

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/MP3732SK
The Operator is: Moy Park Limited
The Installation is: Moor Farm Road Animal Feed Mill
This Variation Notice number is: EPR/ MP3732SK/V003

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 30/07/2021.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the Operator. Suitable further information was provided by the Operator on 16/09/2022.

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.

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	BAT Conclusions for Ethanol Production
BAT 25 & 26	BAT Conclusions for Fish and Shellfish Processing
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
	GENERAL BAT CONCLUSIONS (BAT 1-15)		
1	<p>Environmental Management System - Improve overall environmental performance.</p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 1.</p>
2	<p>EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.</p> <p>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 of the features as detailed within the BATCs.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 2.</p>
3	<p>Monitoring key process parameters at key locations for emissions to water.</p> <p>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).</p>	NA	<p>All waste water is discharged to the sewer network. No monitoring takes place.</p>
4	<p>Monitoring emissions to water to the required frequencies and standards.</p> <p>BAT is to monitor emissions to water with at least the frequency given [refer to BAT 4 table in BATc] and in accordance with EN standards. If EN standards are</p>	NA	<p>No process effluent is discharged directly to surface water. Only clean, uncontaminated</p>

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
	not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.		<p>roof water is discharged to a nearby watercourse. No monitoring takes place.</p> <p>For the discharges to sewer; chloride is not a parameter of concern for this installation.</p>
5	<p>Monitoring channelled emissions to air to the required frequencies and standards.</p> <p>BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 5.</p> <p>Monitoring carried out in line with new permit requirements.</p>
6	<p>Energy Efficiency</p> <p>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.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 6.</p> <p>Energy efficiency plan in place. Techniques used include burner regulation and control, minimising blowdown from the boiler, optimising steam distribution systems, reducing air leaks, insulation, variable speed drives etc</p> <p>Site has regular ESOS audits and actions any recommendations.</p>

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
7	<p>Water and wastewater minimisation</p> <p>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.</p> <ul style="list-style-type: none"> (a) water recycling and/or reuse (b) Optimisation of water flow (c) Optimisation of water nozzles and hoses (d) Segregation of water streams <p>Techniques related to cleaning operations:</p> <ul style="list-style-type: none"> (e) Dry cleaning (f) Pigging system for pipes (g) High-pressure cleaning (h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP) (i) Low-pressure foam and/or gel cleaning (j) Optimised design and construction of equipment and process areas (k) Cleaning of equipment as soon as possible 	NA	Minimal water used - process is mostly dry, with the exception of steam to soften feed pellets during production. Dry cleaning processes used throughout the mill.
8	<p>Prevent or reduce the use of harmful substances</p> <p>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.</p> <ul style="list-style-type: none"> (a) Proper selection of cleaning chemicals and/or disinfectants (b) Reuse of cleaning chemicals in cleaning-in-place (CIP) (c) Dry cleaning (d) Optimised design and construction of equipment and process areas 	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 8.</p> <p>Minimal chemicals used for cleaning. Dry cleaning carried out throughout the mill.</p>

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
9	<p>Refrigerants</p> <p>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 potential.</p>	NA	No refrigeration or cooling takes place on site.
10	<p>Resource efficiency</p> <p>In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Anaerobic digestion (b) Use of residues (c) Separation of residues (d) Recovery and reuse of residues from the pasteuriser (e) Phosphorus recovery as struvite (f) Use of waste water for land spreading</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 10.</p> <p>Minimal waste generated from the process. Any spillages/residues are reused if no risk of contamination. The company has had a zero waste to landfill policy since 2014.</p>
11	<p>Waste water buffer storage</p> <p>In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	NA	All waste water drains directly to sewer network.
12	<p>Emissions to water – treatment</p> <p>In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given in BAT12</p>	NA	All water on site drains directly to the sewer network.
13	<p>Noise management plan</p> <p>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:</p> <ul style="list-style-type: none"> - a protocol containing actions and timelines; - a protocol for conducting noise emissions monitoring; 	NA	There is no current permit requirement for a Noise Management Plan and minimal risk of noise from the site.

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
	<ul style="list-style-type: none"> - a protocol for response to identified noise events, eg complaints; - 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. 		
14	<p>Noise management</p> <p>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.</p> <ul style="list-style-type: none"> (a) Appropriate location of equipment and buildings (b) Operational measures (c) Low-noise equipment (d) Noise control equipment (e) Noise abatement <p>[for detail of each technique, refer BAT 14 table in BATCs]</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 14.</p> <p>Operational and maintenance controls ensure that risk of noise from the site is minimal. All activities take place inside the mill.</p>
15	<p>Odour Management</p> <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. - a protocol for response to identified odour incidents eg complaints; - 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. <p>BAT 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.</p>	CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 15.</p> <p>Odour Management Plan in place. Regular monitoring takes place and odour abatement techniques used.</p>

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															
ANIMAL FEED BAT CONCLUSIONS (BAT 16-17)																		
16	<p>Energy efficiency – Green fodder only</p> <p>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 below.</p> <p>(a) Use of predried fodder</p> <p>(b) Recycling of waste gas from the dryer</p> <p>(c) Use of waste heat for pre-drying</p> <p>Applicable in addition to BAT6</p>	N/A	Not applicable for this site as the site does not process green fodder.															
17	<p>Emissions to air – particulates</p> <p>In order to reduce channelled dust emissions to air, BAT is to use one of the techniques given; a. bag filter, b. cyclone.</p> <table border="1" data-bbox="275 935 1232 1182"> <thead> <tr> <th rowspan="2">Parameter</th> <th rowspan="2">Specific process</th> <th rowspan="2">Unit</th> <th colspan="2">BAT-AEL (average over the sampling period)</th> </tr> <tr> <th>New plants</th> <th>Existing plants</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Dust</td> <td>Grinding</td> <td rowspan="2">mg/Nm³</td> <td><2-5</td> <td><2-10</td> </tr> <tr> <td>Pellet cooling</td> <td colspan="2"><2-20</td> </tr> </tbody> </table>	Parameter	Specific process	Unit	BAT-AEL (average over the sampling period)		New plants	Existing plants	Dust	Grinding	mg/Nm ³	<2-5	<2-10	Pellet cooling	<2-20		CC for Coolers (no permitted emissions for grinders)	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with BATc 17.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 17 either now, or before the compliance deadline, as follows:</p> <p>The operator is currently compliant with the BAT-AEL of 20mg/m³. On that basis, we have removed the current ELV (of 50mg/m³) and included the BAT-AEL of 20mg/m³ to be compliant from date of permit issue.</p>
Parameter	Specific process				Unit	BAT-AEL (average over the sampling period)												
		New plants	Existing plants															
Dust	Grinding	mg/Nm ³	<2-5	<2-10														
	Pellet cooling		<2-20															

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		
			The operator has demonstrated BAT. Minimal dust generated, cyclone in use. All activities take place inside the mill.		
Animal Feed Environmental Performance Levels					
EPL	Environmental Performance Level – Energy Consumption for Animal Feed		CC	<p><u>Environment Agency assessment</u></p> <p>The operator has provided information to support compliance with the EPL. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with the energy consumption environmental performance level for Animal Feed.</p> <p>The compound food figure of 0.01-0.10 MWh/t is appropriate for this installation.</p> <p>The measured range between 2018 and 2020 for this site is 0.06 to 0.07 MWh/t. This is well within the benchmark range, reflecting the good energy management in place at this installation.</p>	
	Product	Unit			Specific energy consumption (yearly average)
	Compound food	MWh/tonne of products			0.01-0.10 ⁽¹⁾⁽²⁾⁽³⁾
	Dry pet food				0.39-0.50
	Wet pet food				0.33-0.85
<p>(1) The lower end of the range can be achieved when pelleting is not applied.</p> <p>(2) The specific energy consumption level may not apply when fish and other aquatic animals are used as raw material.</p> <p>(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.</p>					
EPL	Environmental performance level – Waste water discharge for Animal Feed		NA	N/A – The installation is not permitted to produce wet pet food.	
	Product	Unit			Specific waste water discharge (yearly average)
Wet pet food					

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 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 existing H1 assessment of particulate emissions to air remains valid for the revised capacity threshold now placed 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.

Implementing the requirements of the Medium Combustion Plant Directive (MCPD)

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

The Operator provided the information in the table(s) below:

1. Rated thermal input (MW) of the medium combustion plant.	2.668 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Natural Gas

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.	April 2019
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As this is “new” plant as defined by the MCPD, the appropriate emission limit values (ELVs) and monitoring requirements are already in place. We have carried these over into the new permit.

Particulate Emissions

BAT-AELs are derived for those substances identified as key environmental issues during the BREF review process.

If the Operator has identified current compliance against BAT-AELs we will implement the relevant ELV from the date of permit issue. This is relevant for emission point A1 against BAT 17 for particulate emissions from the coolers.

We have added an improvement condition (IC9) for size fractionation of particulate emissions because a BAT-AEL applies for dust emissions to air. The justification for this IC is that there are a number of activities within the FDM sector which may result in release of particulates to air eg drying, milling and grinding. Overall there is little available information on how much fine particulates are released. This IC is a one-off exercise requiring Operators to monitor and report on the fractions of fine particulate (PM₁₀ and PM_{2.5}) emissions and increase our understanding of potential health effects. Where BAT-AELs may apply to multiple emission points eg grain milling. We may accept limited representative monitoring rather than expecting them to monitor every single emission point.

Emissions to Water and implementing the requirements of the Water Framework Directive (WFD)

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.

In this case, there are no direct discharges of process effluent to surface or ground water. There are emissions of vehicle wash, boiler blowdown and compressor condensate to sewer.

However, due to the low volumes and the disposal route, we are satisfied that the discharge will not impact on the WFD requirements, and demonstrate BAT.

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 did not provide any response to this part of the R61 notice.

We have therefore included an Improvement condition in the permit (IC10) which requires the Operator to confirm that a site condition report is in place. See Improvement condition(s) in Annex 3 of this decision document.

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 provided a short risk assessment on the hazardous substances stored and used at the installation. The risk assessment was a stage 1-3 assessment as detailed within EC Commission Guidance 2014/C 136/03.

The Operator is required to submit a relevant hazardous substances assessment for review to the Environment Agency via improvement condition (IC11).

Climate Change Adaptation

The Operator has considered if the site is at risk of impacts from adverse weather (flooding, unavailability of land for land spreading, prolonged dry weather / drought) .

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

Underground Structures

We asked the Operator via the Regulation 61 Notice to:

- Provide details of any underground structures including;
 - Contents;
 - Capacity;
 - Construction material(s);
 - Preventative maintenance measures;

- Leak detection;
 - Additional containment;
 - and if it is currently operational or redundant.
- and whether it currently meets the relevant standard in the Ciria “Containment systems for the prevention of pollution (C736)” report.

We reviewed the information provided by the Operator and their findings. We are not satisfied that the existing site underground structure(s) meet(s) the standards set out in CIRIA C736.

However, on the basis of the materials stored (non-liquid raw materials) we are satisfied that the risk is sufficiently low, and the Operator undertakes routine PPM, which would mitigate any risks.

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.

Completed improvement programme requirements		
Reference	Reason for inclusion	Justification of deadline
IC7	The Operator shall submit an updated environmental impact assessment for emissions to air of particulates from coolers 1 and 2 (emission point A1) using the H1 methodology.	Completed
IC8	The Operator will carry out the first monitoring of emission point A5 in accordance with the conditions described in table S3.1	Completed

New improvement programme requirements		
Reference	Reason for inclusion	Justification of deadline
IC9	The Operator shall submit a written report to the Environment Agency of monitoring carried out to determine the size distribution of particulate matter in the exhaust gas emissions to air from emission point A1, identifying the fractions within the PM ₁₀ and PM _{2.5} ranges. The monitoring shall be carried out under representative operating conditions and shall be in accordance with EN ISO 23210 unless otherwise agreed with the Environment Agency.	12 months of permit issue or other date as agreed in writing with the Environment Agency
IC10	The Operator shall confirm that the Installation has an appropriate Site Condition Report in place, in line with our H5 guidance.	3 months of permit issue or other date as agreed in writing with the Environment Agency

<p>IC11</p>	<p>The Operator shall submit to the Environment Agency for approval a risk assessment considering the possibility of soil and groundwater contamination at the installation where the activity involves the use, production or release of a hazardous substances (as defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures).</p> <p>A stage 1-3 assessment should be completed (as detailed within the EC Commission Guidance 2014/C 136/-3) as follows;</p> <p>Stage 1 – Identify hazardous substance(s) used / stored on site.</p> <p>Stage 2 – Identify if the hazardous substance(s) are capable of causing pollution. If they are capable of causing pollution, they are then termed Relevant Hazardous Substances (RHS).</p> <p>Stage 3 – Identify if pollution prevention measures & drains are fit for purpose in areas where hazardous substances are used / stored.</p> <p>If the outcomes of Stage 3 identifies that pollution of soil / ground water to be possible, the Operator shall produce and submit a monitoring plan to the Environment Agency for approval detailing how the substance(s) will be monitored to demonstrate no pollution.</p> <p>The Operator shall commence monitoring of the RHS within a timescale as agreed by the Environment Agency.</p>	<p>9 months of permit issue or other date as agreed in writing with the Environment Agency</p>
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