# 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/TP3032DH |
| The Operator is: | L.J. Fairburn and Son Limited |
| The Installation is: | Huttoft Feed Mill |
| This Variation Notice number is: | EPR/TP3032DH/V002 |

## 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 best available techniques (BAT) Conclusions.

We have reviewed the permit for this installation against the BAT Conclusions for the Food, Drink and Milk Industries published on 4th December 2019 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. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position.

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 05/05/2021 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 4 December 2023, which will then ensure that operations meet the revised standards, or
- justifies why standards will not be met by 4 December 2023, 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 01/06/2021.

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 we would need to complete that determination.

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 have no reason to consider that the Operator will not be able to comply with the techniques and standards described in the BAT Conclusions.

### 2.3 Requests for further information during determination

Although we were able to consider the Regulation 61 Notice response generally satisfactory at receipt, we did in fact need more information in order to complete our permit review assessment, and issued further information requests on 22/07/2021, 10/08/2021 and 11/08/2021. We requested that the Operator provide further details on the following BATc , 2, 5, 6, 7, 8, 10 and 11, the baseline assessment report, an overview of the processes that take place at the installation and an updated emission point plan. A copy of the further information requests were placed on our public register.

# 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 Food, Drink and Milk Industries, were published by the European Commission on 4 December 2019.

There are 37 BAT Conclusions.

BAT 1 – 15 are General BAT Conclusions (Narrative BAT) applicable to all relevant Food, Drink and Milk Installations in scope.

BAT 16 – 37 are sector-specific BAT Conclusions, including Best Available Techniques Associated Emissions Levels (BAT-AELs) and Associated Environmental Performance Levels (BAT-AEPLs):

| | |
|---|---|
| BAT 16 & 17 | BAT Conclusions for Animal Feed |
| BAT 18 – 20 | BAT Conclusions for Brewing |
| BAT 21 – 23 | BAT Conclusions for Dairies |
| BAT 24 – 26 | BAT Conclusions for Ethanol Production |
| BAT 27 | BAT Conclusions for Fruit and Vegetable Processing |
| BAT 28 | BAT Conclusions for Grain Milling |
| BAT 29 | BAT Conclusions for Meat Processing |
| BAT 30 – 32 | BAT Conclusions for Oilseed Processing and Vegetable Oil Refining |
| BAT 33 | BAT Conclusions for Soft Drinks and Nectar/Fruit Juice Processed from Fruit and Vegetables |
| BAT 34 | BAT Conclusions for Starch Production |
| BAT 35 – 37 | BAT Conclusions for Sugar Manufacturing |

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**

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 | **Environmental Management System - Improve overall environmental performance.**<br><br>Implement an EMS that incorporates all the features as described within BATc 1. | **FC** | The operator has provided information to support compliance with BATc1. We have assessed the information provided we are not satisfied that the operator has demonstrated compliance with BATc1.<br><br>The Operator has been unable to effectively demonstrate that the sites EMS incorporates all the features as described in BATc 1.<br><br>We consider that the operator will be future compliant with BATc1. Improvement condition IC3 has been included in the permit to achieve compliance (see Annex 3). |
| 2 | **EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.**<br><br>Establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all the features as detailed within the BATCs. | **FC** | The operator has provided information to support compliance with BATc2. We have assessed the information provided we are not satisfied that the operator has demonstrated compliance with BATc2.<br><br>The Operator has been unable to demonstrate how the site will increase resource efficiency and reduce emissions. The site is required to establish, maintain and regularly review an inventory of water, energy and raw material consumption as well as of wase water and waste gas streams.<br><br>We consider that the operator will be future compliant with BATc2. Improvement condition IC3 has been included in the permit to achieve |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 |
|---|---|---|---|
| | | | compliance (see Annex 3). |
| 3 | **Monitoring key process parameters at key locations for emissions to water.** For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) 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** | The site does not use water in the production of animal feed as such there is no process effluent produced and there are no direct emissions of effluent to surface water. The only discharge to water is uncontaminated surface water to Fen Drain/Jolly Common Drain.<br><br>For the emissions to sewer; chloride is not a key parameter of concern for the animal feed sector.<br><br>We are therefore satisfied that BATc 3 is not applicable for this site. |
| 4 | **Monitoring emissions to water to the required frequencies and standards.**<br>BAT is to monitor emissions to water with at least the frequency given in the table for BATc4 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** | The site does not use water in the production of animal feed, as such no process effluent is produced and there are no direct emissions of effluent to surface water.<br><br>The only discharges to water is the uncontaminated surface waters from the yard area to Fen Drain/Jolly Common Drain.<br><br>We are therefore satisfied that BATc 4 is not applicable for this site. |
| 5 | **Monitoring channelled emissions to air to the required frequencies and standards.** | **NA** | The grinders onsite are situated internally and |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 |
|---|---|---|---|
| | BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards. | | are fitted with bag filters, there are no external emission points to air. They vent internally. Dust generated from the grinding process is re-worked into the animal feed.<br><br>We are therefore satisfied that BATc 5 is not applicable for this site. |
| 6 | **Energy Efficiency**<br>In order to increase energy efficiency, BAT is to use an energy efficiency plan (BAT 6a) and an appropriate combination of the common techniques listed in technique 6b within the table in the BATc. | **FC** | The operator has provided information to support compliance with BATc 6. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 6. The operator has not provided an energy efficiency plan to support compliance with BATc 6a.<br><br>The Operator has noted energy efficiency techniques used on site which include the use of control systems to ensure the production line, augers, mixers and weighers work on a timed system and only operational when required.<br><br>We consider that the operator will be future compliant with BATc 6. Improvement condition IC3 has been included in the permit to achieve compliance (see Annex 3). |
| 7 | **Water and wastewater minimisation**<br>In order to reduce water consumption and the volume of waste water discharged, BAT is to use BAT 7a and one or a combination of the techniques b to k given below. | **NA** | Animal Feed manufacture is essentially a dry process, with low water usage and limited potential for water saving & application of BAT techniques. The site does not use water in the |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 |
|---|---|---|---|
| | (a) water recycling and/or reuse<br>(b) Optimisation of water flow<br>(c) Optimisation of water nozzles and hoses<br>(d) Segregation of water streams<br>Techniques related to cleaning operations:<br>(e) Dry cleaning<br>(f) Pigging system for pipes<br>(g) High-pressure cleaning<br>(h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP)<br>(i) Low-pressure foam and/or gel cleaning<br>(j) Optimised design and construction of equipment and process areas<br>(k) Cleaning of equipment as soon as possible | | production of animal feed and uses dry cleaning techniques only (vacuum and sweeping).<br><br>We are therefore satisfied that BATc 7 is not applicable for this site. |
| 8 | **Prevent or reduce the use of harmful substances**<br>In order to prevent or reduce the use of harmful substances, e.g. in cleaning and disinfection, BAT is to use one or a combination of the techniques given below.<br>(a) Proper selection of cleaning chemicals and/or disinfectants<br>(b) Reuse of cleaning chemicals in cleaning-in-place (CIP)<br>(c) Dry cleaning<br>(d) Optimised design and construction of equipment and process areas | **CC** | 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.<br><br>The operator only utilises dry cleaning techniques (vacuum and sweeping) at the site. No priority hazardous substances or specific substances are used at the installation. |
| 9 | **Refrigerants**<br>In order to prevent emissions of ozone-depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming | **NA** | No refrigerants are used in the permitted process.<br><br>We are therefore satisfied that BATc 9 is not |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 |
|---|---|---|---|
| | potential. | | applicable for this site. |
| 10 | **Resource efficiency**<br>In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:<br>(a) Anaerobic digestion<br>(b) Use of residues<br>(c) Separation of residues<br>(d) Recovery and reuse of residues from the pasteuriser<br>(e) Phosphorus recovery as struvite<br>(f) Use of waste water for land spreading | **CC** | 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.<br><br>Dust is extracted from the weighers and re-worked. Residues from the production which can't be reused are skipped and collected by a waste management company. All waste is reported annual as per the conditions within the permit. |
| 11 | **Waste water buffer storage**<br>In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water. | **FC** | Due to the dry nature of the processes at the installation, no effluent is produced at the site. Uncontaminated runoff originating from building roofs, yard and storage areas is discharged directly to the Fen Drain/Jolly Common Drain. All IBC's stored at the site are stood on containment bunds spill kits are on site with training given to staff on their use.<br><br>Improvement Condition 5 (IC5) has been included for the Operator to review their surface water discharge pollution prevention measures and ensure the measures are appropriate (such as the installation of an interceptor or similar) to minimise the risk of pollution to the receiving surface water |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 | **Emissions to water – treatment**<br>In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.<br>Preliminary, primary and general treatment<br>(a) Equalisation<br>(b) Neutralisation<br>(c) Physical separate (eg screens, sieves, primary settlement tanks etc)<br>Aerobic and/or anaerobic treatment (secondary treatment)<br>(d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc)<br>(e) Nitification and/or denitrification<br>(f) Partial nitration - anaerobic ammonium oxidation<br>Phosphorus recovery and/or removal<br>(g) Phosphorus recovery as struvite<br>(h) Precipitation<br>(i) Enhanced biological phosphorus removal<br>Final solids removal<br>(j) Coagulation and flocculation<br>(k) Sedimentation<br>(l) Filtration (eg sand filtration, microfiltration, ultrafiltration)<br>(m) Flotation | **NA** | Due to the low volumes of effluent produced, effluent treatment is not required.<br><br>We are therefore satisfied that BATc12 is not applicable for this site. |
| 13 | **Noise management plan (NMP)**<br>In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements: | **NA** | BAT 13 is only applicable to cases where a noise nuisance at sensitive receptors is expected and/or has been substantiated, or if forms part of an existing permit requirement. There is no existing permit requirement for a NMP and the site has no recent history of |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | 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 |
|---|---|---|---|
| | - a protocol containing actions and timelines;<br>- a protocol for conducting noise emissions monitoring;<br>- a protocol for response to identified noise events, eg complaints;<br>- a noise 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. | | noise complaints. Therefore a noise management plan is not required.<br><br>We are therefore satisfied that BATc13 is not applicable for this site. |
| 14 | **Noise management**<br>In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given below.<br>(a) Appropriate location of equipment and buildings<br>(b) Operational measures<br>(c) Low-noise equipment<br>(d) Noise control equipment<br>(e) Noise abatement | **CC** | 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 compliance with BATc 14.<br>The following procedures are in place are relevant for noise management:-<br>• Maintenance routines<br>• Vehicles switched off when loading<br>• Training & work instructions |
| 15 | **Odour Management**<br>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:<br>- a protocol containing actions and timelines;<br>- a protocol for conducting odour monitoring.<br>- a protocol for response to identified odour incidents eg complaints;<br>- an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures. | **NA** | BAT 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated, or if forms part of an existing permit requirement. There is no existing permit requirement and the site has no recent history of odour complaints therefore an odour management plan is not required.<br><br>We are therefore satisfied that BATc 15 is not applicable for this site. |

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status<br>NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="4">BAT 16 – 17: BAT Conclusions for Animal Feed</td></tr>
<tr><td>16</td><td>Energy efficiency – Green fodder only<br><br>In order to increase energy efficiency in green fodder processing, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given in the BATcs.</td><td>NA</td><td>The site does not process green fodder.<br><br>We are therefore satisfied that BATc 16 is not applicable for this site.</td></tr>
<tr><td>17</td><td>Emissions to air – particulates<br>In order to reduce channelled dust emissions to air, BAT is to use one of the techniques given; a. bag filter, b. cyclone.
<table>
<tr><th rowspan="2">Parameter</th><th rowspan="2">Specific process</th><th rowspan="2">Unit</th><th colspan="2">BAT-AEL<br>(average over the sampling period)</th></tr>
<tr><th>New plants</th><th>Existing plants</th></tr>
<tr><td rowspan="2">Dust</td><td>Grinding</td><td rowspan="2">mg/Nm$^3$</td><td><2-5</td><td><2-10</td></tr>
<tr><td>Pellet cooling</td><td colspan="2"><2-20</td></tr>
</table></td><td>NA</td><td>BAT 17 is only applicable to sites where there are emission points to air. The grinders are situated internally and have no external emission points therefore the BAT-AEL is not applicable to this site.<br><br>We are therefore satisfied that BATc 17 is not applicable for this site.</td></tr>
</table>

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status<br>NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td>EPL</td><td>Environmental Performance Level – Energy Consumption for Animal Feed
<table>
<tr><th>Product</th><th>Unit</th><th>Specific energy consumption (yearly average)</th></tr>
<tr><td>Compound food</td><td rowspan="3">MWh/tonne of products</td><td>0.01-0.10 (1)(2)(3)</td></tr>
<tr><td>Dry pet food</td><td>0.39-0.50</td></tr>
<tr><td>Wet pet food</td><td>0.33-0.85</td></tr>
<tr><td colspan="3">(1) The lower end of the range can be achieved when pelleting is not applied.<br>(2) The specific energy consumption level may not apply when fish and other aquatic animals are used as raw material.<br>(3) The upper end of the range is 0.12 MWh/tonne of products for installations located in cold climates and/or when teat treatment is used for Salmonella decontamination.</td></tr>
</table></td><td>CC</td><td>The operator has provided information to support compliance with the energy EPL. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with the energy consumption for Animal Feed.<br>The current performance of the site is 0.0143MWh/tonne , which is well within the APL range.</td></tr>
<tr><td>EPL</td><td>Environmental performance level – Waste water discharge for Animal Feed
<table>
<tr><th>Product</th><th>Unit</th><th>Specific waste water discharge (yearly average)</th></tr>
<tr><td>Wet pet food</td><td>m3/tonne of products</td><td>1.3-2.4</td></tr>
</table></td><td>NA</td><td>The site does not produce wet pet food.<br><br>We are therefore satisfied this EPL is not applicable for this site.</td></tr>
</table>

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

**Updating permit during permit review consolidation**

We have made the following administrative changes to the permit

- Introductory note (updated)
- Site plan and air emission plan (updated)
- Table S1.1 overhaul
    - Addition of production capacity
    - Directly associated activities (DAAs) standardisation

We have updated permit conditions to those in the current generic permit template as a part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

**Capacity Threshold**

The Environment Agency is looking to draw a "line in the sand" for permitted production capacity; a common understanding between the Operator and regulator for the emissions associated with a (maximum) level of production, whereby the maximum emissions have been demonstrated as causing no significant environmental impact.

We have included a permitted production level (capacity) within table S1.1 of the permit for the section 6.8 listed activity and we need to be confident that the level of emissions associated with this production level have been demonstrated to be acceptable.

The Operator has completed an H1 assessment of emissions for typical figures of production at the time of permitting. The H1 assessment is not valid for the maximum capacity or if production is now higher. We have included an improvement condition within the permit (IC4) which requires the operator to revisit their H1 risk assessment for particulate emissions to air at the capacity limit figure that is now stated within table S1.1 of the permit.

**Emissions to Air**

We asked the operator to list all emission points to air from the installation in the Regulation 61 notice. And to provide a site plan indicating the locations of all air emission points.

The operator has provided an up to date air emission plan.

**Emissions to Water and Water Framework Directive**

We asked the Operator to provide information on all emissions to water at the installation in the Regulation 61 Notice as follows;

- Identify any effluents which discharge directly to surface or groundwater;
- Provide an assessment of volume and quality, including results of any monitoring data available;
- and for any discharges to water / soakaway whether a recent assessment of the feasibility of connection to sewer has been carried out.

The operator has previously provided assessments for all emissions to water at the installation. The operator declares there has been no change to activities and subsequent effluents generated at the installation since this risk assessment was taken. Consequently, we agree that the original risk assessments remain valid at this 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 'Site Condition Report' during the original application received on 16/08/2016. The report did not contain intrusive samples of soil or groundwater, the report was a desk based study. The Operator has accepted 'zero contamination' beneath the site. This means that when the Operator applies to surrender the Permit, any contamination by substances used at, produced or released from the facility would be considered to have resulted from the operation of the installation. This is in accordance with the Environment Agency Guidance H5 – Site Condition Report. The site has been operational since 1982 as an animal feed mill prior to falling under the environmental permitting regulations. Historical maps dating back to 1888 confirms the presence of flour mills at the site.

**Hazardous Substances**

Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures

The operator has not identified any hazardous substances used / stored at the installation.

**Climate Change Adaptation**

The operator has stated that the installation is not likely to be or has previously been affected by climate change.

**Underground Structures**

The operator has confirmed there are no underground structures at the installation.

## 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.

IC1 & IC2 - were marked as complete in the previous permit. We have now removed these from the permit.

| **Superseded Improvement Conditions** | |
|---|---|
| **Reference** | **Improvement condition** |
| IC1 | A noise monitoring survey shall be carried out by a competent acoustician and in line with BS4142:2014 guidance, to quantify the noise on site and, if necessary, identify additional noise abatement or reduction measures to ensure noise levels do not cause pollution outside the site boundary.<br>The operator shall provide a report to the Environment Agency detailing the noise survey results and include a plan for the implementation of any recommendations made as a result of the noise survey. The operator shall implement the plan as agreed, and from the date stipulated by the Environment Agency. The notification requirements of condition 2.4.2 will be deemed to have been complied with on submission of the report. |
| IC2 | The operator shall provide suitable containment for the vegetable oil storage tanks in accordance with the CIRIA guidance for containment systems for the prevention of pollution (C736). |

| Improvement programme requirements | | |
|---|---|---|
| **Reference** | **Reason for inclusion** | **Justification of deadline** |
| IC3 | 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 4 December 2023. The report shall include, but not be limited to, the following:<br>1) Methodology for achieving BAT<br>2) Associated targets /timelines for reaching compliance by 4 December 2023<br>3) Any alterations to the initial plan (in progress reports).<br>The report shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT conclusions 1, 2, 6 & 11.<br>Refer to BAT Conclusions for a full description of the BAT requirement. | Progress reports at 12 monthly intervals from date of permit issue:<br>25/01/2022 |
| IC4 | The operator shall review and update the H1 risk assessment for particulate emissions to air at the capacity levels stated within table S1.1 of this permit. The H1 shall be submitted to the Environment Agency for review. | 25/01/2023 or other date as agreed in writing with the Environment Agency |
| IC5 | The Operator shall submit an assessment to demonstrate that appropriate pollution prevention measures are in place (such as the installation of interceptor(s) or similar) prior to the discharge point W1 & W2 to the South Fen Drain (also known as the Jolly Common drain), to prevent pollution of surface run off, having regard for the requirements of BAT 11 of the FDM BATCs, which requires that measures are in place to detect uncontrolled releases and prevent their discharge off site.. | 25/01/2023 or other date as agreed in writing with the Environment Agency |