

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/HP3238GW
The Operator is: Biffa Waste Services Limited
The Installation is: Brookhurst Wood MBT Facility
This Variation Notice number is: EPR/HP3238GW/V005

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 22/06/2020 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 (BAT compliance date), 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 22/12/2020.

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 3, 7, 8, 20, 23 and 34. 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.

In August 2018, the revised Waste Treatment BAT Conclusions document was published. These Conclusions identify techniques that can be considered BAT and specify BAT associated emission limits (BAT-AELs) for waste treatment installations. The BAT Conclusions were required to be implemented within 4 years through permit review and variations, and through securing compliance with those variations, at existing waste treatment installations. The deadline for compliance was 17th August 2022.

We wrote to all biological waste treatment operators in June 2019 notifying them about the Waste Treatment BAT Conclusions and permit review process. We wrote again in July and August 2021, to remind operators of the BAT compliance date and that they should ensure that their sites complied with BAT by 17th August 2022. We consider we provided operators with sufficient time to undertake the necessary improvements on site to comply with BAT or vary their permits to reduce waste treatment tonnages and operate as waste facilities.

During the permit review process, we provided the operator with an opportunity to respond to the Regulation 61 Notice with supporting evidence and confirm that they will be able to comply with the improvements we require to ensure BAT and BAT-AELs would be met. In addition, the operator had the opportunity to comment on the draft permit as part of the permit review process. The operator has not objected to the BAT requirements as stated in the permit or stated that these cannot be met. We consider that they can and will be met. Consequently, we expect compliance with the new requirements including the BAT-AELs. We will take enforcement action where existing permitted activities are not compliant with BAT, in accordance with our enforcement and sanctions policy.

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 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

NC – Not Compliant

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
1	<p>In order to improve the overall environmental performance, BAT is to implement and adhere to an environmental management system (EMS) that incorporates all of the following features:</p> <ul style="list-style-type: none"> I. commitment of the management, including senior management; II. definition, by the management, of an environmental policy that includes the continuous improvement of the environmental performance of the installation; III. planning and establishing the necessary procedures, objectives and targets, in conjunction with financial planning and investment. IV. implementation of procedures paying particular attention to: <ul style="list-style-type: none"> (a) structure and responsibility, (b) recruitment, training, awareness and competence, (c) communication, (d) employee involvement, (e) documentation, (f) effective process control, (g) maintenance programmes, (h) emergency preparedness and response, (i) safeguarding compliance with environmental legislation; 	CC	<p>The Operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>V. checking performance and taking corrective action, paying particular attention to:</p> <ul style="list-style-type: none"> (a) monitoring and measurement (see also the JRC Reference Report on Monitoring of emissions to air and water from IED installations – ROM), (b) corrective and preventive action, recruitment, training, awareness and competence, (c) maintenance of records, (d) independent (where practicable) internal or external auditing in order to determine whether or not the EMS conforms to planned arrangements and has been properly implemented and maintained <p>VI. review, by senior management, of the EMS and its continuing suitability, adequacy and effectiveness;</p> <p>VII. following the development of cleaner technologies;</p> <p>VIII. consideration for the environmental impacts from the eventual decommissioning of the plant at the stage of designing a new plant, and throughout its operating life;</p> <p>IX. application of sectoral benchmarking on a regular basis;</p> <p>X. waste stream management (see BAT 2);</p> <p>XI. an inventory of waste water and waste gas streams (see BAT 3);</p> <p>XII. residues management plan (see description in Section 6.5);</p>		

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	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	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 this BAT conclusion.
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:	NC	The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with this BAT

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	<p>(i) information about the characteristics of the waste to be treated and the waste treatment processes, including:</p> <p>(a) simplified process flow sheets that show the origin of the emissions;</p> <p>(b) descriptions of process-integrated techniques and waste water/waste gas treatment at source including their performances;</p> <p>(ii) information about the characteristics of the waste water streams, such as:</p> <p>(a) average values and variability of flow, pH, temperature, and conductivity;</p> <p>(b) average concentration and load values of relevant substances and their variability (e.g. COD/TOC, nitrogen species, phosphorus, metals, priority substances /micropollutants);</p> <p>(c) data on bioeliminability (e.g. BOD, BOD to COD ratio, Zahn-Wellens test, biological inhibition potential (e.g. inhibition of activated sludge)) (see BAT 52);</p> <p>(iii) information about the characteristics of the waste gas streams, such as:</p> <p>(a) average values and variability of flow and temperature;</p> <p>(b) average concentration and load values of relevant substances and their variability (e.g. organic compounds, POPs such as PCBs);</p> <p>(c) flammability, lower and higher explosive limits, reactivity;</p> <p>(d) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, nitrogen, water vapour, dust).</p>		<p>conclusion with regard the process (waste water) effluent that is discharged to foul sewer.</p> <p>The Operator has identified in their Regulation 61 response that they do not monitor arsenic, cadmium, chromium, copper, nickel, lead, zinc and mercury. These are currently sampled but the sample is taken pre-treatment on site and not post treatment when discharged. In addition PFOS and PFOA are not currently monitored.</p> <p>This information is necessary to inform BATc 7 (i.e. monitoring only applies when the substance concerned is identified as relevant in the waste water inventory).</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation</p>

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			in accordance with our enforcement and sanctions policy.
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> <p>(a) Optimised storage location; (b) Adequate storage capacity; (c) Safe storage operation; (d) Separate area for storage and handling of packaged hazardous waste.</p>	CC	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 this BAT conclusion.
5	<p>In order to reduce the environmental risk associated with the handling and transfer of waste, BAT is to set up and implement handling and transfer procedures.</p> <p>Handling and transfer procedures aim to ensure that wastes are safely handled and transferred to the respective storage or treatment. They include the following elements:</p> <ul style="list-style-type: none"> handling and transfer of waste are carried out by competent staff; 	CC	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 this BAT conclusion.

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	<ul style="list-style-type: none"> • handling and transfer of waste are duly documented, validated prior to execution and verified after execution; • measures are taken to prevent, detect and mitigate spills; • operation and design precautions are taken when mixing or blending wastes (e.g. vacuuming dusty/powdery wastes). <p>Handling and transfer procedures are risk-based considering the likelihood of accidents and incidents and their environmental impact.</p>		
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).	CC	The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.
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.	NC	The operator has confirmed in their Regulation 61 response that they are not currently compliant with BATc 7.

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			<p>Table S3.3 “Point source emissions to sewer “ in the permit includes frequency and monitoring standards to reflect the requirements of BAT 7, with the relevant footnotes, including that the monitoring only applies when the substance concerned is identified as relevant in the waste water inventory (as per BATc 3 above). The operator has to demonstrate compliance.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
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.	NC	The operator has confirmed in their Regulation 61 response that they are not currently compliant with BATc 8.

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			<p>Table S3.1 "Point source emissions to air" in the permit includes frequency and monitoring standards to reflect the requirements of BAT 8. The operator has to demonstrate compliance.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
10	<p>BAT is to periodically monitor odour emissions.</p> <p>Odour emissions can be monitored using:</p> <ul style="list-style-type: none"> • EN standards (e.g. dynamic olfactometry according to EN 13725 in order to determine the odour concentration or EN 16841-1 or -2 in order to determine the odour exposure); • when applying alternative methods for which no EN standards are available (e.g. estimation of odour impact), ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality. 	CC	<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 this BAT conclusion.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	The monitoring frequency is determined in the odour management plan (see BAT 12).		
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	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 this BAT conclusion.
12	<p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> • a protocol containing actions and timelines; • a protocol for conducting odour monitoring as set out in BAT 10; • a protocol for response to identified odour incidents, e.g. complaints; 	CC	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 this BAT conclusion.

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<ul style="list-style-type: none"> 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. 		
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	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 this BAT conclusion.
14	<p>In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below:</p> <p>(a) Minimising the number of potential diffuse emission sources; (b) Selection and use of high-integrity equipment; (c) Corrosion prevention; (d) Containment, collection and treatment of diffuse emissions; (e) Dampening; (f) Maintenance; (g) Cleaning of waste treatment and storage areas;</p>	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 this BAT conclusion.

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	(h) Leak detection and repair (LDAR) programme		
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	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 this BAT conclusion.
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	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 this BAT conclusion.
17	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p>	CC	The operator has provided information to support compliance with BATc 17. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<ul style="list-style-type: none"> I. a protocol containing appropriate actions and timelines; II. a protocol for conducting noise and vibration monitoring; III. a protocol for response to identified noise and vibration events, e.g. complaints; IV. a noise and vibration reduction programme designed to identify the source(s), to measure /estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and /or reduction measures. 		
18	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given below:</p> <ul style="list-style-type: none"> (a) Appropriate location of equipment and buildings; (b) Operational measures; (c) Low noise-equipment; (d) Noise and vibration equipment; (e) Noise attenuation 	CC	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 this BAT conclusion.
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	CC	The operator has provided information to support compliance with BATc 19. We have assessed the information provided and we are

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	<p>soil and water, BAT is to use an appropriate combination of the techniques given below:</p> <ul style="list-style-type: none"> (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 		satisfied that the operator has demonstrated compliance with this BAT conclusion.
20	<p>In order to reduce emissions to water, BAT is to treat waste water using an appropriate combination of the techniques given below:</p> <p><i>Preliminary and primary treatment, e.g.</i></p> <ul style="list-style-type: none"> (a) Equalisation (b) Neutralisation 	<p>CC with narrative BAT NC with BAT-AEL Table 6.2</p>	We are satisfied the Operator is currently compliant with the narrative BAT element of BATc 20. The operator uses a combination of appropriated techniques (physical separation, biological treatment via membrane bioreactor, nitrogen removal and filtration) prior to discharge to foul sewer. The effluent is then

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	<p>(c) Physical separation, e.g. screens, sieves, grit separators, grease separators, oil-water separation or primary settlement tanks</p> <p>Physico-chemical treatment, e.g.</p> <p>(d) Adsorption (e) Distillation /rectification (f) Precipitation (g) Chemical oxidation (h) Chemical reduction (i) Evaporation (j) Ion exchange (k) Stripping</p> <p>Biological treatment, e.g.</p> <p>(l) Activated sludge process (m) Membrane bioreactor (n) Nitrification / denitrification when the treatment includes a biological treatment</p> <p>Solids removal, e.g.</p> <p>(o) Coagulation and flocculation (p) Sedimentation (q) Filtration (e.g. sand filtration, microfiltration, ultrafiltration)</p>		<p>further treated at the local water undertakers wastewater treatment plant. From here the treated water is discharged to watercourse.</p> <p>This therefore represents an indirect discharge to watercourse and Table 6.2 of the BAT conclusions applies. The following parameters are relevant and have BAT-AELs for MBT associated with them:</p> <p>Arsenic Cadmium Chromium Copper Lead Nickel Mercury Zinc</p>

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	<p>(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>		<p>These parameters and emission limits values have been added to the permit (Table S3.3 – “Point source emissions to sewer”) with the relevant footnote “Note 2 – the monitoring only applies when the substance concerned is identified as relevant in the waste water inventory” (as per BATc 3 above). The operator has to demonstrate compliance.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
21	<p>In order to prevent or limit the environmental consequences of accidents and incidents, BAT is to use all of the techniques given below, as part of the accident management plan (see BAT 1):</p> <p>(a) Protection measures; (b) Management of incidental /accidental emissions;</p>	CC	<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 this BAT conclusion.</p>

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	(c) Incident /accident registration and assessment system		
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	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 this BAT conclusion.
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>	NC	<p>The Operator has identified that their energy efficiency plan is not up to date, and that it will be updated accordingly.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
24	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).	CC	The operator has provided information to support compliance with BATc 24. We have assessed the information provided and we are

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	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).		satisfied that the operator has demonstrated compliance with this BAT conclusion.
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	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 this BAT conclusion.
34	<p>In order to reduce channelled emissions to air of dust, organic compounds and odorous compounds, including H₂S and NH₃, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Adsorption; (b) Biofilter; (c) Fabric filter;</p>	CC (narrative BAT)	The operator provided information to support compliance with narrative BATc 34. Carbon filters, dust filters, wet scrubbers (caustic and water) and biofilters are used at the facility.

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>(d) Thermal oxidation; (e) Wet scrubbing</p> <p>See also: Table 6.7: BAT-associated emission levels (BAT-AELs) for channelled NH₃, odour, dust and TVOC emissions to air from the biological treatment of waste.</p>	<p>BATc 34, Table 6.7 NC</p>	<p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with the narrative element of BATc 34.</p> <p>We have set BAT-AELs for ammonia, dust and TVOCs for MBT as specified in the Waste Treatment BREF and BAT Conclusions in the permit (Table 3.1 – “Point source emissions to air”). The operator has to demonstrate compliance.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p> <p>In addition to the BAT-AEL, we have inserted the requirement to monitor odour</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
			<p>concentration, hydrogen sulphide and ammonia on a 6-monthly frequency in Table S3.4 (process monitoring).</p> <p>As part of the Environment Agency approach to reduce emissions in the biowaste treatment sector, we have included the following improvement condition:</p> <p><u>Improvement condition for the review of effectiveness of abatement plant</u></p> <p>Improvement condition IC2 requires the operator to review abatement plant on site, in order to determine whether existing measures have been effective and adequate to prevent and /or minimise emissions released to air. Where further improvements are identified, the operator is required to implement these measures.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
35	<p>In order to reduce the generation of waste water and to reduce water usage, BAT is to use all of the techniques given below:</p> <p>(a) Segregation of water streams; (b) Water recirculation; (c) Minimisation of the generation of leachate</p>	CC	The operator has provided information to support compliance with BATc 35. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.
36	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>Monitoring and/or control of key waste and process parameters, including:</p> <ul style="list-style-type: none"> • waste input characteristics (e.g. C to N ratio, particle size); • temperature and moisture content at different points in the windrow; • aeration of the windrow (e.g. via the windrow turning frequency, O₂ and/or CO₂ concentration in the windrow, temperature of air streams in the case of forced aeration); • windrow porosity, height and width. 	NA	We are satisfied that BATc 36 is not applicable to the installation. The installation does not employ aerobic treatment.

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
37	<p>In order to reduce diffuse emissions to air of dust, odour and bioaerosols from open-air treatment steps, BAT is to use one or both of the techniques given below:</p> <p>(a) Use of semi permeable membrane covers; (b) Adaptation of operations to the meteorological conditions</p>	NA	We are satisfied that BATc 37 is not applicable to the installation. The installation does not employ aerobic treatment.
38	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>This includes monitoring and/or control of key waste and process parameters:</p> <ul style="list-style-type: none"> • pH and alkalinity of the digester feed; • digester operating temperature; • hydraulic and organic loading rates of the digester feed; • concentration of volatile fatty acids (VFA) and ammonia within the digester and digestate; • biogas quantity, composition (e.g. H₂S) and pressure; • liquid and foam levels in the digester. 	CC	The operator has provided information to support compliance with BATc 38. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.
39	<p>In order to reduce emissions to air, BAT is to use both of the techniques given below:</p>	CC	The operator has provided information to support compliance with BATc 39. We have

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / FC / NC	Environment Agency assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	(a) Segregation of the waste gas streams; (b) Recirculation of waste gas		assessed the information provided and we are satisfied that the operator has demonstrated compliance with this BAT conclusion.

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 following information below:

The Brookhurst Wood MBT facility has:

- 3 combined heat and power engines of which only 2 run at any given time, the third is on standby as backup. The thermal energy input of each engine is 3.5 MW if at full load.
- A backup boiler 1 MW which is only used if not enough heat is produced from the engines.
- An emergency diesel generator which can create 1 MW, however this is only in the event of a power failure.

The plant also has a flare however this is used less than 10%.

All combustion plant came on line in 2014 when the facility was commissioned.

The operation is not subject to a capacity market agreement or Feed-in Tariff preliminary accreditation.

Combined heat and power (CHP) engines

1. Rated thermal input (MW) of the medium combustion plant.	3 x 3.5
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Combined heat and power
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.	2014
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	NA

6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	NA
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Boilers

1. Rated thermal input (MW) of the medium combustion plant.	2.06
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Auxiliary boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Diesel/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.	2014
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	NA
6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	NA

Back-up generators

1. Rated thermal input (MW) of the medium combustion plant.	3
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Generator
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Diesel
4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018.	2014
5. Confirmation of capacity market agreement arising from 2014 or 2015 capacity auctions.	NA
6. Confirmation of Feed-in Tariff preliminary accreditation application received by the Gas and Electric Markets Authority prior to 1 December 2016.	NA

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, unless the original permit had stricter limits. In this case the more stringent limits are applied on the premise of no back sliding. See Table S3.1 in the permit. Where MCP are considered Low Operating Hours (<500 hours per year) no ELVs are set.

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 as follows:

- Operational processes are not in the open, all operations being indoors or within enclosed tanks, with an air extraction and abatement system to control potential emissions.
- The Permit does not currently require the monitoring of bioaerosols.

We carried out an assessment of the site location and the distance of site processes from sensitive receptors as part of this determination.

The site uses a wet biological scrubber with heat exchange and carbon filters prior to discharge.

We therefore consider it inappropriate to insert the bioaerosols monitoring requirements in the permit in accordance with our guidance TGN M9 Environmental monitoring of bioaerosols at regulated facilities (version 2, July 2018).

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 [Brookhurst Wood MBT site condition report, dated 28/08/2009] during the original application determined on 05/07/2010. The site condition report included a report on the baseline conditions as required by Article 22. We reviewed that report and considered that it adequately described the condition of the soil and groundwater at that time.

The Operator submitted a summary report with the Regulation 61 notice. We have reviewed the information and we consider that that it adequately describes the condition of the soil and groundwater. Consequently, we are satisfied that the baseline condition has not changed.

Waste types

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

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

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

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's report included a review of the design, method of construction and integrity of the site secondary containment and storage which was carried out by a structural or civil engineer. The review compared the existing site secondary containment against CIRIA C736. The report included a review of the:

- physical condition of the secondary containment;
- the suitability for providing containment when subjected to the dynamic and static loads caused by catastrophic tank failure;
- a preventative maintenance and inspection regime; and
- recommendations (where relevant).

We assessed the Operator's assessment having regard to following guidance documents:

- CIRIA C736 Containment systems for the prevention of pollution
- ADBA Industry Guide: Secondary Containment at AD Plants (Version 1, 2016);
- ADBA PROJEN AD Containment Classification Tool.

We reviewed the Operator's report and its findings. We are satisfied that the existing site containment meets the standards set out in CIRIA C736.

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

We asked the Operator via the Regulation 61 Notice to provide a detailed report which describes an assessment of the suitability of any existing above ground storage or primary containment (tanks and/or vessels) used for the storage and treatment of waste in comparison to the relevant standard in the CIRIA C736 guidance or another equivalent industry standard.

We assessed the Operator's primary containment assessment having regard to the following guidance document as part of the permit review:

- CIRIA C736 Containment systems for the prevention of pollution.

We are satisfied that the existing primary containment (tanks and vessels) meet the standards set out in CIRIA C736.

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 Brookhurst Wood MBT facility does not possess any storage lagoons for leachate or process water.

Annex 3: Improvement Conditions

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

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

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
Improvement condition for review of effectiveness of abatement plant		
IC2	<p>The operator shall carry out a review of the abatement plant on site, in order to determine whether the measures have been effective and adequate to prevent and where not possible minimise emissions released to air including but not limited to odour and ammonia.</p> <p>The operator shall submit a written report to the Environment Agency following this review for assessment and approval.</p> <p>The report shall include but not limited to the following aspects:</p> <ul style="list-style-type: none"> • Full investigation and characterisation of the waste gas streams. • Abatement stack monitoring results (not limited to odour and ammonia). • Abatement process monitoring results (not limited to odour and ammonia). • Details of air quality quantitative impact assessment including modelling and a proposal for "<u>site-specific action levels</u>" (not limited to odour concentration, hydrogen sulphide and ammonia). • Odour monitoring results at the site boundary. • Records of odour complaints and odour related incidents. • Recommendations for improvement including the replacement or upgrading the abatement plant. • Timescales for implementation of improvements to the abatement plant. <p>The operator shall implement the improvements in line with the timescales as approved by the Environment Agency.</p>	<p>Six months from permit issue or other date as agreed in writing with the Environment Agency</p>

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
Improvement condition for assessment of methane slip		
IC3	The operator shall establish the methane emissions in the exhaust gas from engines burning biogas and compare these to the manufacturer's specification and benchmark levels agreed in writing with the Environment Agency. The operator shall, as part of the methane leak detection and repair (LDAR) programme, develop proposals to assess the potential for methane slip and take corrective actions where emissions above the manufacturer's specification or appropriate benchmark levels are identified.	Six months from permit issue or other date as agreed in writing with the Environment Agency