

# **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/MP3138EA  
The Operator is:                         Muller UK & Ireland Group LLP  
The Installation is:                     Minsterley Dairy  
This Variation Notice number is:   EPR/MP3138EA/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 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 4<sup>th</sup> 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 25/03/2022 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 23/07/2022.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review but not that it necessarily contained all the information we would need to complete that determination.

The Operator made no claim for commercial confidentiality. We have not received any information in relation to the Regulation 61 Notice response that appears to be confidential in relation to any party.

## 2.2 Review of our own information in respect to the capability of the Installation to meet revised standards included in the BAT Conclusions document

Based on our records and previous experience in the regulation of the installation we 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 4 and the BAT-AELs listed under BATc 12. The operator does not currently comply with the requirements of BAT conclusions 4, and the BAT-AELs as listed under BATc 12. In relation to this/these BAT Conclusion(s), the operator has committed compliance by 4 December 2023. We have therefore included Improvement Condition 16 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered before 4 December 2023.

## 2.3 Requests for further information during determination

Although we were able to consider the Regulation 61 Notice response generally satisfactory at receipt, we did in fact need more information in order to complete our permit review assessment, and issued two further information request on 12/12/2022 requesting details in regards to BATcs 1 (iv), 9, 11 and 14, and on 16/01/2023 regarding the need for an updated site plan, underground structures, status of boilers 3 and 4, existence of cooling towers, and type of refrigeration gases used. A copy of the further information requests was placed on our public register.

# **3 The legal framework**

The Consolidated Variation Notice will be issued under Regulations 18 and 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of other relevant legislation which also have to be addressed.

We consider that, in issuing the Consolidated Variation Notice, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

## Annex 1: decision checklist regarding relevant BAT Conclusions

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

There are 37 BAT Conclusions.

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

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

BAT 16 & 17	BAT Conclusions for Animal Feed
BAT 18 – 20	BAT Conclusions for Brewing
BAT 21 – 23	BAT Conclusions for Dairies
BAT 24	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
<b>GENERAL BAT CONCLUSIONS (BAT 1-15)</b>			
1	<p><b>Environmental Management System - Improve overall environmental performance.</b></p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	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 BATc 1.</p> <p>The operator has a EMS externally accredited to the ISO14001 standard.</p>
2	<p><b>EMS Inventory of inputs &amp; outputs. Increase resource efficiency and reduce emissions.</b></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>The operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2.</p> <p>The operator has implemented:</p> <ul style="list-style-type: none"> <li>• A process flow diagram</li> <li>• Monitoring program of wastewater chemical composition and mass balances of resources used</li> <li>• Segregation of waste gas streams based on source and composition</li> <li>• Water usage monitoring</li> </ul> <p>An external MCERTS accredited auditor conducts testing of the boilers.</p>
3	<p><b>Monitoring key process parameters at key locations for emissions to water.</b></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>	CC	<p>The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 3.</p> <p>The Operator is monitoring wastewater and MCP emissions.</p>
4	<p><b>Monitoring emissions to water to the required frequencies and standards.</b></p>	FC	<p>The operator has provided information to support compliance with BATc 4. We have assessed the information provided and we are</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
	<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 not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.</p>		<p>not satisfied that the operator has demonstrated compliance with BATc 4.</p> <p>The Operator is monitoring pH, BOD, COD, TS, TSS, TP, ammoniacal nitrogen, flow rate, and SS.</p> <p><b>However, total nitrogen (TN) is not currently monitored.</b></p> <p>Improvement Condition 16 has been included in the permit to achieve compliance with BATc 4 (see Annex 3).</p>
5	<p><b>Monitoring channelled emissions to air to the required frequencies and standards.</b></p> <p>BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards.</p>	NA	<p>We are satisfied that BATc 5 is not applicable to this Installation, as there are no channelled emissions to air associated with this installation.</p>
6	<p><b>Energy Efficiency</b></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>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 BATc 6.</p> <p>The operator is using the following techniques on site:</p> <ul style="list-style-type: none"> <li>• Use of energy efficiency plan</li> <li>• Energy audits to ESOS standards</li> <li>• Regular monitoring and reporting of energy performance against established KPIs</li> <li>• Energy reduction plan</li> </ul>
7	<p><b>Water and wastewater minimisation</b></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> <p>(a) water recycling and/or reuse</p> <p>(b) Optimisation of water flow</p> <p>(c) Optimisation of water nozzles and hoses</p> <p>(d) Segregation of water streams</p>	CC	<p>The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.</p> <p>Waste water minimisation is achieved through:</p> <ul style="list-style-type: none"> <li>• Recovery of cleaning water</li> <li>• Water usage metering and monitoring</li> </ul>

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
	Techniques related to cleaning operations: (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		<ul style="list-style-type: none"> <li>• Use of cleaning foam and gel where appropriate, as is the dry cleaning process</li> <li>• Segregation of water streams for appropriate use</li> </ul>
8	<p><b>Prevent or reduce the use of harmful substances</b></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> <p>(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</p>	CC	<p>The operator has provided information to support compliance with BATc 8. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.</p> <p>Control and use of harmful chemicals is carried out by:</p> <ul style="list-style-type: none"> <li>• Proper selection of chemicals</li> <li>• CIP</li> <li>• Dry cleaning</li> <li>• Optimised design of equipment and processes</li> </ul>
9	<p><b>Refrigerants</b></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>	CC	<p>The operator has provided information to support compliance with BATc 9. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 9.</p> <p>The Operator is using ammonia for process related cooling activities.</p> <p><b>However, the installation also uses R404A, a potent GWP, for ingredients and/or product storage.</b></p> <p><b>Assets using this refrigerant are RF4, RF6, RF11 to RF15, RF 20, and RF 23.</b></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
			Improvement Condition 17 has been included in the permit to achieve compliance with BATc 9 (see Annex 3).
10	<p><b>Resource efficiency</b> In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:</p> <ul style="list-style-type: none"> <li>(a) Anaerobic digestion</li> <li>(b) Use of residues</li> <li>(c) Separation of residues</li> <li>(d) Recovery and reuse of residues from the pasteuriser</li> <li>(e) Phosphorus recovery as struvite</li> <li>(f) Use of waste water for land spreading</li> </ul>	<b>CC</b>	<p>The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.</p> <p>The operator is using:</p> <ul style="list-style-type: none"> <li>• Segregation of waste and recycling</li> <li>• Redistribution of unused food</li> <li>• Recycling of food waste</li> <li>• Food waste reduced through redistribution of surplus</li> <li>• Incineration with energy recovery</li> <li>• Food waste and sludge used for landspreading</li> </ul>
11	<p><b>Waste water buffer storage</b> In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	<b>CC</b>	<p>The operator has provided information to support compliance with BATc 11. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 11.</p> <p>The operator has in place:</p> <ul style="list-style-type: none"> <li>• Contingency Plan</li> <li>• Spillage emergency plan</li> <li>• Emergency shut-down valves</li> <li>• Segregation of process and run-off waters</li> <li>• Use of interceptors</li> </ul>
12	<p><b>Emissions to water – treatment</b> In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below. Preliminary, primary and general treatment</p> <ul style="list-style-type: none"> <li>(a) Equalisation</li> <li>(b) Neutralisation</li> </ul>	<b>CC</b>	<p>The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 12.</p> <p>The operator is using onsite wastewater treatment involving:</p>

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	(c) Physical separate (eg screens, sieves, primary settlement tanks etc) Aerobic and/or anaerobic treatment (secondary treatment) (d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc) (e) Nitrification and/or denitrification (f) Partial nitrification - anaerobic ammonium oxidation Phosphorus recovery and/or removal (g) Phosphorus recovery as struvite (h) Precipitation (i) Enhanced biological phosphorus removal Final solids removal (j) Coagulation and flocculation (k) Sedimentation (l) Filtration (eg sand filtration, microfiltration, ultrafiltration) (m) Flotation		<ul style="list-style-type: none"> <li>• Equalisation</li> <li>• Neutralisation</li> <li>• Physical separation</li> <li>• Aerobic treatment</li> <li>• Denitrification</li> <li>• Flocculation</li> </ul>										
12	<p><b>Emissions to water – treatment</b>  <b>BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body</b></p> <table border="1" data-bbox="282 959 1211 1158"> <thead> <tr> <th>Parameter</th> <th>BAT-AEL (t) (t) (daily average)</th> </tr> </thead> <tbody> <tr> <td>Chemical oxygen demand (COD) (t) (t)</td> <td>25-100 mg/l (t)</td> </tr> <tr> <td>Total suspended solids (TSS)</td> <td>4-50 mg/l (t)</td> </tr> <tr> <td>Total nitrogen (TN)</td> <td>2-20 mg/l (t) (t)</td> </tr> <tr> <td>Total phosphorus (TP)</td> <td>0,2-2 mg/l (t)</td> </tr> </tbody> </table>	Parameter	BAT-AEL (t) (t) (daily average)	Chemical oxygen demand (COD) (t) (t)	25-100 mg/l (t)	Total suspended solids (TSS)	4-50 mg/l (t)	Total nitrogen (TN)	2-20 mg/l (t) (t)	Total phosphorus (TP)	0,2-2 mg/l (t)	FC	<p>The operator has provided information to support compliance with BATc 12 AELs. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 12.</p> <p>The Operator is currently required to monitor the following parameters in their discharge to surface water; biological oxygen demand (BOD), pH, suspended solids and Ammoniacal Nitrogen.</p> <p>Under BATc 12 we have added the following parameters; chemical oxygen demand (COD), total phosphorus (TP), Total Nitrogen (TN). BATc 12 also requires the monitoring of total suspended solids (TSS). We have replace the current requirement of monitoring suspended solids with the monitoring of total suspended solids.</p>
Parameter	BAT-AEL (t) (t) (daily average)												
Chemical oxygen demand (COD) (t) (t)	25-100 mg/l (t)												
Total suspended solids (TSS)	4-50 mg/l (t)												
Total nitrogen (TN)	2-20 mg/l (t) (t)												
Total phosphorus (TP)	0,2-2 mg/l (t)												

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
			<p>The upper ranges of the parameters as listed under BATc 12 have been included in the variation:</p> <ul style="list-style-type: none"> <li>• COD – 125 mg/l</li> <li>• TSS – 25 mg/l</li> <li>• TN – 20 mg/l</li> <li>• TP – 4 mg/l</li> </ul> <p>TSS will replace SS in the existent permit and keep the existent permit.</p> <p>Improvement Condition 18 have been included in the permit to achieve compliance with BATc 12 (see Annex 3).</p>
13	<p><b>Noise management plan</b></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"> <li>- a protocol containing actions and timelines;</li> <li>- a protocol for conducting noise emissions monitoring;</li> <li>- a protocol for response to identified noise events, eg complaints;</li> <li>- 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.</li> </ul>	<b>NA</b>	<p>This is only relevant if the site has an approved noise management plan – if there is no approved noise management plan then mark as NA and add</p> <p>A NMP is only required where a noise nuisance at sensitive receptors is expected or has been substantiated. There is no history of noise complaints at the site.</p> <p>We are therefore satisfied that BATc13 is not applicable for this site.</p>
14	<p><b>Noise management</b></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"> <li>(a) Appropriate location of equipment and buildings</li> <li>(b) Operational measures</li> <li>(c) Low-noise equipment</li> <li>(d) Noise control equipment</li> <li>(e) Noise abatement</li> </ul>	<b>CC</b>	<p>The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14.</p> <p>The Operator is using:</p> <ul style="list-style-type: none"> <li>• Investment in low-noise generating equipment</li> <li>• Relocation of noise generators</li> <li>• Operation measures such as reduced steam pressure in the release valves</li> </ul>

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"> <li>Noise abatement and control equipment</li> </ul>
15	<p><b>Odour Management</b></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"> <li>- a protocol containing actions and timelines;</li> <li>- a protocol for conducting odour monitoring.</li> <li>- a protocol for response to identified odour incidents eg complaints;</li> <li>- 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.</li> </ul>	CC	<p>The operator has provided information to support compliance with BATc 15. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 15.</p> <p>The operator has:</p> <ul style="list-style-type: none"> <li>Identified potential hazards, risks and potential receptors</li> <li>Classified the type of odours in case of accidents</li> <li>Implemented an odour complaint procedure</li> <li>Agreed on preventive measures such as regular inspections and maintenance</li> <li>There is an OMP in force at this installation.</li> </ul>
<b>DAIRY SECTOR BAT CONCLUSIONS (BAT 21-23)</b>			
21	<b>Energy efficiency – Dairy Sector</b>	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 BATc 21. The operator uses the following techniques;</p> <ul style="list-style-type: none"> <li>(a) Partial milk homogenisation</li> <li>(b) Energy-efficient homogeniser</li> </ul>

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																
	<p>In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.</p> <table border="1" data-bbox="293 323 1122 850"> <thead> <tr> <th data-bbox="293 323 533 355">Technique</th> <th data-bbox="533 323 1122 355">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="293 355 533 419">(a) Partial milk homogenisation</td> <td data-bbox="533 355 1122 419">The cream is homogenised together with a small proportion of skimmed milk. The size of the homogeniser can be significantly reduced, leading to energy savings.</td> </tr> <tr> <td data-bbox="293 419 533 483">(b) Energy-efficient homogeniser</td> <td data-bbox="533 419 1122 483">The homogeniser's working pressure is reduced through optimised design and thus the associated electrical energy needed to drive the system is also reduced.</td> </tr> <tr> <td data-bbox="293 483 533 547">(c) Use of continuous pasteurisers</td> <td data-bbox="533 483 1122 547">Flow-through heat exchangers are used (e.g. tubular, plate and frame). The pasteurisation time is much shorter than that of batch systems.</td> </tr> <tr> <td data-bbox="293 547 533 611">(d) Regenerative heat exchange in pasteurisation</td> <td data-bbox="533 547 1122 611">The incoming milk is preheated by the hot milk leaving the pasteurisation section.</td> </tr> <tr> <td data-bbox="293 611 533 707">(e) Ultra-high-temperature (UHT) processing of milk without intermediate pasteurisation</td> <td data-bbox="533 611 1122 707">UHT milk is produced in one step from raw milk, thus avoiding the energy needed for pasteurisation.</td> </tr> <tr> <td data-bbox="293 707 533 770">(f) Multi-stage drying in powder production</td> <td data-bbox="533 707 1122 770">A spray-drying process is used in combination with a downstream dryer, e.g. fluidised bed dryer.</td> </tr> <tr> <td data-bbox="293 770 533 850">(g) Precooling of ice-water</td> <td data-bbox="533 770 1122 850">When ice-water is used, the returning ice-water is pre-cooled (e.g. with a plate heat exchanger), prior to final cooling in an accumulating ice-water tank with a coil evaporator.</td> </tr> </tbody> </table> <p>Applicable in addition to BAT6</p>	Technique	Description	(a) Partial milk homogenisation	The cream is homogenised together with a small proportion of skimmed milk. The size of the homogeniser can be significantly reduced, leading to energy savings.	(b) Energy-efficient homogeniser	The homogeniser's working pressure is reduced through optimised design and thus the associated electrical energy needed to drive the system is also reduced.	(c) Use of continuous pasteurisers	Flow-through heat exchangers are used (e.g. tubular, plate and frame). The pasteurisation time is much shorter than that of batch systems.	(d) Regenerative heat exchange in pasteurisation	The incoming milk is preheated by the hot milk leaving the pasteurisation section.	(e) Ultra-high-temperature (UHT) processing of milk without intermediate pasteurisation	UHT milk is produced in one step from raw milk, thus avoiding the energy needed for pasteurisation.	(f) Multi-stage drying in powder production	A spray-drying process is used in combination with a downstream dryer, e.g. fluidised bed dryer.	(g) Precooling of ice-water	When ice-water is used, the returning ice-water is pre-cooled (e.g. with a plate heat exchanger), prior to final cooling in an accumulating ice-water tank with a coil evaporator.		
Technique	Description																		
(a) Partial milk homogenisation	The cream is homogenised together with a small proportion of skimmed milk. The size of the homogeniser can be significantly reduced, leading to energy savings.																		
(b) Energy-efficient homogeniser	The homogeniser's working pressure is reduced through optimised design and thus the associated electrical energy needed to drive the system is also reduced.																		
(c) Use of continuous pasteurisers	Flow-through heat exchangers are used (e.g. tubular, plate and frame). The pasteurisation time is much shorter than that of batch systems.																		
(d) Regenerative heat exchange in pasteurisation	The incoming milk is preheated by the hot milk leaving the pasteurisation section.																		
(e) Ultra-high-temperature (UHT) processing of milk without intermediate pasteurisation	UHT milk is produced in one step from raw milk, thus avoiding the energy needed for pasteurisation.																		
(f) Multi-stage drying in powder production	A spray-drying process is used in combination with a downstream dryer, e.g. fluidised bed dryer.																		
(g) Precooling of ice-water	When ice-water is used, the returning ice-water is pre-cooled (e.g. with a plate heat exchanger), prior to final cooling in an accumulating ice-water tank with a coil evaporator.																		

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

### **Updating permit during permit review consolidation**

- Activity name
- Introductory note updated
- Site plan
- Table S1.1 overhaul
  - Activity Reference (AR) renumbering
  - Updated listed activities
  - Addition of production capacity
  - Directly associated activities (DAAs) standardisation

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

### **Capacity Threshold**

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

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

The Operator has completed a H1 assessment of emissions for typical figures of production at the time of permitting.

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**

Existing Medium Combustion Plant (1MW-50MW)



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 below:

**Boilers**

1. Rated thermal input (MW) of the medium combustion plant.	Boiler 1: 5.7 Boiler 2: 5.5 Boiler 4: 8.5 Combined capacity of 19.7 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boilers
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	All boilers 100% 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.	Boiler 1: Jun 2020 Boiler 2: Oct 1984 Boiler 4: Nov 1997

We have reviewed the information provided and we consider that the declared combustion plants, Boiler 1 qualifies as “new” medium combustion plant (MCP), Boilers 2 and 4 qualify as “existing” MCPs, while Boiler 3 has been permanently taken out of use. Boiler 4 is limited to operate under 500 hours per year, thus no ELVs and monitoring requirements apply.

For existing medium combustion plants with a rated thermal input greater than 5 MW, the emission limit values set out in tables 2 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2025.

We have included the appropriate emission limit values for existing medium combustion plant as part of this permit review. See Table S3.1 in the permit. We have also included a new condition 3.1.4 within the permit which specifies the monitoring requirements for the combustion plant in accordance with the MCPD.

**Emissions to Water and implementing the requirements of the Water Framework Directive**

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

- Identify any effluents which discharge directly to surface or groundwater;

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

The operator has previously provided assessments for all emissions to water at the installation. The operator declares there has been no change to activities and subsequent effluents generated at the installation since this risk assessment was taken. Consequently, we agree that the original risk assessments remain valid at this time.

### **Soil & groundwater risk assessment (baseline report)**

The IED requires that the operator of any IED installation using, producing or releasing “relevant hazardous substances” (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a “baseline report” with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site’s current or approved future use. To do this, the Operator has to submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

The Operator submitted a summary report which referenced the site condition report and baseline report. We have reviewed the information and we consider that it adequately describes the current condition of the soil and groundwater. Consequently, we are satisfied that the baseline conditions have not changed.

### **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 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 stage 1 assessment identified the hazardous substances used / stored on site. The stage 2 assessment identified if hazardous substances are capable of causing pollution. If they are capable of causing pollution they are then termed Relevant Hazardous Substances (RHS). The Stage 3 assessment identified if pollution prevention measures are fit for purpose in areas where hazardous substances are used / stored. This includes drains as well.

The outcomes of the three stage assessment identified that pollution of soil / groundwater to be possible and monitoring is required for these hazardous substance(s).

However, the Operator did not provided a summary report demonstrating how the existent measures are fit for purpose and asked for time to prepare and submit a baseline report; we have included Improvement Condition 20.

### **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.

### **Containment**

We asked the Operator vis the Regulation 61 Notice to provide details of the each above ground tanks which contain potentially polluting liquids at the site, including tanks associated with the effluent treatment process where applicable.

The Operator provided details of all tanks;

- Tank reference/name
- Contents
- Capacity (litres)
- Location
- Construction material(s) of each tank
- The bunding specification including
  - Whether the tank is bunded
  - If the bund is shared with other tanks
  - The capacity of the bund
  - The bund capacity as % of tank capacity
  - Construction material of the bund
  - Whether the bund has a drain point
  - Whether any pipes penetrate the bund wall
- Details of overfill prevention
- Drainage arrangements outside of bunded areas
- Tank filling/emptying mitigation measures (drips/splashes)
- Leak detection measures
- Details of when last bund integrity test was carried out
- Maintenance measures in place for tank and bund (inspections)
- How the bund is emptied
- Details of tertiary containment

The following structures are located underground:

- Crude effluent sump
- Primary effluent settlement tank
- Filter bed feed tank
- Secondary effluent settlement tank
- Final effluent settlement tank

- Brook pumphouse secondary tank
- Brook pumphouse intermediate tank
- Brook pumphouse pump room
- Brook pumphouse final tank
- Sludge sump
- Brook water inlet chamber
- Septic tank
- Chemical storage area run-off tank
- Rainwater sump
- Interceptors 1 and 2

and whether the onsite tanks currently meet the relevant standard in the CIRIA “Containment systems for the prevention of pollution (C736)” report.

We reviewed the information provided by the operator. We are satisfied that the existing tanks and containment measures on site meet the standards set out in CIRIA C736.

## 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).

Previous improvement conditions marked as complete in the previous permit.

<b>Superseded Improvement Conditions – Removed from permit as marked as “complete”</b>	
<b>Reference</b>	<b>Improvement Condition</b>
IC1	The operator shall develop a written accident management plan having regard to the requirements set out in Section 2.8 of the agency technical guidance note IPCC S6.13 and shall submit the plan in writing to the Agency
IC2	<p>The Operator shall submit to the Agency in writing, a programme of regular testing and inspection of all chemical storage areas commencing with an initial audit. The audit and programme shall include the following:</p> <ul style="list-style-type: none"> <li>• inspection of primary, secondary and tertiary containment measures</li> <li>• inspection of coatings applied to secondary in tertiary containment</li> <li>• segregation of chemicals dependent upon reactivity</li> <li>• size of containment based on maximum stock levels</li> </ul> <p>The proposed inspection regime shall be agreed with the Agency in writing and implemented throughout the installation. A summary of the audit it shall be submitted to the Agency in writing with a timetable to implement any identified. improvements shall be agreed in writing with the Agency.</p>
IC3	The Operator shall undertake a water efficiency audit of the installation. The audit shall have regard to Section 2.4.3 of the Agency Guidance Note IPPC S6.13 and shall provide a breakdown of significant water use by department or activity and shall establish the current installation performance (for example, litre water/kg of product) and water efficiency objectives. A summary of the audit shall be submitted to the Agency in writing with a timetable to implement any improvements identified. Improvements shall be agreed in writing with the Agency.
IC4	<p>The operator shall develop cooling system operational procedures to minimise emissions to water including, but not limited to:</p> <ul style="list-style-type: none"> <li>• control of suspended solids</li> <li>• control of biological oxygen demand</li> <li>• control of free chlorine levels, in particular, during tower cleaning operations</li> </ul> <p>Upon completion of the procedures, a summary shall be submitted to the agency in writing with a timetable to implement any improvements identified. Improvements shall be agreed in writing with the Agency.</p>
IC5	The Operator shall carry out a waste minimisation audit of the installation. The assessment shall have regard to the Agency

	<p>Guidance Note 6.13 Section 2.4.2, and shall provide information on any lines and operations identified as causing a process loss specifying for each line or operation or department, the amount lost (tonnes/year) and the percentage recovered in process or recycled. A summary of the audit shall be submitted to the Agency in writing with a timetable to implement any improvements identified. Improvements shall be agreed in writing with the agency.</p>
IC6	<p>The Operator shall provide justification for the continued use of land spreading to dispose of process effluent with regard to the requirements set out in Section 2.6 of the Agency Guidance Note IPPC S6.13. A written report summarising the findings shall be submitted to the agency.</p>
IC7	<p>The operator shall develop an odour management plan for the installation. The plan shall have regard to the requirements set out in Section 2.2.2 of the Agency technical guidance note IPPC S6.13 and shall consider:</p> <ul style="list-style-type: none"> <li>• Activities and materials that may have a potential for odour</li> <li>• conditions under which an odour release will occur</li> <li>• Prevention of release of odorous material</li> </ul> <p>Upon completion of the plan, the summary shall be submitted to the Agency in writing with a timetable to implement any improvements identified. Improvements should be agreed in writing with the Agency.</p>
IC8	<p>The Operator shall submit a report detailing measures to prevent pollution of surface water which drains to land via the French drain located in the north east area of the installation.</p> <p>Upon completion of the report, the summary shall be submitted to the Agency in writing with a timetable to implement any improvements identified. Improvements shall be agreed in writing with the Agency.</p>
IC9	<p>The operator shall develop a Site Closure Plan with regard to the requirements set out in Section 2.11 of the Agency Guidance Note IPPC S6.13. Upon completion plan some documents should be Agency in writing for approval.</p>
IC10	<p>The Operator shall submit a feasibility study in writing the Agency for the reduction or replacement of ozone depleting gases. A summary of the study shall be submitted to the agency in writing with a timetable to implement any improvements identified. Improvements shall be agreed in writing with the Agency.</p>
IC11	<p>The operator shall develop and implement a documented system of environment management techniques, having regard to the Agency Guidance Note IPCC S6.13 Section 2.3.</p>
IC12	<p>The Operator shall submit a report to the Agency by the date given in this programme, demonstrating whether the pH probe used for continuous measurements of pH on the effluent discharge to water meets with the performance standards given in the MCERTS document 'Continuous Water Monitoring Equipment Part 2, V1 February 2003'. The report shall include an assessment of the probe's performance with the criteria given in the standard where these are not met, proposals and time-scales required to achieve the standard.</p>
IC13	<p>The Operator shall provide the report in writing to the Agency detailing the current monitoring method used to determine effluent flow at release point W1. The monitoring methods shall be agreed in writing with the Agency.</p>

IC14	The Operator shall assess the current method for effluent flow as agreed in IP13 with the requirements given in the MCERTS standard 'Minimum requirements for self-monitoring of effluent flow' version 2, Aug. 2004. A written report shall be provided to the Agency detailing how the standard is to be achieved and shall include timescales for implementation.
IC15	The operator shall install a flow metre to continuously measure the flow at W4 and cooling water discharge via W5, that can achieve the performance criteria given in MCERTS standards 'Continuous water monitoring equipment part 3: Performance Standards for water flow meters version 1, February 2003'. The Operator shall submit a report to the Agency that gives a comparison of the flow metre installed with the performance criteria given in the MCERTS standard.

The following improvement conditions have been added to the permit as a result of the variation.

<b>Improvement programme requirements</b>		
<b>Reference</b>	<b>Reason for inclusion</b>	<b>Justification of deadline</b>
IC16	<p>The operator shall submit, for approval by Environment Agency, a report setting out progress to achieving the 'Narrative' BAT where BATc 3, 4 and 9 are not currently achieved but will be achieved before 4 December 2023. The report shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1) Methodology for achieving BAT</li> <li>2) Associated targets /timelines for reaching compliance by 4 December 2023</li> <li>3) Any alterations to the initial plan (in progress reports).</li> </ol> <p>The report shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT. Refer to BAT Conclusions for a full description of the BAT requirement.</p>	04/12/2023
IC17	<p>The operator shall use refrigerants without ozone depletion potential and with a low global warming potential (GWP) in accordance with BAT 9 from the Food, Drink and Milk Industries BATCs.</p> <p>To demonstrate compliance against BAT 9, the operator shall develop a replacement plan for the refrigerant system(s) at the installation. This shall be incorporated within the existing environmental management system by the specified date.</p> <p>The plan should include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Where practicable, retro filling systems containing high GWP refrigerants e.g. R-404A with lower GWP alternatives as soon as possible.</li> <li>• An action log with timescales, for replacement of end-of-life equipment using refrigerants with the lowest practicable GWP.</li> <li>• Replacement of systems containing HCFCs as soon as possible. Only to be included where operator has confirmed use of R22 in "legacy system" in their Reg 61 response.</li> </ul>	04/12/2023



IC18	<p>The operator shall submit, for approval by the Environment Agency, a report setting out progress to achieving the Best Available Techniques Conclusion Associated Emission Levels (BAT-AELs) where BAT is currently not achieved, but will be achieved before 4 December 2023. The report shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1) Current performance against the BAT-AELs.</li> <li>2) Methodology for reaching the BAT-AELs.</li> <li>3) Associated targets /timelines for reaching compliance by 4 December 2023.</li> <li>4) Any alterations to the initial plan (in progress reports).</li> </ol> <p>The report shall address the BAT Conclusions for Food, Drink and Milk industries with respect to the following:</p> <ul style="list-style-type: none"> <li>• BATc 12 Table 1 (compliance with BAT-AELs for direct discharges to a receiving water body)</li> </ul> <p>Refer to BAT Conclusions for a full description of the BAT requirement.</p>	04/12/2023
IC19	<p>The operator shall submit, for approval by the Environment Agency, a report demonstrating compliance against BAT 12 Table 1 for direct emissions to a receiving water body from emission point (W1).</p>	04/12/2023
IC20	<p>The operator shall produce a monitoring plan detailing how the management of relevant hazardous substances which did not screen out as low risk, based on the RHS baseline assessment, will be maintained and monitored to mitigate the risks of pollution. The plan shall be submitted for approval.</p> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	04/12/2023