Permitting Decisions- Variation

We have decided to grant the variation for North Cave FAME Plant operated by Brocklesby Limited.

The variation number is EPR/JP3931SG/V006.

The variation is to permit:

- Increase in the waste storage capacity from approximately 3000m^3 to approximately 6000m^3,
- Increase of annual waste treatment capacity,
- Addition of Two New Waste Codes - 19 02 10 and 19 08 09,
- Removal of Hazardous Waste Treatment Operations and waste code 07 01 01*,
- Replacement of Boilers

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision-making process to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

This decision document provides a record of the decision-making process. It

- highlights key issues in the determination
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

The increase in storage capacity will be achieved by adding sixteen 150 tonne tanks, each 3.8m in diameter and 14.5m in height and four 500 tonne tanks, each 8m in diameter and 10m in height will be added. Several old tanks with a total capacity of 1400m^3 have also been replaced. As a consequence, the waste treatment capacity of the site will increase from 95,000tpa to 225,000tpa. The waste treatment employed on site will not change.

The new tank farm has a capacity of 4,500m^3. This value has been used to calculate the bund capacity, i.e. 25% of Total Tank Capacity. The new tank farm is surrounded by a 1.6m wall which provides a retention volume of 1,505.6m^3.

The sites tertiary containment consists of extensive concrete external slabs with kerb upstands to the full perimeter. This provides a containment volume of 1,637.5m^3.
Both secondary and tertiary containment meet CIRIA C736 requirements.

The existing oil fired boilers will be replaces with two gas fired boilers with a total thermal input of 16 MWth. The boilers will incorporate improved energy efficiency and environmental performance measures, including installation of flue gas economisers to recover heat, variable speed drives (VSD) on pumps, a reverse osmosis (RO) plant, condensate recovery system, and steam, gas and water meters to be fitted to monitor utility usage.

The main air emissions will arise from these two boilers, but the location of the emission points is the same. The Applicant has provided dispersion modelling as part of their air quality assessment for NO_2 and CO at sensitive locations and relevant ecological sites.

The modelling shows the following results:

The long term PC for human receptors does not screen out initially, but it does screen out in the second stage of modelling.

Human receptors (350m distance)

- highest long term PEC for NO_2 (9.12 µg/m^3) is 22.8% of EQS,
- highest short term PC for NO_2 (3.72 µg/m^3) is 1.9% of EQS minus twice the long term background concentration,
- highest short term PC for CO (3.24 µg/m^3) is 0.03% of EQS minus twice the long term background concentration.

Ecological receptors

- For Humber Estuary (SAC, SPA, Ramsar) (5.5km distance)
    - the highest long term PC for NO_x (0.01 µg/m^3) is <0.1% of EQS,
    - the highest short term PC for NO_x (0.1 µg/m^3) is 0.1% of EQS,
    - maximum annual deposition rate PC for N (0.001 kgN/ha/yr) is 0.0% of EQS,

    - maximum annual deposition rate PC for acid (0 keq/ha/yr) is 0% of EQS
- For North Cave Wetlands (LWS – 520m distance) and North Cave Fish Pond (LWL – 870m distance)
    - the highest long term PC for NO_x (0.2 µg/m^3) is 0.7% of EQS,
    - the highest short term PC for NO_x (2.26 µg/m^3) is 3 % of EQS,
    - maximum annual deposition rate PC for N (0.04 kgN/ha/yr) is 0.4% of EQS
    - maximum annual deposition rate PC for acid (0.0028 keq/ha/yr) is 0% of EQS

The results indicated that worst case scenario impacts on pollutant concentrations were not predicted to be significant at any human receptor location in the vicinity of the site nor affect existing conditions at any designated sites.

We have added monitoring requirements for emission points A2 and A3. Please see relevant sections below.

Emission points A7 to A10 have been added to reflect the carbon filters installed to mitigate odour emissions arising from the Tank Farm and A11 and A12 to reflect the vent from process shed extraction system. No monitoring requirements have been added to these emission points.

Surface water arising from the site is discharged to swale via a single release point having first been passed through an oil interceptor prior to release. Surface water is discharged via a continuous gravity feed with periodic monitoring of water quality against set benchmark thresholds.

Point source emission S2 has been added in table S3.3 to allow the boiler blowdown water to be discharged to sewer under a trade effluent discharge consent with Yorkshire Water.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

We consulted the following organisations:

- Director of Public Health & UKHSA (formerly PHE),
- Food Standards Agency,
- Local Authority – Planning,
- Local Authority – Environmental Health,
- Health and Safety Executive,
- Sewerage Authorities.

The comments and our responses are summarised in the consultation responses section.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 ‘Understanding the meaning of regulated facility’, Appendix 2 of RGN2 ‘Defining the scope of the installation’, Appendix 1 of RGN 2 ‘Interpretation of Schedule 1’, guidance on waste recovery plans and permits.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted with Natural England as the only feature of the application that could impact habitat sites are the two natural gas fired boilers. There are no habitat sites within screening distance. The Guidance on identifying 'relevance' for assessment under the Habitats Regulations for Environmental Permitting Regulations (EPR) installations with combustion processes, states that the screening distance for under 20MWth is 2.5km for SAC, SPA, Ramsar, SSSI and 100m for LWS.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment or similar methodology supplied by the operator and reviewed by ourselves, all emissions may be screened out as environmentally insignificant**.**

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Operating techniques for emissions that screen out as insignificant

Emissions of Oxides of Nitrogen and Carbon Monoxide have been screened out, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory, and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit’.

The plan has been incorporated into the operating techniques S1.2.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from

operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit’.

The plan has been incorporated into the operating techniques S1.2.

Updating permit conditions during consolidation

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

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

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

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

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

Pre-operational condition 1 has been added to ensure that the liquid storage tanks, pipelines and secondary containment in Tank Farm have been leak-tested at least 4 weeks before the start of operations.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement condition requiring the Applicant to verify the accuracy of the air emissions modelling input data with on site monitoring and data collection.

Emission limits

We have added emission limits for NOx for emission point to air A2 and A3, and emission limits for pH, TSS, COD for emission point to surface water W1, as a result of this variation.

We have included these limits based on our EPR regulations.

We have imposed descriptive limits on emission point W1 for visual appearance for fat and oils.

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified: SO_2, NO_x, CO for emission point to air A2 and A3, and fat and oils, pH, TSS, COD for emission point to surface water W1.

We made these decisions in accordance with our EPR regulations.

Reporting

We have added reporting in the permit for emission point A2, A3 and W1 with the associated parameters.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

The following summarises the responses to consultation with other organisations, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from UKHSA.

Brief summary of issues raised: the applicant has not provided a Fire Prevention Plan (FPP), and information on possible previous complaints or a detailed complaints procedure.

Summary of actions taken

The FPP was not requested as the site stores liquid waste – oil and similar wastes – in tanks. The FPP does not apply to liquid waste.

The complaints procedures are embedded in several documents:

- The specific measures for responding to odour complaints are laid out in the odour management plan.
- The specific measures for responding to noise complaints are laid out in the noise management plan.
- The measures outlined for dealing with accidents incidents and complaints more generally are in the Incident response, reporting, and corrective and preventative measures tracking procedures.
- Management of complaints is also addressed in the Statutory Monitoring and Reporting Schedule where there is a statutory requirement for a complaint response.