source emissions on site which the Operator has not identified for monitoring of channelled emissions. Waste gases from the slurry tank carbon filter and other point source emissions will need to be monitored in line with BATc 8.</p>

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			We consider that the Operator will be future compliant with BATc 8. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).
10	<p>BAT is to periodically monitor odour emissions.</p> <p>Odour emissions can be monitored using:</p> <ul style="list-style-type: none"> • EN standards (e.g. dynamic olfactometry according to EN 13725 in order to determine the odour concentration or EN 16841-1 or -2 in order to determine the odour exposure); • when applying alternative methods for which no EN standards are available (e.g. estimation of odour impact), ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality. <p>The monitoring frequency is determined in the odour management plan (see BAT 12).</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 10. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 10.</p> <p>The Operator's response indicates that monitoring of odour sources is not yet undertaken. The Operator states that they will implement a monitoring regime using EN standards or alternatives in line with BATc 10 of the Waste Treatment BREF and BAT by the compliance date, 17 August 2022.</p> <p>We consider that the Operator will be future compliant with BATc 10. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
11	<p>BAT is to monitor the annual consumption of water, energy and raw materials as well as the annual generation of residues and waste water, with a frequency of at least once per year.</p> <p>Monitoring includes direct measurements, calculation or recording, e.g. using suitable meters or invoices. The monitoring is broken down at the most appropriate level (e.g. at process or plant/installation level) and considers any significant changes in the plant/installation.</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 11. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 11.</p> <p>The Operator's response indicates that a number of parameters are monitored annually at present including; total energy generation, energy usage and daily water usage. The Operator indicates that it will expand its annual consumption and energy use monitoring to achieve the requirements of BATc 11 of the Waste Treatment BREF and BAT by the compliance date, 17 August 2022.</p> <p>We consider that the Operator will be future compliant with BATc 10. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
12	<p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> • a protocol containing actions and timelines; • a protocol for conducting odour monitoring as set out in BAT 10; • a protocol for response to identified odour incidents, e.g. complaints; • an odour prevention and reduction programme designed to identify the source(s); to characterise the contributions of the sources; and to implement prevention and/or reduction measures. 	CC	<p>The Operator has provided information to support compliance with BATc point 12. We have assessed the description provided in the Operator's BAT assessment as part of the Regulation 61 response and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated full compliance with BATc point 12.</p> <p>The Operator's response states that they are compliant with BATc point 12. An approved odour management plan is currently in place, however, the Operator is not compliant with BATc point 10. A protocol for conducting odour monitoring is therefore not part of the current odour management plan. An improvement condition for BATc point 10 is included in the permit.</p> <p>We are however satisfied that the Operator has demonstrated compliance with BATc 12.</p>

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13	<p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Minimising residence times; (b) Using chemical treatment; (c) Optimising aerobic treatment</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 13. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BAT 13.</p>
14	<p>In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below:</p> <p>(a) Minimising the number of potential diffuse emission sources; (b) Selection and use of high-integrity equipment; (c) Corrosion prevention; (d) Containment, collection and treatment of diffuse emissions; (e) Dampening; (f) Maintenance; (g) Cleaning of waste treatment and storage areas; (h) Leak detection and repair (LDAR) programme</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 14. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 14.</p> <p>The Operator confirms that they are not currently compliant with this BATc. However, the Operator's submission summarises how they meet the majority of the BAT techniques within this BATc. While a description of the techniques has been provided, some refer to standalone</p>

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			<p>procedures which were not submitted by the Operator. In addition, the Operator does not currently undertake any leak detection and repair measures (LDAR).</p> <p>Therefore, we consider that the Operator will be future compliant with BATc 14. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
15	<p>BAT is to use flaring only for safety reasons or for non-routine operating conditions (e.g. start-ups, shutdowns) by using both of the techniques given below:</p> <p>(a) Correct plant design; (b) Plant management</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 15. We have assessed the information provided and reviewed the site compliance report . We are not satisfied that the Operator has demonstrated compliance with BATc 15.</p> <p>The Operator states that they currently compliant with this BATc. The Operator’s submission addresses the scenarios for flaring of biogas and how most gas generated is subject to a gas cleaning process for upgrading into the national gas</p>

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			<p>grid. However no detail or descriptions are provided on the use of high-integrity pressure relief valves as specified in the BAT conclusion.</p> <p>We consider that the Operator will be future compliant with BATc 15. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
16	<p>In order to reduce emissions to air from flares when flaring is unavoidable, BAT is to use both of the techniques given below:</p> <p>(a) Correct design of flaring devices; (b) Monitoring and recording as part of flare management</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 16. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 16.</p> <p>The Operator states that they currently compliant with this BATc. The Operator's submission only specifies the height of the flare and indicates that the SCADA system monitors pressure. However no detail or descriptions are provided on the design of the flare. We have therefore been unable to</p>

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			<p>confirm that the flare meets the requirements of the BAT conclusion.</p> <p>We consider that the Operator will be future compliant with BATc 16. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
17	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> I. a protocol containing appropriate actions and timelines; II. a protocol for conducting noise and vibration monitoring; III. a protocol for response to identified noise and vibration events, e.g. complaints; IV. a noise and vibration reduction programme designed to identify the source(s), to measure /estimate noise and vibration exposure, to 	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 17. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 17.</p> <p>The Operator states that they currently have a noise management plan in place (dated 14 April 2020). However, the Environment Agency has no record that the plan was approved. In addition, the referenced noise management plan was not provided.</p>

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	characterise the contributions of the sources and to implement prevention and /or reduction measures.		We therefore consider that the Operator will be future compliant with BATc 17. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).
18	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Appropriate location of equipment and buildings; (b) Operational measures; (c) Low noise-equipment; (d) Noise and vibration equipment; (e) Noise attenuation</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 18. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 18.</p>
19	<p>In order to optimise water consumption, to reduce the volume of waste water generated and to prevent or, where that is not practicable, to reduce emissions to soil and water, BAT is to use an appropriate combination of the techniques given below:</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 19. We have assessed the information provided and reviewed the site compliance report. We are</p>

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	(a) Water management; (b) Water recirculation; (c) Impermeable surface; (d) Techniques to reduce the likelihood and impact of overflows and failures from tanks and vessels; (e) Roofing of waste storage and treatment areas; (f) Segregation of water streams (g) Adequate drainage infrastructure; (h) Design and maintenance provisions to allow detection and repair of leaks (i) Appropriate buffer storage capacity		<p>not satisfied that the Operator has demonstrated compliance with BATc 19.</p> <p>The Operator has stated that they are not currently compliant with BATc 19. However, the Operator has described how they are compliant with a number of the specified techniques under BATc 19. The Operator has stated that they intend to develop plans to become compliant with these other techniques (a) and (h).</p> <p>We consider that the Operator will be future compliant with BATc 19. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
20	<p>In order to reduce emissions to water, BAT is to treat waste water using an appropriate combination of the techniques given below:</p> <p><i>Preliminary and primary treatment, e.g.</i> (a) Equalisation</p>	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 20 is not applicable to this Installation. The current permit does include a discharge of waters to surface waters (road sewer and to the River Tees). While this discharge includes emission limits for dissolved</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>(b) Neutralisation (c) Physical separation, e.g. screens, sieves, grit separators, grease separators, oil-water separation or primary settlement tanks</p> <p>Physico-chemical treatment, e.g. (d) Adsorption (e) Distillation /rectification (f) Precipitation (g) Chemical oxidation (h) Chemical reduction (i) Evaporation (j) Ion exchange (k) Stripping</p> <p>Biological treatment, e.g. (l) Activated sludge process (m) Membrane bioreactor (n) Nitrification / denitrification when the treatment includes a biological treatment</p> <p>Solids removal, e.g. (o) Coagulation and flocculation</p>		<p>oxygen and visual monitoring, the discharge is restricted to uncontaminated site surface water only. There are no point source emissions of waste or process waters from the installation activities.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>(p) Sedimentation (q) Filtration (e.g. sand filtration, microfiltration, ultrafiltration) (r) Flotation</p> <p>See also: Table 6.1: BAT-associated emission levels (BAT-AELs) for direct discharges to a receiving water body</p> <p>See also: Table 6.2: BAT-associated emission levels (BAT-AELs) for indirect discharges to a receiving water body</p>		
21	<p>In order to prevent or limit the environmental consequences of accidents and incidents, BAT is to use all of the techniques given below, as part of the accident management plan (see BAT 1):</p> <p>(a) Protection measures; (b) Management of incidental /accidental emissions; (c) Incident /accident registration and assessment system</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 21. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 21.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			<p>The Operator has stated that they have an accident management plan (AMP) in place with the current version dated 03 February 2020. However, the Operator did not submit a copy of this AMP to the Environment Agency with their response to the Regulation 61 notice.</p> <p>We consider that the Operator will be future compliant with BATc 21. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
22	<p>In order to use materials efficiently, BAT is to substitute materials with waste.</p> <p>Waste is used instead of other materials for the treatment of wastes (e.g. waste alkalis or waste acids are used for pH adjustment, fly ashes are used as binders).</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 22. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 22.</p>
23	<p>In order to use energy efficiently, BAT is to use both of the techniques given below:</p> <p>(a) Energy efficiency plan;</p>	FC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 23. We have assessed the information</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	(b) Energy balance record		<p>provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 23.</p> <p>The Operator has indicated that they are not yet compliant with BATc 23. Their response states that an energy efficiency plan is in development but not yet approved by the Environment Agency.</p> <p>We consider that the Operator will be future compliant with BATc 23. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
24	<p>In order to reduce the quantity of waste sent for disposal, BAT is to maximise the reuse of packaging, as part of the residues management plan (see BAT 1).</p> <p>Packaging (drums, containers, IBCs, pallets, etc.) is reused for containing waste, when it is in good condition and sufficiently clean, depending on a compatibility check between the substances contained (in consecutive</p>	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 24 is not applicable to this Installation. The installation feedstock to the anaerobic digestion process is predominantly liquid with waste arriving directly via tanker.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	uses). If necessary, packaging is sent for appropriate treatment prior to reuse (e.g. reconditioning, cleaning).		
33	<p>In order to reduce odour emissions and to improve the overall environmental performance, BAT is to select the waste input.</p> <p>The technique consists of carrying out the pre-acceptance, acceptance and sorting of the waste input (see BAT 2) so as to ensure the suitability of the waste input for the waste treatment, e.g. in terms of nutrient balance, moisture or toxic compounds which may reduce the biological activity.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 33. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 33.</p>
34	<p>In order to reduce channelled emissions to air of dust, organic compounds and odorous compounds, including H₂S and NH₃, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Adsorption; (b) Biofilter; (c) Fabric filter; (d) Thermal oxidation; (e) Wet scrubbing</p>	FC BATc 34, Table 6.7 FC	<p><u>Environment Agency assessment</u></p> <p>The Operator provided information to support compliance with BATc 34. A biofilter, carbon filters and scrubbers are installed at the facility. A biofilter comprised of woodchip and volcanic rock media is used to treat odorous air from the reception hall. The scrubbers treat odorous air from the pasteuriser plant and carbon filters treat displaced air from the slurry tank and digestate offtake point.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>See also: Table 6.7: BAT-associated emission levels (BAT-AELs) for channelled NH₃, odour, dust and TVOC emissions to air from the biological treatment of waste.</p>		<p>We have assessed the information provided and we are satisfied that the Operator is using air abatement systems in line with the BAT conclusion. However, there is no evidence that air emissions from these sources meet the BAT AELs specified in BATc 34.</p> <p>We have set a BAT-AEL for ammonia as specified in the Waste Treatment BREF and BAT Conclusions.</p> <p>Improvement conditions (IP10 and IP11) have been included in the permit to achieve compliance. The Operator is required to complete the improvement condition and demonstrate compliance with BAT-AEL by the compliance date, 17 August 2022.</p> <p>In addition to the BAT-AEL, we have inserted the requirement to monitor odour concentration, hydrogen</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			<p>sulphide and ammonia on a 6-monthly frequency in Table S3.4 (process monitoring).</p> <p>As part of the Environment Agency approach to reduce emissions in the biowaste treatment sector, we have included the following improvement conditions:</p> <p><u>Improvement condition for the review of effectiveness of abatement plant</u></p> <p>Improvement condition 16 (IP16) requires the Operator to review abatement plant on site, in order to determine whether existing measures have been effective and adequate to prevent and/or minimise emissions released to air. Where further improvements are identified, the Operator is required to implement these measures.</p> <p><u>Improvement condition for the review of abatement plant design</u></p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			Improvement condition 16 requires the Operator to review the design of the site ventilation system and abatement plant in order to determine whether it is fit for purpose and effective in controlling odorous compounds in the air streams from site processes. Where further improvements are identified, the Operator is required to implement these measures.
35	<p>In order to reduce the generation of waste water and to reduce water usage, BAT is to use all of the techniques given below:</p> <p>(a) Segregation of water streams; (b) Water recirculation; (c) Minimisation of the generation of leachate</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The Operator has provided information to support compliance with BATc 35. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 35.</p>
36	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>Monitoring and/or control of key waste and process parameters, including:</p> <ul style="list-style-type: none"> • waste input characteristics (e.g. C to N ratio, particle size); 	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 36 is not applicable to this Installation. There is no aerobic treatment of waste at this installation.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<ul style="list-style-type: none"> • temperature and moisture content at different points in the windrow; • aeration of the windrow (e.g. via the windrow turning frequency, O₂ and/or CO₂ concentration in the windrow, temperature of air streams in the case of forced aeration); • windrow porosity, height and width. 		
37	<p>In order to reduce diffuse emissions to air of dust, odour and bioaerosols from open-air treatment steps, BAT is to use one or both of the techniques given below:</p> <p>(a) Use of semi permeable membrane covers; (b) Adaptation of operations to the meteorological conditions</p>	NA	<p><u>Environment Agency assessment</u> We are satisfied that BATc 37 is not applicable to this Installation. There is no aerobic treatment of waste at this installation.</p>
38	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>This includes monitoring and/or control of key waste and process parameters:</p> <ul style="list-style-type: none"> • pH and alkalinity of the digester feed; • digester operating temperature; • hydraulic and organic loading rates of the digester feed; 	FC	<p><u>Environment Agency assessment</u> The Operator has provided information to support compliance with BATc 38. We have assessed the information provided and reviewed the site compliance report. We are not satisfied that the Operator has demonstrated compliance with BATc 38.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<ul style="list-style-type: none"> • concentration of volatile fatty acids (VFA) and ammonia within the digester and digestate; • biogas quantity, composition (e.g. H₂S) and pressure; • liquid and foam levels in the digester. 		<p>The Operator's response outlines how the site's SCADA system will ensure stable digester operation and that key process parameters will be monitored. However, no detailed discussion or supporting documentation was submitted.</p> <p>We consider that the Operator will be future compliant with BATc 38. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).</p>
39	<p>In order to reduce emissions to air, BAT is to use both of the techniques given below:</p> <p>(a) Segregation of the waste gas streams; (b) Recirculation of waste gas</p>	NA	<p><u>Environment Agency assessment</u></p> <p>We are satisfied that BATc 39 is not applicable to this Installation.</p>

Annex 2: Review and assessment of changes that are not part of the BAT Conclusions derived permit review

Existing Medium Combustion Plant

We asked the Operator to provide information on all combustion plant on site in the Regulation 61 Notice as follows:

- Number of combustion plant (CHP engines, back-up generators, boilers);
- Size of combustion plant – rated thermal input (MWth)
- Date each combustion plant came into operation
- Confirmation as to whether or not the combustion plant is subject to a capacity market agreement (2014 or 2015 auction) or whether or not a Feed-in Tariff preliminary accreditation application was received prior to 1 December 2016

The Operator provided the information in the tables below:

Combined heat and power (CHP) engines

1. Rated thermal input (MW) of the medium combustion plant.	CHP engine 1 – 2.206 MWth CHP engine 2 – 2.206 MWth CHP engine 3 – 2.206 MWth CHP engine 4 – 1.008 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Combined heat and power engines
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Biogas
4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018.	March 2015
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	Not applicable
6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	Not applicable

Auxiliary generators

1. Rated thermal input (MW) of the medium combustion plant.	Auxiliary boiler 1 – 0.366 MWth Auxiliary boiler 2 – 1.57 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Diesel generator
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Diesel

4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018.	2014
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	Not applicable
6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	Not applicable

We have reviewed the information provided and we consider that the declared combustion plant qualify as “existing” medium combustion plant.

For existing MCP with a rated thermal input of less than or equal to 5 MW, the emission limit values set out in tables 1 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2030.

We have included the appropriate emission limit values for existing medium combustion plant as part of this permit review. See Table S3.1 in the permit.

The auxiliary generators are classed as ‘excluded generators’. This means that the generators operate for less than 50 hours per year for the purposes of testing only. Excluded generators do not need to comply with emission limit values.

Bioaerosols monitoring requirements

We asked the Operator to confirm the following aspects regarding the site operations in the Regulation 61 Notice:

- Whether or not the operational processes of biodegradable waste are in open processes within 250 metres of human receptors.
- Whether or not there is a channelled or point source release within 250 metres that are open sources e.g. biofilters within 250 metres of human receptors; and
- The existing permit contains bioaerosols monitoring requirements, the microbiological markers, associated bioaerosols limits and the monitoring standards

The Operator provided information regarding bioaerosols monitoring in their response to the Regulation 61 Notice. We carried out an assessment of the site location and the distance of site processes from sensitive receptors as part of this determination.

There are no external site operational processes and/or channelled /point sources within 250 metres of a sensitive receptor. Monitoring of bioaerosols is not required at the Installation.

Soil & groundwater risk assessment (baseline report)

The IED requires that the operator of any IED installation using, producing or releasing “relevant hazardous substances” (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a “baseline report” with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

The Operator submitted a site condition report (*Teesside Anaerobic Digestion Power Plant, Middlesbrough. Environmental Permit Application. Site Condition Report*. Reference 405-4387-00001/SCR) during the original application received on 21 March 2021. The site condition report included a report on the baseline conditions as required by Article 22. We reviewed that report and considered that it adequately described the condition of the soil and groundwater at that time.

The Operator submitted a summary report which referenced the site condition report and baseline report. We have reviewed the information and we consider that that it adequately describes the condition of the soil and groundwater. Consequently, we are satisfied that the baseline condition has not changed.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. The wastes are specified in Table S2.2 in the permit.

We are satisfied that the Operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate
- the environmental risk assessment is acceptable.

Other wastes (non-standard waste codes)

The following wastes in the current permit are not specified in the our revised biowaste treatment permit templates. We have retained these wastes in the current permit provided the Operator undertakes a detailed characterisation of the wastes prior to acceptance for treatment at the site in accordance with BATc 2a.

Waste code	Description
03 01 01	Waste bark and cork <i>Restriction: Untreated only</i>
03 01 05	Sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04 <i>Restriction: Untreated wood only.</i>
03 03 10	Fibre rejects, fibre-, filler- and coating-sludges from mechanical separation <i>Restriction: Only allowed if not mixed with, or does not contain, de-inking sludge.</i>
03 03 11	Sludges from on-site effluent treatment other than those mentioned in 03 03 10 <i>Restriction: Only allowed if not mixed with, or does not contain, de-inking sludge.</i>
04 01 01	Fleshings and lime split wastes <i>Fleshings may also be described as leather shavings. Restriction: Allowed only if hides and skins, or parts of them, originating from animals that did not show clinical signs of any disease communicable through that product to humans or animals.</i>
19 05 01	Non-composted fraction of municipal and similar wastes <i>Restriction: Acceptable only if derived solely from input types allowed by list of acceptable wastes and remains segregated from, and uncontaminated by, any other waste type.</i>

Waste code	Description
19 05 02	Non-composted fraction of animal and vegetable waste <i>Restriction: Acceptable only if derived solely from input types allowed by list of acceptable wastes and remains segregated from, and uncontaminated by, any other waste type.</i>
19 05 03	Off-specification compost <i>Restriction: Acceptable only if derived solely from input types allowed by list of acceptable wastes and remains segregated from, and uncontaminated by, any other waste type.</i>
20 01 38	Wood other than that mentioned in 20 01 37 <i>Restriction: Untreated wood only. Not allowed if any non-biodegradable coating or preserving substance present.</i>

We consider that the Operator will be future compliant with BATc 2a. Improvement condition 11 (IP11) has been included in the permit to achieve compliance (see Annex 3).

We made this decision with respect to waste types in accordance with the Framework Guidance Note – *Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment* (July 2013).

Excluded wastes (99 waste codes)

We have excluded the following waste streams ending with “99” code(s) because more suitable waste codes are already in the European Waste Catalogue (EWC) that accommodate the waste described:

Waste code	Description
02 01 99	Wastes not otherwise specified <i>Restriction: Spent mushroom compost or discarded mushrooms from commercial mushroom cultivation only</i>
02 02 99	sludges from gelatine production, animal gut contents
02 03 99	sludge from production of edible fats and oils to include seasoning residues, molasses residues, residues from production of potato, corn or rice starch
02 07 99	spent grains, hops and whisky filter sheets/ cloths, yeast and yeast like residues, sludge from production process.
19 05 99	composting liquors

Our technical guidance on waste classification WM3 specifically sets out clear instructions for the use of the European Waste Catalogue (EWC), particularly with regard to “99” codes.

The guidance specifies that the Operator must:

- Identify the source generating the waste in chapters 01 to 12 or 17 to 20 and identify the appropriate six-digit code of the waste (excluding codes ending with 99 of these chapters).
- If no appropriate waste code can be found in chapters 01 to 12 or 17 to 20, the chapters 13, 14 and 15 must be examined to identify the waste.
- If none of these waste codes apply, the waste must be identified according to chapter 16.
- If the waste is not in chapter 16, the 99 code (wastes not otherwise specified) must be used in the section of the list corresponding to the activity identified in step one as a last resort.

We made this decision with respect to “99” codes in accordance with the Technical Guidance WM3: Waste Classification – Guidance on the classification and assessment of waste [1st Edition v1.1, May 2018].

Secondary containment and lagoon storage infrastructure design

We asked the Operator via the Regulation 61 Notice to:

- describe any secondary containment and whether it currently meets the relevant standard in the “Containment systems for the prevention of pollution (C736)” report, where there are above-ground storage or primary containment on site; or
- explain why the current site infrastructure design and construction is fit for purpose, where it is concluded that secondary containment is not required or does not need to meet the standards in the C736 report, to enable a baseline standard so as to establish a quantified comparison; and
- describe how the construction of the lagoons meets the relevant standard in CIRIA C736 report, where there are storage lagoons used for the storage of digestate on site.

The Operator provided a number of documents used in the original 2014 permit application describing the secondary containment strategy. The detailed technical assessments (conducted by qualified structural engineers) were agreed by the Environment Agency in 2014 but were a deviation from CIRIA 736 requirements. In summary, the site relies on remote secondary containment via a separate primary storage tank with a capacity of 8,068m³. Any spillage from the tanks will be pumped into the remote empty storage tank. In addition, a risk assessment on the catastrophic failure of the largest tank was deemed acceptable. The Environment Agency stated in 2014:

This final risk assessment concluded that the digestate escaping from the site in the event of a catastrophic tank failure would be prevented from contaminating the groundwater by a layer of clay; would have only transient impact on the upper ground layers which are already likely to be contaminated by previous industrial use; and cannot reach the River Tees or other sensitive surface water bodies now that the containment strategy has been changed to an ‘active’ valve-closing one to a more passive remote pumped storage one.

The construction quality and maintenance of the process tanks at the installation was also critical to the application risk assessment conclusion that total passive containment of a catastrophic tank failure was not required. The permit therefore included additional process monitoring requirements to perform regular visual integrity checks and full internal inspections of the tanks by a qualified structural engineer. We have maintained these process monitoring requirements within this varied permit. The Operator has not historically commissioned full internal checks of the integrity of the tanks on site. However, we understand they have begun this process during 2021.

We have therefore set improvement conditions in the permit to ensure that the secondary containment will be subject to an up-to-date review which will address any deficiencies in the existing site secondary containment (IP13). See Improvement conditions in Annex 3 of this decision document.

Primary containment infrastructure design (tanks /vessels used for storage and/or treatment activities)

We assessed primary containment as part of the permit review. This information was not requested in the Regulation 61 Notice issued to the Operator, however, it was considered prudent to address this aspect as part of the permit review process. In this instance, the required information relating to the review of primary containment infrastructure against CIRIA C535 was not previously submitted to the Environment Agency, nor was it included in the supporting documentation submitted by the Operator in their Regulation 61 response.

We have therefore set an Improvement Condition (IP12) in the permit to address this aspect of the permit review (see Annex 3).

Storage tank covers and digestate storage capacity

We asked the Operator via the Regulation 61 Notice to:

- confirm if storage lagoons are covered to prevent emission loss; and
- confirm whether or not the operational lagoon storage capacity provides a minimum of two months storage

While there are no digestate storage lagoons on site, the Operator provided brief descriptions of the digestate tank storage capacity (8,000m³ for each tank). They also highlighted that the digestate tanks are enclosed and sealed by a pressurised membrane roof allowing pressure changes due to fluctuations in the biogas volume. The Operator did not outline whether the storage capacity of the lagoons will be capable of providing at least two months of storage time.

We have therefore set an Improvement Condition (IP14) in the permit to address this aspect of the permit review (see Annex 3).

Annex 3: Improvement Conditions

Based on the information in the Operator's Regulation 61 Notice response and our own records of the capability and performance of the installation at this site, we consider that we need to set improvement conditions so that the outcome of the techniques detailed in the BAT Conclusions are achieved by the installation. These improvement conditions are set out below - justifications for them is provided at the relevant section of the decision document (Annex 1 or Annex 2).

If the consolidated permit contains existing improvement conditions that are not yet complete or the opportunity has been taken to delete completed improvement conditions then the numbering in the table below will not be consecutive as these are only the improvement conditions arising from this permit variation.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
Improvement condition for progress report to achieve BAT-AELs		
IP10	<p>The operator shall submit, for approval by the Environment Agency, a report setting out progress to achieving the Best Available Techniques Conclusion Associated Emission Levels (BAT-AELs) where BAT is currently not achieved, but will be achieved before 17 August 2022. The report shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1) Current performance against the BAT-AELs. 2) Methodology for reaching the BAT-AELs. 3) Associated targets /timelines for reaching compliance by 17 August 2022. 4) Any alterations to the initial plan (in progress reports). <p>The report shall address the BAT Conclusions for Waste Treatment with respect to the following:</p> <ul style="list-style-type: none"> • BAT 20 Table 6.1 (compliance with BAT-AELs for direct discharges to a receiving water body) • BAT 34 Table 6.7 (compliance with BAT-AELs for channelled NH₃, odour, dust and TVOC emissions to air from the biological treatment of waste) <p>Refer to BAT Conclusions for a full description of the BAT requirement.</p>	<p>Progress reports at three monthly intervals from date of permit issue:</p> <p>Initial plan: 08/03/2022</p> <p>Progress report: 08/06/2022</p> <p>Progress report: 08/09/2022</p>
Improvement condition for progress report to achieve Narrative BAT		
IP11	<p>The operator shall submit, for approval by Environment Agency, a report setting out progress to achieving the 'Narrative' BAT where BAT is currently not achieved, but will be achieved before 17 August 2022. The report shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1) Methodology for achieving BAT 2) Associated targets /timelines for reaching compliance by 17 August 2022 	<p>Progress reports at three monthly intervals from date of permit issue:</p> <p>Initial plan: 08/03/2022</p> <p>Progress report: 08/06/2022</p>

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
	<p>3) Any alterations to the initial plan (in progress reports).</p> <p>The report shall address the BAT Conclusions for Waste Treatment with respect to BAT 1, 2, 3, 5, 8, 10, 11, 14, 15, 16, 17, 19, 21, 23, 34 and 38.</p>	Progress report: 08/09/2022
Improvement condition for primary containment		
IP12	<p>The operator shall submit a written 'primary containment plan' and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of an inspection and program of works undertaken by a qualified engineer, and shall assess the extent design specification and condition of primary containment systems where polluting liquids and solids are being stored, treated, and/or handled.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> • an assessment of the physical condition of all primary containment systems (storage and treatment vessels) using a Written Scheme of Examination and their suitability for providing primary containment when subjected to the dynamic and static loads caused by catastrophic tank failure; • a program of works with timescales for the implementation of individual improvement measures necessary to demonstrate that the primary containment is fit for purpose or alternative appropriate measures to ensure all polluting materials will be contained on site; and • a preventative maintenance and inspection regime <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	08/12/2022 or other date as agreed in writing with the Environment Agency
Improvement condition for secondary containment design		
IP13	<p>The operator shall submit a written 'secondary and tertiary containment plan' and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of an inspection and program of works undertaken by a competent structural engineer, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of secondary and tertiary containment systems where all polluting liquids and solids are being stored, treated, and/or handled.</p>	08/12/2022 or other date as agreed in writing with the Environment Agency

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
	<p>The inspection shall consider, but not be limited to, the storage vessels, bunds, loading and unloading areas, transfer pipework/pumps, temporary storage areas, and liners underlying the site.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> • an assessment of the physical condition of all secondary and/or tertiary containment systems, using a Written Scheme of Examination and their suitability for providing containment when subjected to the dynamic and static loads caused by catastrophic tank failure; • a program of works with timescales for the implementation of individual improvement measures necessary for the secondary and/or tertiary containment systems to comply with CIRIA C736 (2014) guidance, or equivalent. • a preventative maintenance and inspection regime <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	
Improvement condition for covering digestate storage tanks and operational storage capacity		
IP14	<p>The operator shall provide a written "digestate storage plan" and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of a review of the current storage of digestate produced from site operations. The review shall examine site contingency arrangements in the event of closed landspreading periods, extreme weather conditions, site closure, and disease outbreak.</p> <p>The storage plan shall include:</p> <ul style="list-style-type: none"> • Existing cover arrangements on storage tanks used to store digestate to minimise odour, ammonia and methane emissions. • Additional storage capacity on-site (at least 2 months storage) and storage capacity off-site. • Identification of alternative outlets for digestate – identify companies/permitted waste facilities that would be able to manage the digestate, taking into account their permits and capacity constraints. <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	08/12/2022 or other date as agreed in writing with the Environment Agency

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
Improvement condition for review of effectiveness of abatement plant		
IP15	<p>The operator shall carry out a review of the abatement plant on site, in order to determine whether the measures have been effective and adequate to prevent and where not possible minimise emissions released to air including but not limited to odour and ammonia.</p> <p>The operator shall submit a written report to the Environment Agency following this review for assessment and approval.</p> <p>The report shall include but not limited to the following aspects:</p> <ul style="list-style-type: none"> • Full investigation and characterisation of the waste gas streams. • Abatement stack monitoring results (not limited to odour and ammonia) • Abatement process monitoring results (not limited to odour and ammonia) • Details of air quality quantitative impact assessment including modelling and a proposal for site-specific “action levels” (not limited to odour concentration, hydrogen sulphide and ammonia). • Odour monitoring results at the site boundary • Records of odour complaints and odour related incidents • Recommendations for improvement including the replacement or upgrading the abatement plant • Timescales for implementation of improvements to the abatement plant <p>The operator shall implement the improvements in line with the timescales as approved by the Environment Agency.</p>	08/12/2022 or other date as agreed in writing with the Environment Agency
Improvement condition for review of abatement plant design		
IP16	<p>The operator shall submit to the Environment Agency a written review report of the design details of the site ventilation system and abatement plant and obtain the Environment Agency’s written approval to it.</p> <p>The report shall include but not limited to:</p> <ol style="list-style-type: none"> a) Ventilation design performance criteria for effective fugitive odorous emission control b) Design of the abatement systems that will ensure compliance with the odour condition 3.3. The report shall include a demonstration (whether by a detailed review of technical papers or by trial results) that all odorous chemical compounds and 	08/12/2022 or other date as agreed in writing with the Environment Agency

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
	<p>their loading rates expected in the relevant air streams have been considered in the design; and supporting evidence that the odorous compounds will be controlled and/or abated either by operating techniques or by the proposed abatement systems.</p> <p>c) Design alarms and triggers for each relevant scenario to alert the operator to the malfunction of both ventilation and abatement systems. The report should further list all relevant contingency mitigation actions to minimise risk of elevated odour pollution from the installation linked to each malfunction scenario and detail the actions to restore systems to normal operating conditions for effective odour control.</p> <p>Ventilation and abatement systems should be designed by suitably qualified named engineers who can supervise and sign-off on construction quality assurance.</p>	
Improvement condition for assessment of methane slip		
IP17	The operator shall establish the methane emissions in the exhaust gas from engines burning biogas and compare these to the manufacturer's specification and benchmark levels agreed in writing with the Environment Agency. The operator shall, as part of the methane leak detection and repair (LDAR) programme, develop proposals to assess the potential for methane slip and take corrective actions where emissions above the manufacturer's specification or appropriate benchmark levels are identified.	08/12/2022 or other date as agreed in writing with the Environment Agency