

# **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/PB3037RS  
The Operator is: Wyke Farms Ltd  
The Installation is: Lambrook AD plant  
This Variation Notice number is: EPR/PB3037RS/V006

### **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 20/01/2020 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 22/07/2020.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review.

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 Conclusion BAT 1, 4, 14, 17, and 19. 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 IC7 to IC11 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, 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"> <li>I. commitment of the management, including senior management;</li> <li>II. definition, by the management, of an environmental policy that includes the continuous improvement of the environmental performance of the installation;</li> <li>III. planning and establishing the necessary procedures, objectives and targets, in conjunction with financial planning and investment;</li> <li>IV. implementation of procedures paying particular attention to: <ul style="list-style-type: none"> <li>(a) structure and responsibility,</li> <li>(b) recruitment, training, awareness and competence,</li> <li>(c) communication,</li> <li>(d) employee involvement,</li> <li>(e) documentation,</li> <li>(f) effective process control,</li> <li>(g) maintenance programmes,</li> <li>(h) emergency preparedness and response,</li> <li>(i) safeguarding compliance with environmental legislation;</li> </ul> </li> </ul>	FC	<p><b><u>Environment Agency assessment</u></b></p> <p>The Operator provided information to show compliance with BATc 1. However, the operator identified that the EMS needs to be revised to consider the decommissioning element of BAT 1 VIII, with particular regard to the Permastore and slurry pit (VG2).</p> <p>We consider that the operator will be future compliant with BATc 1. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). The operator is required to complete the improvement condition and demonstrate compliance with the Waste Treatment BREF and BAT Conclusions by the compliance date, 17 August 2022.</p>

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	<p>V. checking performance and taking corrective action, paying particular attention to:</p> <ul style="list-style-type: none"> <li>(a) monitoring and measurement (see also the JRC Reference Report on Monitoring of emissions to air and water from IED installations – ROM),</li> <li>(b) corrective and preventive action, recruitment, training, awareness and competence,</li> <li>(c) maintenance of records,</li> <li>(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</li> </ul> <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> <p>XII. residues management plan (see description in Section 6.5);</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
	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	CC	<u><b>Environment Agency assessment</b></u> 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.
3	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:	CC	<u><b>Environment Agency assessment</b></u> The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are

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	<p>(i) information about the characteristics of the waste to be treated and the waste treatment processes, including:</p> <ul style="list-style-type: none"> <li>(a) simplified process flow sheets that show the origin of the emissions;</li> <li>(b) descriptions of process-integrated techniques and waste water/waste gas treatment at source including their performances;</li> </ul> <p>(ii) information about the characteristics of the waste water streams, such as:</p> <ul style="list-style-type: none"> <li>(a) average values and variability of flow, pH, temperature, and conductivity;</li> <li>(b) average concentration and load values of relevant substances and their variability (e.g. COD/TOC, nitrogen species, phosphorus, metals, priority substances /micropollutants);</li> <li>(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);</li> </ul> <p>(iii) information about the characteristics of the waste gas streams, such as:</p> <ul style="list-style-type: none"> <li>(a) average values and variability of flow and temperature;</li> <li>(b) average concentration and load values of relevant substances and their variability (e.g. organic compounds, POPs such as PCBs);</li> <li>(c) flammability, lower and higher explosive limits, reactivity;</li> <li>(d) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, nitrogen, water vapour, dust).</li> </ul>		<p>satisfied that the operator has demonstrated compliance with BATc 3.</p>

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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"> <li>(a) Optimised storage location;</li> <li>(b) Adequate storage capacity;</li> <li>(c) Safe storage operation;</li> <li>(d) Separate area for storage and handling of packaged hazardous waste.</li> </ul>	FC	<p><b><u>Environment Agency assessment</u></b></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 except for 4(c).</p> <p>The operator has said they will replace both VG2 slurry reception pit and a VG2 Permastore with a dedicated, suitably constructed BAT compliant above ground tank equipped with a cover as part of ongoing site improvements.</p> <p>We consider that the operator will be future compliant with BATc 4. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3), and ensure construction to relevant industrial standards. The operator is required to complete the</p>

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			improvement conditions and demonstrate compliance with the Waste Treatment BREF and BAT Conclusions by the compliance date, 17 August 2022.
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"> <li>• handling and transfer of waste are carried out by competent staff;</li> <li>• handling and transfer of waste are duly documented, validated prior to execution and verified after execution;</li> <li>• measures are taken to prevent, detect and mitigate spills;</li> <li>• operation and design precautions are taken when mixing or blending wastes (e.g. vacuuming dusty/powdery wastes).</li> </ul> <p>Handling and transfer procedures are risk-based considering the likelihood of accidents and incidents and their environmental impact.</p>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 5. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 5.</p>

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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	Only clean uncontaminated surface water is permitted to be discharged from the site.
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	Only clean uncontaminated surface water is permitted to be discharged from the site
8	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.	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 8. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.</p>
10	BAT is to periodically monitor odour emissions.	CC	<p><b><u>Environment Agency assessment</u></b></p>

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	<p>Odour emissions can be monitored using:</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• 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.</li> </ul> <p>The monitoring frequency is determined in the odour management plan (see BAT 12).</p>		<p>The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.</p>
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>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 11. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 11.</p>
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</p>	CC	<p><b><u>Environment Agency assessment</u></b></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>part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> <li>• a protocol containing actions and timelines;</li> <li>• a protocol for conducting odour monitoring as set out in BAT 10;</li> <li>• a protocol for response to identified odour incidents, e.g. complaints;</li> <li>• 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.</li> </ul>		<p>The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 12.</p>
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><b><u>Environment Agency assessment</u></b></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 BATc 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;</p>	FC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated</p>

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	(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>compliance with BATc 14 apart from BATc 14 (a) and (d) where the operator has identified the following improvements are needed:</p> <p>BAT 14(a):</p> <ul style="list-style-type: none"> <li>• It is proposed to cover East Hill Lagoon</li> <li>• It is proposed to replace the Permastore tank and slurry pit storage lagoon (VG2) with a single covered tank complying to appropriate standards</li> </ul> <p>BAT14(d):</p> <ul style="list-style-type: none"> <li>• It is proposed to build a Covered Feedstock Store for storing solid feedstocks.</li> </ul> <p>We consider that the operator will be future compliant with BATc 14(a) and (d). Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). The operator is required to complete</p>



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			the improvement conditions and demonstrate compliance with the Waste Treatment BREF and BAT Conclusions by the compliance date, 17 August 2022.
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>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 15. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 15.</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>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 16. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 16.</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</p>	FC	<p><b><u>Environment Agency assessment</u></b></p>

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	<p>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"> <li>I. a protocol containing appropriate actions and timelines;</li> <li>II. a protocol for conducting noise and vibration monitoring;</li> <li>III. a protocol for response to identified noise and vibration events, e.g. complaints;</li> <li>IV. a noise and vibration reduction programme designed to identify the source(s), to measure /estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and /or reduction measures.</li> </ul>		<p>The Operator acknowledges in their Regulation 61 response the need to update their Noise Management Plan, as follows:</p> <p><i>“Whilst there is a Noise Management Plan (April 2013), it is no longer reflective of site operations. It is therefore proposed to develop a Noise and Vibration Management Plan to meet the specifics of this BAT requirement”</i></p> <p>We consider that the operator will be future compliant with BATc 17. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). The operator is required to complete the improvement condition and demonstrate compliance with the Waste Treatment BREF and BAT Conclusions by the compliance date, 17 August 2022.</p>
18	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:	CC	<b><u>Environment Agency assessment</u></b>

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	(a) Appropriate location of equipment and buildings; (b) Operational measures; (c) Low noise-equipment; (d) Noise and vibration equipment; (e) Noise attenuation		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.
19	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:  (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	FC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 19.</p> <p>The operator has identified they are not currently compliant with BATc 19(e), saying;  <b>“Roofing of waste storage and treatment areas:</b> Currently, our solid feedstock yard and slurry lagoon is not covered however, we are planning to fully cover both of these in the near future to comply with BAT.”</p> <p>We consider that the operator will be future compliant with BATc 19 (e). Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). The</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
			operator is required to complete the improvement condition and demonstrate compliance with the Waste Treatment BREF and BAT Conclusions by the compliance date, 17 August 2022.
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><b><i>Preliminary and primary treatment, e.g.</i></b></p> <ul style="list-style-type: none"> <li>(a) Equalisation</li> <li>(b) Neutralisation</li> <li>(c) Physical separation, e.g. screens, sieves, grit separators, grease separators, oil-water separation or primary settlement tanks</li> </ul> <p><b><i>Physico-chemical treatment, e.g.</i></b></p> <ul style="list-style-type: none"> <li>(d) Adsorption</li> <li>(e) Distillation /rectification</li> <li>(f) Precipitation</li> <li>(g) Chemical oxidation</li> <li>(h) Chemical reduction</li> <li>(i) Evaporation</li> <li>(j) Ion exchange</li> </ul>	<b>NA</b>	Only clean uncontaminated water is allowed to be discharged.

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	<p>(k) Stripping</p> <p><b>Biological treatment, e.g.</b>            (l) Activated sludge process            (m) Membrane bioreactor            (n) Nitrification / denitrification when the treatment includes a biological treatment</p> <p><b>Solids removal, e.g.</b>            (o) Coagulation and flocculation            (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>		

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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>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 21. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 21.</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><b><u>Environment Agency assessment</u></b></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;  (b) Energy balance record</p>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 23. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 23.</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
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 uses). If necessary, packaging is sent for appropriate treatment prior to reuse (e.g. reconditioning, cleaning).</p>	CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 24. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 24.</p>
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><b><u>Environment Agency assessment</u></b></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 H<sub>2</sub>S and NH<sub>3</sub>, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Adsorption; (b) Biofilter; (c) Fabric filter;</p>	Narrative BAT - CC	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 34. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 34 regarding the</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
	(d) Thermal oxidation; (e) Wet scrubbing  See also: Table 6.7: BAT-associated emission levels (BAT-AELs) for channelled NH <sub>3</sub> , odour, dust and TVOC emissions to air from the biological treatment of waste.	<b>BATc 34, Table 6.7 NA</b>	narrative element of BAT. Carbon filters are used on site prior to the CHP units and prior to the gas to grid entry point.  NOTE: Currently there is no waste reception building with associated air extraction and odour abatement as the Operator is not taking in the full range of waste types permitted. When/if this changes the Operator will need to apply for a permit variation to include adding an emission point from the reception building for the odour abatement equipment. As part of this the operator will have to demonstrate how they will meet BAT, including any BAT-AELs applicable at the time.
35	In order to reduce the generation of waste water and to reduce water usage, BAT is to use all of the techniques given below:  (a) Segregation of water streams; (b) Water recirculation; (c) Minimisation of the generation of leachate	<b>CC</b>	<b><u>Environment Agency assessment</u></b> The operator has provided information to support compliance with BATc 35. We have assessed the information provided and we are



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
			satisfied that the operator has demonstrated compliance with BATc 35.
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"> <li>• waste input characteristics (e.g. C to N ratio, particle size);</li> <li>• temperature and moisture content at different points in the windrow;</li> <li>• aeration of the windrow (e.g. via the windrow turning frequency, O<sub>2</sub> and/or CO<sub>2</sub> concentration in the windrow, temperature of air streams in the case of forced aeration);</li> <li>• windrow porosity, height and width.</li> </ul>	<b>NA</b>	BATc 36 is not applicable to anaerobic waste treatment.
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;</p> <p>(b) Adaptation of operations to the meteorological conditions</p>	<b>NA</b>	BATc 37 is not applicable to anaerobic waste treatment.

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
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"> <li>• pH and alkalinity of the digester feed;</li> <li>• digester operating temperature;</li> <li>• hydraulic and organic loading rates of the digester feed;</li> <li>• concentration of volatile fatty acids (VFA) and ammonia within the digester and digestate;</li> <li>• biogas quantity, composition (e.g. H<sub>2</sub>S) and pressure;</li> <li>• liquid and foam levels in the digester.</li> </ul>	<b>CC</b>	<p><b><u>Environment Agency assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 38. We have assessed the information provided.</p> <p>The permit stipulates the process monitoring to be undertaken to ensure compliance with BAT 38.</p> <p>We therefore consider the Operator will be compliant with this BATc.</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;</p> <p>(b) Recirculation of waste gas</p>	<b>NA</b>	<p>BAT 39 is not applicable to anaerobic treatment.</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 table below:

### Combined heat and power (CHP) engines

1. Rated thermal input (MW) of the medium combustion plant.	2 x 1.201 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	CHP
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.	CHP1 19/08/2013 CHP2 29/08/2013
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	FIT – see dates above
6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	FIT – see dates above

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.

We have included improvement condition IC11 in the permit which requires the operator to assess methane slip resulting from the combustion of biogas via the CHP engines. Following an assessment of the data, the Environment Agency shall consider whether or not emission limits for volatile organic compounds are applicable for this installation.

### **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.

The Operator states:

“There are external site operational processes within 250 metres of a sensitive receptor. The solid feedstock storage and loading area and the slurry storage lagoon and tank VG2 are within 250m of sensitive receptors. There are no sensitive receptors within 250m of the East Hill digestate storage lagoon. There are no channelled or point source releases which may contain bioaerosols. The current permit does not require bioaerosol monitoring and none has been carried out to date.”

As no operational processing (i.e. pre-treatment such as milling, maceration or shredding) takes place within 250m of a sensitive receptor we are satisfied that no bioaerosol monitoring is required at the present time.

### **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 in 2013 during the original application which was duly made on 26/02/2013. This was updated in 2014 and 2016 due to a site extension. 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 risk assessment with their Regulation 61 response which includes a consideration of the possibility of soil and groundwater contamination at the installation.

We have assessed the risk assessment in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive – Operational instruction 233\_06 [*Assessing application site condition reports and surrender site condition reports submitted under the Environmental Permitting regime*]. We consider the risk assessment is satisfactory.

### **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 environmental risk assessment is acceptable.

### **Other wastes (non-standard waste codes)**

The permit did not contain any EWC codes that are not already specified in our revised biowaste treatment permit templates (i.e. did not contain any non-standard waste codes), therefore no changes to EWC codes have been made in the review.

### **Excluded wastes (99 waste codes)**

The permit did not contain any excluded waste codes, therefore no changes to EWC codes have been made in the review.

### **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.

#### Assessment of existing secondary containment & lagoon storage design and construction

The Operator included a review of their secondary containment as part of their Regulation 61 response. This included a copy of a report “Report on Site Storage & Containment Measures” dated September 2015, in Appendix 2 of the Regulation 61 response. The report covered digesters BD1 & 2, digestate storage tank DS1 and slurry lagoon. The report included a comparison of the site containment measures against BAT and CIRIA c736. It also included a risk assessment.

In 2017, digesters BD3 & 4 were installed at the site. These digesters were bunded. The bund capacity was calculated to allow for both tank volumes, and the construction assessed by a suitably qualified person. A secondary containment bund was also constructed for the feed tank (VG1). The original bund calculation was revised as the bund now also contains VG3, a ferrous chloride tank, a washdown tank and the Big Mix. The bund capacity is 653 m<sup>3</sup> which is in excess of 110% required by CIRIA of 537m<sup>3</sup>. The construction of the bund was assessed by a suitably qualified person.

We reviewed the Operator’s report and its findings. We are not satisfied that the existing site containment and lagoon storage infrastructure meets the standards set out in CIRIA C736. The review has identified that the VG2 slurry reception pit and Permastore need replacing with a suitably designed structure, built to CIRIA C736 standards or equivalent.

The Operator also stated: “Whilst there are construction drawings of the lagoon there are no reports which demonstrate that East Hill Lagoon meets CIRIA 759 construction standard.”

We have set an improvement conditions in the permit to address the deficiencies in the existing site secondary containment (IC7, BATc 4) and lagoon construction (IC9) 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 C736 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 (IC8) in the permit to address this aspect of the permit review (see Annex 3).

### **Lagoon cover 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

The Operator confirmed in their response that the storage lagoon (East Hill Lagoon) is uncovered. The Operator stated:

“As described in response to the review of BAT requirements, it is proposed to cover East Hill Lagoon; this will require an engineering solution due to the size of the lagoon. This will be completed before 17 August 2022. We will be seeking advice from a suitably qualified engineer to determine the best way to install a cover on the lagoon.”

The Operator provided the dimensions of the storage lagoon and the storage capacity. Annual digestate production is around 91,000 m<sup>3</sup> but potentially up to 120,000 m<sup>3</sup>. Onsite storage consists of the East Hill Lagoon of 25,000 m<sup>3</sup> capacity and the digester storage tank DS1 of working capacity 3,500 m<sup>3</sup> thus there is currently 2.8 to 3.8 months storage capacity permitted on site.

We have therefore set an Improvement Condition (IC10) in the permit to address the lagoons non-compliance with BAT and lagoon cover (see Appendix 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.

<b>Improvement condition for progress report to achieve Narrative BAT</b>		
IC7	<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"> <li>1) Methodology for achieving BAT</li> <li>2) Associated targets /timelines for reaching compliance by 17 August 2022</li> <li>3) Any alterations to the initial plan (in progress reports).</li> </ol> <p>The report shall address the BAT Conclusions for Waste Treatment with respect to BATc 1, BATc 4, BATc 14, BATc 17 and BATc 19.</p> <p><i>Refer to BAT Conclusions for a full description of the BAT requirement.</i></p>	<p>Progress reports at three monthly intervals from date of permit issue:</p> <p>Initial report: 28/04/2022</p> <p>Progress report: 28/06/2022</p>
<b>Improvement condition for primary containment</b>		
IC8	<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"> <li>• 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;</li> <li>• 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</li> </ul>	<p>28/06/2022 or other date as agreed in writing with the Environment Agency</p>



	<p>ensure all polluting materials will be contained on site; and</p> <ul style="list-style-type: none"> <li>a preventative maintenance and inspection regime</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	
<b>Improvement condition for storage lagoon design</b>		
IC9	<p>The operator shall submit a written 'storage lagoon 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 the site lagoon where digestate or compost leachate are being stored, treated, and/or handled.</p> <p>The inspection shall consider, but not be limited to, the transfer pipework/pumps, and liners underlying the storage lagoon.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> <li>an assessment of the physical condition of the storage lagoon, using a Written Scheme of Examination and the suitability for providing containment when subjected to the dynamic and static loads caused by the digestate or compost leachate;</li> <li>a program of works with timescales for the implementation of individual improvement measures necessary for the storage lagoon to comply with CIRIA C736 (2014) guidance, or equivalent.</li> <li>a preventative maintenance and inspection regime</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	28/06/2022 or other date as agreed in writing with the Environment Agency
<b>Improvement condition for lagoon cover</b>		
IC10	<p>The operator shall provide a written "digestate storage plan" and shall obtain the Environment Agency's written approval to it.</p> <p>The plan shall contain the results of a review of the current storage of digestate at the East Hill Lagoon. The storage plan shall review cover arrangements for the lagoon in relation to BAT. The plan shall include proposed improvements to comply with BAT and associated timescales for the work to be undertaken.</p> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	28/06/2022 or other date as agreed in writing with the Environment Agency
<b>Improvement condition for assessment of methane slip</b>		
IC11	<p>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</p>	28/06/2022 or other date

	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.	as agreed in writing with the Environment Agency
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