

## Permitting Decisions – Variation

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### **Document recording our decision-making process following the requirement for waste and wastewater sewerage treatment activities to be permitted as an installation subject to Chapter II of the Industrial Emissions Directive under the Environmental Permitting (England & Wales) Regulations 2016 (as amended)**

We have decided to grant the permit for Chelmsford STC operated by Anglian Water Services Limited.

The permit number is EA/EPR/EB3502GB/V002.

### **Purpose of this document**

On 2 April 2019, the Environment Agency confirmed to the Water and Sewerage Companies (WaSCs) operating in England that their sewage sludge anaerobic digestion (AD) facilities needed to comply with the Industrial Emissions Directive (IED).

The IED entered into force on 6 January 2011 and was transposed into UK law on 20 February 2013. The IED recast the Directive on integrated pollution prevention and control (IPPC) and introduced a revised schedule of industrial activities falling within the scope of its permitting requirements. The schedule of waste management activities includes the recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment, but excludes activities covered by the Urban Waste Water Treatment Directive (UWWTD).

In July 2014 we deferred the need for the WaSCs to submit permit applications for these facilities to allow for further consideration of whether they were already covered under the UWWTD. All of the UK environmental regulators subsequently concluded this was not the case, and therefore they come within the scope of the IED.

The IED seeks to achieve a high level of protection for the environment, taken as a whole, from the harmful effects of industrial activities. It does so by requiring each of the industrial installations to be operated under a permit with conditions based around the use of best available techniques (BAT).

The IED set a deadline of 7 January 2014 for existing installations to obtain an environmental permit. Therefore, the implementation of this aspect of the IED had been delayed for over five years at the point of our confirmation to the WaSCs on 2 April 2019.

The BAT Conclusions for Waste Treatment was published on 17 August 2018 following a European Union wide review of BAT, implementing decision (EU) 2018/1147 of 10 August 2018. BAT applies to new waste sewage sludge treatment not covered by the UWWTD. The installation operations at Chelmsford STC are existing but will be brought under environmental regulation for the first time and are required to operate using BAT.

Given the delay in implementing the IED in England, we have sought to ensure that all sewage sludge AD facilities obtain and operate under an environmental permit in as short a timescale as can reasonably be achieved. We asked the WaSCs to provide a definitive list of all facilities used to carry out biological treatment of sewage sludge. A submission schedule was provided to the WaSCs, allowing applications for these facilities to be submitted to us in stages between 1 April 2021 and 1 October 2022. This application is part of this programme of work.

This application was due to be submitted on 01 April 2021 and was received on 31 March 2021.

The application is for the consolidation of the existing combustion plant activities (SR 2009 No.4) currently permitted and adds a Section 5.4 A(1) (b) (i) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving biological treatment. The existing engines currently permitted under the standard rules permit are now directly associated activities (DAA) to the Section 5.4 anaerobic digestion activity. Other DAAs now part of the permit include;

- Raw materials storage
- Digestate storage and treatment
- Emergency flare operation
- Gas storage
- Physical treatment of waste (including screening, pressing, thickening, centrifugation / dewatering)
- Steam and electrical power generation utilising biogas produced on site.
- Uncontaminated surface water collection for reuse, and discharge
- Air collection and treatment prior to release to the atmosphere.

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

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

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

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

Read the permitting decisions in conjunction with the environmental permit.

## Key issues of the decision

### Best Available Techniques (BAT)

Article 3(12) of the IED defines BAT conclusions as:

*a document containing the parts of a BAT reference document [BREF] laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.*

The *emission levels associated with the best available techniques* (BAT-AELs) in IED BAT conclusions are mandatory emission levels. These are generally numerical limits on point source emissions to water and air. We recognise that many sludge treatment facilities were constructed prior to the current permitting requirements and their design may not be compatible with the best available techniques as described in the BREF and BAT conclusions. Where this is the case, risk assessments and alternative proposals can be used to demonstrate that an equivalent level of environmental protection is being or can be achieved. Where an applicant is not yet compliant with relevant BAT conclusions, we may accept an application where the applicant describes how they will meet the required BAT conclusion within an acceptable timeframe. The Waste Treatment (2018) BREF provides a minimum standard of operation across the waste industrial sector. Alongside BAT-AELs, the BREF outlines *general* BAT conclusions, which apply to all waste sectors. It also contains BAT conclusions specifically for waste sectors which waste water treatment works operate within, namely; the biological treatment of waste and the treatment of water-based liquid wastes.

The applicant provided supporting information with their application to demonstrate that their methods of operating are in accordance with the relevant BAT conclusions. We have assessed these documents. In this *Key issues*

section, we provide a commentary of the following areas which helped determine how the applicant will operate in accordance with the relevant BAT conclusions:

- Secondary containment (BAT conclusion 19)
- Minimise diffuse emissions to air (BAT conclusion 14)
- Inventory of waste waters (BAT conclusion 3)
- Point source emissions to water – indirect emissions (BAT conclusions 7 and 20)
- Odour management (BAT conclusion 12)

Where this document does not discuss a BAT conclusion in detail, we have accepted the applicant's supporting information and justifications that they are compliant with the respective BAT conclusion.

### **Bespoke permit conditions**

The technical determination of this application identified key issues where the applicant was unable to show fully how they would meet the relevant BAT conclusion requirements. These are standard pieces of information and evidence which would be expected upon receipt of a new bespoke permit application for a new anaerobic digestion installation facility. In this application, we identified that the applicant was unable to provide detailed supporting evidence that key issues would achieve BAT conclusion requirements. These key issues were:

- Sufficient secondary containment measures (permit conditions 3.2.3 and 3.2.4).
- Enclosure of waste storage tanks (permit conditions 3.2.5 and 3.2.6).
- Enclosure of tanks storing and treating unstable digestate (permit conditions 3.2.7 and 3.2.8).
- Prevention of effluent emissions to the waste water treatment works during storm overflow conditions (permit conditions 3.2.9 and 3.2.10).

We have performed an assessment of these aspects during the permit determination. A detailed account of these assessments is outlined in the sections below. Where we have not been able to fully assess the applicant's proposals to meet BAT conclusion requirements but have received commitments to implement BAT, we have set time sensitive improvement conditions alongside backstop bespoke permit conditions.

Improvement conditions alone would not contain sufficient legal *certainty* to require an operator to have BAT in place. However, we recognise that this application is for an existing activity which has been operating for several years and we recognised that a pragmatic approach was needed to bring this unpermitted installation activity into environmental regulation.

To issue permits without agreeing that an activity fully meets BAT is in essence a permitted local enforcement position (LEP). LEPs are used by the Environment

Agency for activities operating outside of a permit. This method will be implemented by setting prescriptive bespoke conditions in the permit for the outstanding BAT issues. Bespoke conditions include the requirement and a deadline for those techniques to be implemented – a backstop. We have also set improvement conditions for the timely submission of detailed plans. Should an operator not comply with an improvement condition, a bespoke condition will be in place for the Environment Agency to enforce against.

For these improvement conditions, we have set a final deadline of 31 December 2024. It should be noted that the implementation date for operators to be compliant with the Waste Treatment BAT conclusions was 17 August 2022. Our deadline specified in the improvement condition provides a sufficient timeframe in which the operator can produce detailed plans to meet BAT and a timetable for their implementation. Where operators do not satisfy the requirements of the improvement condition by 31 December 2024, the Environment Agency may commence enforcement action against the WaSC. Failure of the WaSCs to achieve BAT or failure to take steps to implement BAT by the backstop will be at the operator's risk.

## **Secondary containment**

Secondary containment is a fundamental principle of pollution prevention at industrial sites and waste management facilities. We assess containment provision when determining permit applications. Secondary/tertiary containment is an appropriate protective measure and is a standard requirement of an environmental permit. The Waste Treatment BREF includes BAT conclusion 19 which identifies several relevant techniques *to prevent or, where that is not practicable, to reduce emissions to soil and water.*

WaSC anaerobic digestion facilities store and treat significant volumes of waste sludge and liquids that have the potential to cause pollution to land, air and water and to impact detrimentally on any nearby sensitive habitats or areas of human occupation (also known as sensitive receptors). These facilities are often co-located with wastewater treatment works (WwTW) and, by the nature of these operations, are usually located near to watercourses. They have tended to have little in the way of secondary containment, such as impermeable surfacing or bunding, that would protect receptors in the event of a loss of containment.

The most common receptors we consider could be impacted by a loss of containment include; groundwater (aquifers), watercourses, designated conservation areas (such as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites), the adjacent WwTW and nearby human receptors such as residential and commercial premises.

Given the number, significance and complexity of the WaSCs' sludge AD facilities, we have provided advice on what they should have regard to when assessing their facilities. We consider that this advice, and the timescales afforded to the WaSCs to submit information in support of their permit

applications, is above and beyond that which would typically be given to permit applicants.

We advised the WaSCs to provide two main components of assessment aimed at clearly identifying where a facility has sufficient measures in place to protect sensitive receptors, and where improvements may need to be implemented.

The two components were:

- Containment assessment against the recommendations of **CIRIA C736** guidance - *Containment systems for the prevention of pollution: Secondary, tertiary and other measures for industrial and commercial premises* (2014).
- Completion of the **ADBA tool** to identify sources, pathways and receptors, and risks.

We also advised applicants to submit spill modelling as supporting evidence to demonstrate the effectiveness of current containment measures and assess any identified necessary improvements.

We advised the WaSCs (including the applicant) of the requirements of containment assessments on multiple occasions, including:

- At a workshop held by Water UK in February 2020 (Water UK members are UK water and wastewater service suppliers for England, Scotland, Wales and Northern Ireland, the applicant is a member of Water UK) – Presentation Title: Permitting Overview – Including section on containment – Surfacing, bunding and capacity, presented by a Senior Permitting Officer – Environment Agency National Permitting Service – Installations.
- Written advice sent in March 2021 by us including.
  - Sector specific pre-application advice note.
  - BAT gap analysis template tool.
- Presentation on 14 July 2021, delivered to Water UK, Titled: IED Permitting TaF + Spill Modelling, which the applicant attended, in which spill modelling was specifically discussed, along with a reiteration of application requirements. Spill modelling seminar presented by David Cole – Member of the Project Steering Group of CIRIA C736.

There are also various additional references to containment in guidance that is widely disseminated in the industry including:

- Waste Treatment BAT Conclusions.
- [Environmental permitting guidance on the control of emissions \(gov.uk\)](#).

- How to comply with your environmental permit. Additional guidance for: Anaerobic Digestion Reference LIT 8737 Report version 1.0 dated November 2013.
- Biological waste treatment: appropriate measures for permitted facilities - 1. When appropriate measures apply - Guidance - GOV.UK (www.gov.uk)
- Emissions control - Non-hazardous and inert waste: appropriate measures for permitted facilities - This is not directly applicable to biological treatment but will be replicated in the appropriate measures as mentioned in the above bullet point.
- SR2021 No 10: anaerobic digestion of non-hazardous sludge at a waste water treatment works, including the use of the resultant biogas. This specifically applies to sludge AD facilities.

### **CIRIA C736**

CIRIA C736 is considered the industry containment assessment standard of choice and is based on the source-pathway-receptor approach to risk assessment. It provides a clear methodology for demonstrating BAT, appropriate measures and compliance with permit conditions.

It is applicable for identifying and managing the risk of storing substances which may be hazardous to the environment and applies to activities ranging from small commercial premises to large chemical facilities. It primarily considers the potential consequences of tank failure and provides a risk assessment methodology to support a classification system for containment, providing different levels of performance for different risks. The aim is to break the pathway between source and receptor.

The guidance provides containment options and examples of good practice, but it is not prescriptive and there may be circumstances where it could be appropriate to use other methods where at least an equivalent level of environmental protection is provided.

Due to the nature of sewage sludge, cake or liquor, it is clear that this would be considered to be both a short and long-term hazard to the environment if released. Given the locations of sites that deal with these materials generally, it is reasonable to conclude that any major tank failure at an individual site will have the potential to cause significant damage to sensitive receptors.

Where CIRIA C736 measures are not considered to be relevant or appropriate for a specific facility, an explanation should be provided using a risk-based approach. For existing facilities where measures cannot easily be achieved, we expect alternative measures to be proposed which achieve at least an equivalent standard to provide at least the same level of environmental protection. It should be recognised however that CIRIA C736 includes specific guidance for operators who need to implement secondary containment provisions at existing facilities.

Newly built facilities and assets should be designed and built to CIRIA C736 report recommendations or to at least an equivalent approved standard. Newly built facilities and assets not designed and built to CIRIA C736 report recommendations, or to at least an equivalent approved standard would not be considered to provide suitable primary and secondary containment, and as such would not comply with BAT. Existing facilities may be unlikely to be compliant with CIRIA C736 due to the viability of retrofitting to meet the recommendations. However, the same containment assessments are still required, and improvements should be proposed to demonstrate at least equivalent appropriate measures of environmental protection.



## **ADBA tool and guidance**

The ADBA tool and guidance have been specifically designed as a guide for secondary containment for anaerobic digestion. The guide states “Both the guide and the classification tool draw upon the principles and methodologies within CIRIA C736. The principles within CIRIA C736 are generally accepted as good practice in the design and construction of containment systems. The principles of CIRIA C736 are distilled into this accessible guide, which attempts to draw out the parts relevant to the AD sector.”

The tool itself is clearly set out to provide an inventory of sources, pathways and receptors and aligns with the containment system class types in CIRIA C736. It provides risk ratings and allows mitigation measures to be considered.

## **Alternative assessment methods**

Where our guidance refers to CIRIA C736 it also allows for other equivalent approved standards. This does provide applicants with the option of using other approved standards, but they must offer at least the same level of environmental protection.

Where CIRIA C736 and ADBA tool assessments, or equivalent approved standards, are not provided, it is difficult or impossible to satisfactorily assess permit applications for compliance with BAT, appropriate measures or an environmental permit.

## **Assessment of this facility**

The applicant did submit an assessment which has given regard to CIRIA C736, including proposals for improvements.

- The applicant did submit a completed ADBA tool.
- The applicant did submit spill modelling.
- The applicant provided initial secondary containment proposals in accordance with Environment Agency guidance, *Control and monitor emissions for your environmental permit*.
- Detailed secondary containment design will be provided to the Environment Agency in response to improvement conditions (IC1)

The containment options submitted for Chelmsford STC are for the installation of containment bunds and curbs at modelled locations in order to prevent a loss of containment beyond the Chelmsford Sludge Treatment Centre (STC) and adjacent WwTW. The spill model is based upon the failure of the primary digester, the largest process vessel by capacity. The containment options consider rainfall as part of the model across the area that has been specified for the containment

## Reasons for accepting secondary containment proposals

The Environment Agency recognises that the applicant's proposals for secondary containment measures at the installation are not complete. Our established environmental permitting process outlines that where information is missing or insufficient, that information can be requested. Where information is unsatisfactory, we may proceed to return an application as not duly made or refuse a duly made application. Our processes state that we generally don't set improvement conditions that require BAT to be demonstrated at some date after the permit application has been consulted on and determined. Generally, we should be satisfied whether operations will use BAT at the appropriate time, and we should make that assessment at the time we issue any permit or variation.

However, we recognise that this industrial activity is already existing and being undertaken and consider it appropriate, where possible, to bring these activities into environmental regulation as an installation. While the current operations are a pollution risk, the applicant is not introducing new risks to the environment. It is important to note that any applications including new plant and bulk tanks would require a demonstration that secondary containment is designed in compliance with CIRIA C736 (or possible equivalent alternative) before a permit could be issued.

While detailed secondary containment infrastructure design was not supplied, the proposals describe what they plan to implement and follow the primary requirements for bund design (as outlined in our guidance *Control and monitor emissions for your environmental permit*). The applicant has also confirmed that the secondary containment measures will be designed in compliance with CIRIA C736 by a qualified structural engineer. We have received an effective risk assessment which demonstrates the extent and impact of bulk tank failure on the receiving environment. This was via a spill modelling assessment Containment Assessment for Chelmsford Sludge Treatment Centre, March 2022 based on the failure of worst-case tanks. These risk assessments/spill models show that the proposed containment strategies would contain effluent/digestate on site.

The section, *Bespoke permit condition* of this document, provides a general explanation why we have issued this permit without a full determination of various key issues with the application.

We have included an improvement condition in the permit for the operator to progress the proposals submitted within the application and to provide additional details as they are developed and implemented. We require that the proposals must be implemented by 31 December 2024.

# Uncontrolled biogas emissions – open treatment or storage tanks

Anaerobic digestion is a biological treatment of waste which uses natural processes where microorganisms break down organic matter in the absence of oxygen into biogas and digestate. Feedstock of sewage sludge and separately collected waste materials may have wide-ranging physical and chemical characteristics which have varying biogas production potential. Biogas has a varied composition but typically contains predominantly methane, carbon dioxide and nitrogen with traces of hydrogen sulphide and ammonia. Due to the methane component, biogas is combustible and has a significant global warming potential. In addition, fugitive emissions of biogas could also risk fire or explosion, as well as toxicity from gases such as hydrogen sulphide.

The Waste Treatment BREF and BAT conclusion 14 states:

*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...., as listed in the BAT Conclusion.*

An extract from the appropriate techniques listed in BAT Conclusion 14 for the prevention, or where that is not practicable, the reduction of diffuse emissions to air from open tanks is set out in Table 1 below.

Table 1			
Technique		Description	Applicability
d	Containment, collection and treatment of diffuse emissions	<p>This includes techniques such as:</p> <ul style="list-style-type: none"> <li>storing, treating and handling waste and material that may generate diffuse emissions in enclosed buildings and/or enclosed equipment (e.g. conveyor belts);</li> <li>maintaining the enclosed equipment or buildings under an adequate pressure;</li> <li>collecting and directing the emissions to an appropriate abatement system, via an air extraction system and/or air suction systems close to the emission sources.</li> </ul>	<p>The use of enclosed equipment or buildings may be restricted by safety considerations such as the risk of explosion or oxygen depletion. The use of enclosed equipment or buildings may also be constrained by the volume of waste.</p>

BAT require that waste stored which produces waste gases must be enclosed. Gases must then be appropriately abated. Section 2.3.5.5 of the Waste Treatment BREF states:

*Because flaring is both a source of pollution and leads to the burning of a potentially valuable product, its use should be limited to non-routine, momentary stoppages or emergency releases. Uncontrolled emissions (especially VOCs) from vents and relief valves should be routed to recovery systems, with flares serving only as a backup system.*

This section of the BREF is in reference to the flaring of biogas and not directly relevant to open tanks. However, it is important to stress that due to the pollution potential from uncontrolled emissions of biogas, it is essential that these emissions are collected and utilised either as a fuel, in storage or for further treatment to refine the biogas. It is not appropriate to store or treat unstable digestate within open tanks.

We acknowledge that BAT conclusion 14d provides limits on the applicability for enclosing waste where there is a potential risk from explosion. Storage of unstable digestate will release unspecified quantities of combustible gases. However, the standard industry practice within the commercial anaerobic digestion sector is to minimise unstable digestate storage by typically using longer residence times within sealed digesters to maximise biogas generation.

The Health and Safety Executive (HSE) provide general guidance on bulk storage tank design:

*Design Codes – Plant*

<https://www.hse.gov.uk/comah/sragtech/techmeasplant.htm>

*Storage of flammable liquids in tanks*

[Storage of flammable liquids in tanks HSG176 \(hse.gov.uk\)](https://www.hse.gov.uk/comah/sragtech/techmeasplant.htm)

We have been advised that, in the view of the HSE, the competent installation of tank covers is possible using current tank standards. We believe it is possible to design and modify tanks that meet both the specific circumstances and relevant engineering standards.

We also recognise that the covering of tanks may have an impact on whether the site needs to consider the requirements of the Control of Major Accident Hazards (COMAH) Regulations 2015. The creation of additional enclosed space(s) in the site (inside the newly enclosed tanks and any associated new abatement equipment) where dangerous substances are present (or anticipated to be present) would have the consequence of increasing the COMAH inventory, which could in turn move a site from Lower to Upper Tier or bring a site into the scope of the regulations. An applicant will need to consider these requirements when producing plans and designs for tank covers.

The Environment Agency considers the covering of tanks generating biogas (and channelling the gas to utilisation plant/storage) as BAT. It must be undertaken by any applicants treating waste via anaerobic digestion (and subsequent storage).

Any alternative approach to this must form part of a permit application supported by evidence-based justifications.

This installation currently uses one mesophilic digester vessel to undertake anaerobic digestion. The site's annual throughput of waste treated via anaerobic digestion is 70,000 tonnes (wet). The waste undergoes treatment in the vessel with a Hydraulic Retention Time (HRT) of 12 days. HRT is defined as the working volume of the digester divided by the rate of feeding as volume per unit time and is expressed in days. It is a fundamental design parameter and is typically a determining factor in sizing the AD plant. Biogas produced during this stage is collected in a standalone double membrane biogas holder and subsequently channelled via sealed pipework to gas utilisation structures. This site uses 2 x 0.75MWth (1.5 MWth total) Combined Heat and Power (CHP) engines to combust the biogas to use the energy generated on site. The treated waste, described as sludge or digestate is discharged into the degas and post digestion storage tanks. These tanks are uncovered, therefore, any waste gases, including biogas will be emitted from the tank to atmosphere.

The applicant is not able to identify the levels of biogas that may be discharged to atmosphere during this step as no evidence or analysis has been conducted. The large quantities of waste feedstock and short HRT indicate that the digestate could be unstable and be still producing biogas after it has been discharged into the open degas and post digestion storage tanks. The applicant did not submit evidence to show whether the digestate in the open tanks at the installation are stable.

We therefore asked the applicant to provide written confirmation that they will commit to covering the tanks and a description that shows the tank enclosure will be in accordance with guidance, Biological waste treatment: appropriate measures for permitted facilities. We also asked how biogas generated from the tanks will be utilised as a fuel or stored for utilisation off site. The Environment Agency recognises that the use of open tanks across the wastewater industry is widespread. While the applicant did not provide detailed proposals to enclose tanks with unstable digestate, they have committed to develop plans to put these infrastructure changes in place to prevent uncontrolled emissions of biogas to atmosphere from open tanks.

To ensure the applicant implements these changes, we have set improvement conditions IC2a, IC2b and IC2c. There are two stages to this improvement programme.

The first stage (IC2a) requires the operator to demonstrate that the anaerobic digestion process is stable and that the digestate has minimal potential for biogas production. The IC requires evidence that the digestion process is stable by producing an assessment of the digester's operating conditions through evaluating key parameters. These parameters are outlined in BAT conclusion 38 within the Waste Treatment BREF:

- pH and alkalinity
- operating temperature
- hydraulic and organic loading rate of the digester feed
- volatile fatty acid (VFA) and ammonia concentration
- biogas quantity, composition and pressure
- liquid and foam levels

Our guidance, *How to comply with your environmental permit. Additional guidance for: Anaerobic Digestion*, sets out indicative parameters and values that generally indicate a successful digestion process (Table 5). Where the operator's monitoring indicates that process parameters are within these indicative values, we would expect the digestion process to be stable and reduce the likelihood for biogas generation during the post digestion storage and treatment stages.

The indicative ranges specified in the above guidance are general values based on our experience. The Environment Agency recognises that operating parameters will vary on a site-by-site basis. However, it is the responsibility of the operator to justify that the values derived from process monitoring represent the optimal operating conditions for the anaerobic digestion plant.

The IC also requires the operator to determine the residual biogas potential within the digestate. The operator can use an assessment of digester stability and an assessment of residual biogas potential to provide justification that a digestate is stable. Residual biogas potential can be worked out by using the methodology, OFW004-005 [N6] as outlined within *BSI PAS 110: Producing Quality Anaerobic Digestate or an equivalent methodology for determining digestate stability*. We have not specified a threshold for residual biogas potential. The threshold defined within PAS 110 is part of a published standard operators use for producing an 'end-of-waste' digestate and not necessarily for establishing a definitive assessment of the potential for biogas generation. However, establishing the residual biogas potential will contribute to the operator's understanding of how stable the anaerobic digestion process has been.

The stability of the digestate depends on numerous factors, including type of feedstock, pre-treatment and digestion process and how this is managed in terms of organic load and residence time. For example, shortening residence times will increase the organic load and reduce the degree to which organic matter within the digester is converted to gas. Where this happens the digestate will be more active and capable of further biodegradation.

This IC will allow the operator to gather evidence and produce an evaluation of their process and digestate. There is no definitive thresholds for the operator to meet. A clear understanding of their optimal conditions in the digester will enable the operator to determine what tank cover and gas infrastructure they must

implement. Should the operator not show that the digestion process is stable, and that biogas generation is minimised, the operator must implement a plan to enclose the unstable digestate storage/treatment tanks and channel gases to gas utilisation plant or gas storage infrastructure. This step is a requirement of the second IC (IC2b).

Should the report approved under IC2a conclude that the digestion process is stable and the digestate has minimal potential for biogas production, the open tanks must still be covered in accordance with BAT conclusion 14d. A stable digestate does not allow the operator to continue to store the waste material within open tanks. We have therefore imposed a further IC (IC2c).

IC2c requires the operator to produce a 'waste water and digestate storage enclosure plan'. The plan requires the operator to include detailed design information on tank cover design and associated waste gas abatement systems. The operator has confirmed their commitment to enclosing their storage tanks for stabilised digestate storage.

The permit also includes bespoke permit conditions alongside the ICs. This bespoke permit condition requires the operator to have the appropriate infrastructure installed on the site by 31 December 2024. Should the operator fail to implement the changes required by that deadline, the Environment Agency may undertake enforcement proceedings against the operator. This position is in place to facilitate the opportunity for applicants to become BAT compliant and install necessary infrastructure. The Environment Agency recognises that this approach is different to standard environmental permitting processes. However, we consider that the applicant has provided sufficient commitment that they will undertake the necessary improvements to prevent uncontrolled biogas emissions and/or other waste gas emissions from open tanks. Backstop conditions in the permit will ensure this is achieved.

The section, *Bespoke permit conditions* of this document, provides a general explanation as to why we have issued this permit without a full determination of various key issues with the application.

## Emissions to air

Biogas generated through the anaerobic digestion of waste contains a high quantity of methane and is often used to provide energy to onsite operations. Biogas is commonly combusted within on site combined heat and power engines (CHP) or boilers. CHP engines produce heat and electricity. Heat is used to provide energy in the form of steam or hot water and is directed to the anaerobic digestion plant processes, while electricity can be utilised to power other plant on site.

Combustion of biogas or other fuels such as natural gas produces waste gas emissions which are discharged to the atmosphere via a stack. The combustion of biogas releases the following products of combustion; oxides of nitrogen (expressed as NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO) and volatile organic compounds (VOC).

While the WaSC anaerobic digestion activity has not until now been regulated under the Environmental Permitting (England and Wales) Regulations 2016 (EPR) as an installation, across the sector, the combustion plant may have been permitted. Some combustion plant in this sector will already have permits as standalone medium combustion plant. If emissions have previously been assessed, our approach is not to undertake any additional assessment unless there is a site-specific reason to do so. If emissions had not been previously assessed, or there had been subsequent changes, we would require a WaSC to undertake a new quantitative air risk assessment during determination.

This installation uses combustion plant to provide power and heat to the plant and anaerobic digestion process. Chelmsford STC is authorised to combust biogas from 2 x 0.75MWth (1.5 MWth total) Combined Heat and Power (CHP) engines, 2 x 0.74MWth boilers and 1x 0.65 MWth boiler fuelled on biogas.

The CHP engines produce heat and electricity as a result of combustion. Heat is used to provide energy in the form of steam or hot water which is directed to the AD plant processes, while electricity can be utilised to power other plant on site or in some cases can be exported to the electricity grid. Chelmsford STC utilises electricity produced on-site and does not export to the grid. The boilers provide additional heat support to the AD process when required.

The emissions from the combustion plant at Chelmsford, has been previously assessed and we are not aware of any subsequent changes to plant. Therefore, we have not carried out any further assessments



## **Indirect emissions of waste water**

AD installations produce a series of liquid wastes. These waste waters (also known as 'liquid digestate' or 'liquors') are discharged to the adjacent WwTW. As explained at the start of this document, WwTW are regulated under separate legislation, the Urban Waste Water Treatment Directive (UWWTD) and does not form part of this installation. The discharge of waste waters to the WwTW is therefore a point source emission and classed under the Waste Treatment BREF as an indirect emission to water. This AD has been in operation for several years but previously unpermitted as an installation. Activity at this facility was previously regulated under a Standard Rules permit.

The waste water discharged to the WwTW is not currently subject to monitoring or control. Waste waters, after discharge to the WwTW and treatment under the UWWTD are discharged to surface waters (rivers, streams) or in some cases direct to the sea. Across the sewage sludge industry, a wide variety of incoming wastes, trade effluents and indigenous sewage sludges are treated via anaerobic digestion (combined they are subject to regulation under the EPR). Once discharged into the main WwTW, any pollutants within the discharge will be diluted with no control over the level of pollutants emitted to the works. This means that across the sewage sludge industry, there is no knowledge of the extent of pollutants entering the main works for treatment. This lack of knowledge means that WaSCs do not know if their WwTWs are capable of treating the waste waters produced at an AD installation.

## **Description of waste water discharge**

The waste water liquors are discharged to the head of the adjacent Chelmsford WRC WwTW. Any treatment of this effluent is currently regulated under the UWWTD process, not under control of an environmental permit. However, the effluent being discharged from the WwTW is controlled by a permit. As the UWWTD effluent is discharged to a watercourse, we consider the effluent generated through the AD process constitutes an indirect discharge to water.

As such operators of an installation must establish and maintain inventories, including information about the characteristics and composition of waste waters in accordance with BAT conclusion 3 of the Waste Treatment BREF. BAT conclusion 3 states:

*“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, that incorporates all of the following features” which are identified for waste water as:*

*Information about the characteristics of the waste water streams, such as:*

- *average values and variability of flow, pH, temperature, and conductivity;*
- *average concentration and load values of relevant substances and their variability (e.g. COD/TOC, nitrogen species, phosphorus, metals, priority substances / micropollutants);*
- *data on bioeliminability (e.g. BOD, BOD to COD ratio, Zahn-Wellens test, biological inhibition potential (e.g. inhibition of activated sludge))”*

The applicant did not have this data prior to submitting their application for a bespoke installation permit. The Environment Agency has found that across the waste water sector, WaSCs have not undertaken a comprehensive analysis of their emissions from the installation activities to the WwTW. In general, WaSC installations accept trade effluents (via consented discharges in the catchment), indigenous sludges and separate waste streams via road tanker. The waste materials treated via the AD plant are potentially diverse and the composition of the feedstock and treated digestates could contain significant variation in pollutants.

Operators of installations under the Waste Treatment BREF must establish an emissions inventory. The operator should be compliant with this BAT conclusion requirement at the point of submitting a permit application. The waste water emissions inventory informs treatment methodologies, environmental risk assessments and monitoring requirements. However, across the sector, this information is not available. The Environment Agency recognises that the applicant’s emissions discharged to the WwTW have never been quantified, and therefore, accept that emissions to the WwTW have not been subject to a quantitative risk assessment. In addition, the applicant also cannot demonstrate that they are compliant with BAT AELs for indirect discharges to water (as specified within BAT conclusion 20 of the Waste Treatment BREF).

The waste water discharged to the WwTW is treated via the requirements under the UWWTD. However, this approach may not effectively treat all the pollutants that could enter the WwTW after discharge from the installation. For example, characteristic treatment methods at WwTW do not typically treat and remove heavy metals or other specified pollutants from the waste water.

We understand and recognise that this industrial activity is already existing and consider it appropriate, where possible, to bring these activities into environmental regulation as an installation. While the operations are a pollution risk, the applicant is not introducing new risks to the environment. It is important to note that any applications including a new emission to water would require a demonstration that emissions would not adversely impact any receiving waters, or breach relevant BAT AELs before a permit could be issued.

Our guidance, [Surface water pollution risk assessment for your environmental permit](#), indicates that establishing a representative composition of the waste water streams requires a number of samples over a long period (12 – 36

samples). The scope of pollutants to be identified in the waste water depends on what substances are likely to be within the waste water at the point it is discharged from the installation. To determine what is in the waste water, the operator will need to examine and have a good understanding of the inputs to the installation.

To establish a waste water inventory and to facilitate a quantitative risk assessment from this indirect emission point, we have set improvement conditions. Our processes state that we generally don't set improvement conditions that require BAT to be demonstrated at some date after the permit application has been consulted on and determined. Generally, we should be satisfied whether operations will be BAT at the appropriate time, and we should make that assessment at the time we issue any permit or variation. However, for the reasons set out above, this assessment is not possible due to the lack of data in this area across the WaSC sector. We consider setting improvement conditions as a pragmatic approach to identify what is in the waste water to then implement future improvements.

The permit includes improvement conditions IC5a, IC5b and IC5c. There are three stages to this improvement programme. The first (IC5a) requires the operator to submit and carry out a sampling and analysis program and gather the relevant data on the waste water. In accordance with the Waste Treatment BREF, the IC requires the operator to determine the composition of the pollutants which have BAT-AELs (these include heavy metals). Due to the variety of inputs to the waste treatment process and the unknown composition of the waste waters proposed for discharge to the WwTW, we cannot consider this effluent as straightforwardly a 'biodegradable waste'. Therefore, the IC also requires the operator to establish an inventory of pollutants of 'all relevant substances'. The scope of pollutants the operator must identify depends on what substances are likely to be within the waste water at the point it is discharged from the installation. To determine what is in the waste water, the operator will need to examine and have a good understanding of the inputs to the installation. This installation accepts waste inputs from; consented trade effluents and indigenous sludges. Due to this variety of inputs and the requirements for a minimum of 12 samples, we have specified that this monitoring period be for at least a year in order to determine a representative understanding of the discharge.

The Environment Agency recognises that 12 months is a long period but establishing the composition of the waste water will facilitate long term improvements and ensure that all potential pollutants are able to be controlled.

On completion of IC5a, IC5b requires the operator to undertake a full assessment of the results providing a summary of the sample results, a completed H1 risk assessment(s) and detailed modelling (where necessary) with an assessment made against the parameters specified in the relevant environmental standards as specified within our guidance. We also require the operator to submit

proposals and/or additional measures required to prevent or minimise any significant emissions from the installation along with timescales for implementation. IC5c requires the implementation of any relevant improvements identified.

The operator has provided written confirmation that it will initiate a sampling programme to determine the composition of the waste water.

The overarching aim of the improvement programme is to establish comprehensively what the operators of AD installations discharge to WwTW and to drive long term improvements. The lack of existing data across the industry means that the Environment Agency, rather than refusing environmental permit applications, facilitates a process for WaSC operators to achieve BAT and to meet environmental standards for long term environmental protection.

### **Odour management**

The Waste Treatment BREF requires operations which are likely to cause odour to implement techniques, which it outlines, for minimising the impact from odour pollution. Anaerobic digestion and the handling/storage of various waste sludges and organic wastes can be highly odorous. The Waste Treatment BREF includes general BAT conclusions which operators must implement (BAT 10 and 12 where odour nuisance at sensitive receptors is expected and/or has been substantiated). These include:

- BAT 10 – Monitoring of odour emissions
- BAT 12 – Odour management plan
- BAT 13 – Techniques to reduce odour emissions
- BAT 14 – Reduce diffuse emissions to air

### **Odour and BAT**

BAT requires that processing and treatment of odorous wastes be carried out in a sealed system. This means that tank(s)/vessel or area(s) must be connected to an odour abatement system. Odorous gas streams are to be directed to the abatement plant to be treated prior to release to the atmosphere via emission stack(s). The stacks are point source emissions to air. BAT-associated emission levels (BAT-AELs) for the biological treatment of waste require that odour concentrations are limited to less than 1,000 ou<sub>E</sub>/Nm<sup>3</sup> at the point of release or, in the case of an ammonia release, no more than 20 mg/Nm<sup>3</sup>. The upper BAT-AEL limit for ammonia is specified in the permit. The odour abatement technology at Chelmsford STC is a two staged filter consisting of biofilters and chemical scrubber.

## **Odour management plan**

The site is required to have an odour management plan in place that details the measures and procedures to prevent or otherwise minimise, odour releases from the site. The plan forms part of the permit.

To verify the effectiveness of the odour management systems in place at Chelmsford STC, we have requested that the operator carry out a review of the abatement plant on site, 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. The required review is included in the permit in the form of an improvement condition which is part of the improvement programme detailed in table S1.3.

## **Air/odour abatement systems**

As part of the application, the applicant submitted an “Odour Assessment Report” document (13122021-V002 - 101265\_OMR\_CHEL) (the OAR). The OAR concludes that there are no expected odour impacts beyond the installation boundary. The abatement plant at Chelmsford STC consists of biofilters and chemical scrubber. The sources of odour treated by the abatement plant include but are not limited to; reception areas, treatment areas and storage vessels / areas.

The OAR, submitted by the applicant, included a number of recommendations that need to be implemented in order to ensure that the effectiveness of the abatement plant is maintained in order to prevent or, where that is not practicable, to reduce odour emissions that may cause a nuisance to any off-site receptors. As mentioned above, we have included an improvement condition to review the effectiveness of the abatement plant. The improvement condition forms part of the permit (IC8 in Table S1.3). The report should include the existing recommendations highlighted by the applicant in “Section 7.0 Recommendations” of the above report;

*“Carry out a thorough investigation of the OCU to determine:*

- *The lava rock filter media is sound and free of blockages.*
- *The final effluent filter for the OCU is in good working order.*
- *The sprinkler system of lava rock filter is operating efficiently.*
- *That the correct extraction rates are achieved, and all pipework is free of debris and water.*
- *The correct retention time is achieved in both units of OCU.*
- *The carbon filter media has not expired.”*

## Odour Conclusions

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour.

## Bioaerosols

Site-specific bioaerosols risk assessments (SSBRA) are required where:

- The operational area including abatement plant is located within 250 metres of sensitive receptors; or
- Where area or point source emissions may pose a risk to the nearest sensitive receptor's location.

SSBRAs demonstrate that the process and/or abatement measures adequately prevent, or where this is not possible, significantly reduce the risk of bioaerosols release, and that the resulting activity will be unlikely to expose the nearest sensitive receptor to elevated concentrations of bioaerosols.

There are external site operational processes within 250 metres of a sensitive receptor.

In addition, the site operates a biofilter which is located within 250 metres of a sensitive receptor.

We consider it appropriate 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)<sup>1</sup>. The operator is required to comply with the new monitoring requirements from the date of permit issue.

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<sup>1</sup> M9 Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/730226/M9\\_Environmental\\_monitoring\\_of\\_bioaerosols\\_at\\_regulated\\_facilities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730226/M9_Environmental_monitoring_of_bioaerosols_at_regulated_facilities.pdf)

## **Improvement conditions**

### **Primary tank/vessel condition.**

We recognise that many sludge storage and treatment vessels were constructed prior to the current permitting requirements and their design may not be compatible with BAT as described in the relevant BREF documents. The applicant provided an inventory of their tanks and described the condition of those assets. Comprehensive evidence was not provided to assess the condition of the tanks and determine whether they are suitable for containing potentially polluting wastes and waste waters. However, as these tanks are already existing and perform an ongoing industrial operation, we have set an improvement condition in the permit to address any potential deficiencies in the existing site's primary containment.

IC3 requires the operator to review (undertaken by an appropriately qualified engineer) the physical condition of the primary containment and establish a program of works to implement any necessary individual measures to ensure that the primary containment is fit for purpose. The Environment Agency will review these submissions with regard to the guidance, *CIRIA C736 Containment systems for the prevention of pollution*.

### **Methane slip and Leak detection and repair (LDAR)**

As part of the Environment Agency approach to reduce methane emissions in the biowaste treatment sector, we have included Improvement condition (IC6) which requires the operator to review all sources of methane leaks from the site using a leak detection and repair (LDAR) programme. The operator submitted an LDAR procedure with their application which we assessed as part of the determination. We have been unable to agree that the LDAR programme supplied with the application is sufficient for controlling diffuse emissions of waste gases. We have therefore set an improvement condition for the operator to submit a revised LDAR programme to detect and mitigate the release of VOCs (including methane) from diffuse sources and set up a monitoring regime.

We have included improvement condition (IC7) in the permit which requires the operator to assess methane slip resulting from the combustion of biogas via the CHP engines. Following an assessment of the data, the Environment Agency shall consider whether emission limits for volatile organic compounds are applicable for this installation.

## **Effectiveness of abatement systems**

See section “Air/odour abatement systems” above. As Chelmsford STC is an existing facility becoming an installation, there has been no prior assessment of the effectiveness of the abatement systems as part of the permitting process. In order to ensure that the abatement systems are meeting the requirements set out in the permit, we have included an improvement condition IC8 to carry out a review of the abatement plant (emission point A7) which consists of biofilters and scrubber units, 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.

The operator shall submit a written report to the Environment Agency following this review for assessment and approval.

The report shall include but not be limited to the following aspects:

- Full investigation and characterisation of the waste gas streams.
- Evidence that the pollutants of the waste gas streams will be controlled and/or abated either by the abatement plant or by the proposed abatement systems.
- Abatement stack monitoring results (including but not limited to odour and ammonia).
- Abatement process monitoring results (including but not limited to odour and ammonia).
- Details of air quality quantitative impact assessment including modelling and a proposal for site-specific “action levels” (including but 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 of the abatement plant.
- Timescales for implementation of improvements to the abatement plant.
- Review of the recommendations detailed in section 7.0 of document “13122021-V002 - 101265\_OMR\_CHEL”

The operator shall implement the improvements in accordance with the timescales as approved by the Environment Agency”.



## Decision considerations

### Confidential information

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

The decision has been taken in accordance with our guidance on confidentiality.

### Identifying confidential information

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

The decision has been taken in accordance with our guidance on confidentiality.

### Consultation

The consultation requirements were identified in accordance with the EPR and our public participation statement.

- The application was publicised on the GOV.UK website.
- We consulted the following organisations:
- Food Standards Agency (FSA)
- Director of Public Health & United Kingdom Health Security Agency (UKHSA)
- Local Authority – Environmental Health
- Director of Public Health

The comments and our responses are summarised in the [consultation responses](#) section.

### Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision has been taken in accordance with our guidance on legal operators for environmental permits.

### The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN2 'Defining the scope of the installation'

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

## **The site**

The applicant has provided plans which we consider to be satisfactory.

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

The plan is included in the permit.

## **Site condition report**

The applicant has provided a description of the condition of the site, which we consider is satisfactory. The decision has been taken in accordance with our guidance on site condition reports and baseline reporting under the IED.

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

We have checked the location of the application site to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application site is not within our screening distances for these designations.

## **Environmental risk**

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

The applicant's risk assessment was unsatisfactory and required additional Environment Agency assessment. Please see the [key issues](#) for more information. We were unable to fully assess all elements of the applicants' risk assessment during determination of the variation. The facility is, however, already existing and has not been regulated as an installation prior to this application. We have included conditions in the permit that require the operator to provide additional information as part of an improvement programme. The improvement programme requires that the operator provide updated risk assessments including but not limited to the following elements:

- Secondary containment – The improvement programme requires the operator to submit a finalised containment solution in compliance with CIRIA C736, fully worked up and signed off by competent individuals. The improvement programme requires the submission of timeframes for the implementation of any additional containment measures identified as being necessary as part of the risk assessment. This requirement is to ensure that the site meets the requirements of BAT conclusions for containment namely BATc 19 of the Waste Treatment BREF.

- Open processes and/or storage tanks – The improvement programme requires that the operator undertake an assessment of the open degas and post digestion storage tanks at Chelmsford STC. The operator must undertake an additional risk assessment to understand the stability and emissions potential of the contents of the tanks. Should the assessment conclude that the tanks give rise to emissions odour and/or biogas, the operator must undertake measures to prevent or, where not practicable, adequately reduce the emissions being produced.
- Discharge of process wastewater to a WwTW – Effluent is produced at different stages of the sludge treatment operations at Chelmsford STC. At the time of application, an analysis of the effluent streams had not been undertaken or submitted. To ensure that the wastewater streams are fully characterised and an analysis of any pollutants of concern is carried out, we have included improvement conditions (IC5a, b and c) requiring a sampling programme, analysis, and proposals for any additional measures required to prevent or minimise any significant emissions from the installation along with timescales for implementation, for Environment Agency approval, with measures to be implemented as approved. The BAT associated emission levels (BAT-AEL) have been applied to the emission points S1 and S2 on the permit. The limits only apply if a pollutant of concern is identified in the waste water characterisation. The emission limits can be found in table S3.3

## **General operating techniques**

We have reviewed the techniques used by the applicant and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility (Waste Treatment BREF and BAT Conclusions).

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

## **Operating techniques for emissions that do not screen out as insignificant**

### **Indirect emissions to water**

Indirect emissions to water arising from sludge treatment operations cannot be screened out as insignificant due to insufficient information available at the time of determination of the permit. To establish if any emissions are of significance or may have an impact on the receiving waters, we have included improvement conditions that provide a framework for the operator to carry out sampling, analysis and to submit proposals to prevent or minimise any significant emissions

from the installation along with timescales for implementation, with proposals to be implemented as approved. The permit includes the emission limits for substances with BAT associated emission levels (BAT-AEL). The limits apply if the sampling program identifies the listed substances as present in the discharge (emission points S1 and S2). The parameters and limits may be found in table S3.3 of the permit.

The permit conditions enable compliance with relevant BAT reference documents (BREFs) and BAT Conclusions, and Emission Limit Values (ELVs) deliver compliance with BAT-AEL.

## **Operating techniques for emissions that screen out as insignificant**

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

## **National Air Pollution Control Programme**

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

## **Odour management**

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

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

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

The operator should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'. The plan has been incorporated into the operating techniques S1.2.

While we consider that the plan is satisfactory, we have included an improvement condition (IC8) to review the effectiveness of the abatement system. The

improvement condition is included 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 in accordance with Environment Agency approval.

## **Use of conditions other than those from the template**

Based on the information in the application, we consider that we need to include conditions other than those in our permit template. See the Key issues section for more details on the bespoke permit conditions we have imposed in this permit.

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

## **Waste types**

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

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

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

## **Improvement programme**

Based on the information in the application, we consider that we need to include an improvement programme. See the Key issues section for more details on the bespoke permit conditions we have imposed in this permit. The improvement programme conditions can be found in table S1.3 of the permit.

## **Emission Limits**

Emission Limit Values (ELVs) and equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for emissions to air and indirect discharges of waste water to surface waters.

Emission limit values are derived from:

- Waste Treatment BREF for BAT associated emission limits.

- Schedule 25A of the Environmental Permitting (England and Wales) Regulations 2016.

## **Emissions to air**

### **Odour abatement system**

There are discharges of emissions to air from odour control units (channelled emissions to air from abatement plant) and combustion appliances (combined heat and power plant and boilers). The odour control plant discharges emissions to the air via a stack. BAT requires that BAT-AELs of 20 mg/Nm<sup>3</sup> for Ammonia (NH<sub>3</sub>) be applied when biological treatment of waste is carried out. Anaerobic digestion is a biological process therefore the limit is included in the permit.

The Waste Treatment BREF provides examples of wastes that would be considered as water-based liquid wastes. These include wastes under the category '19 08 wastes from waste water treatment plants not otherwise specified' as there are channelled emissions of odorous air from the treatment of these wastes, we have included BAT-AELs of 5 mg/Nm<sup>3</sup> Hydrogen Chloride (HCL) and 20 mg/Nm<sup>3</sup> of Total Volatile Organic Compounds (TVOC). It should be noted that the limits for HCL and TVOC only apply when the substances of concern are identified in the waste gas streams characterised in BAT conclusion 3. Improvement condition IC8 requires full investigation and characterisation of waste gas streams within 12 months of issue of the permit. A full characterisation of waste gas streams was not available at the time of submission of the application.

### **Combustion appliances**

Biogas is produced as a result of the AD process. Combustion of the produced biogas takes place in a combined heat and power (CHP) engine and boilers. The engine produces heat and electricity that may be used to power on site processes while boilers provide additional heat to the AD processes. Combustion of biogas discharges pollutants to the air via stacks and exhausts. We have therefore applied emission limits to the following substances;

- Nitrogen oxides
- Sulphur dioxide
- Carbon monoxide

For further detail of emission limits, refer to table S3.1 of the permit.

## **Emissions to water**

There are no emissions of waste waters direct to a receiving water body. The operator will discharge waste waters to the head of the adjacent WwTW prior to discharge to River Chelmer. The Waste Treatment BREF specifies BAT AELs for indirect emissions to a water body. The BAT AELs are appropriate for the activity defined under the BREF as 'Treatment of water-based liquid waste'. The BREF provides examples of wastes that would be considered as water-based liquid wastes. These include wastes under the category '19 08 wastes from waste water treatment plants not otherwise specified'. The discharge to the head of the adjacent WwTW will be subject to the BAT AELs specified within BAT conclusion 20 (Table 6.2 of the Waste Treatment BREF).

As outlined within the Key issues section, the applicant did not provide a composition of the waste water (in accordance with BAT conclusion 3), therefore, all BAT AELs have been applied. We have set an improvement condition (IC5a) for the operator to determine the composition of the waste in a waste inventory. The limits will only apply when the substance concerned is identified as present in the waste water inventory.

Until the operator has complied with IC5a, the permit specifies limits for:

- Hydrocarbon oil index (HOI) (mg/l).
- Free cyanide (CN<sup>-</sup>) (mg/l).
- Adsorbable organically bound halogens (AOX) (mg/l).
- Metals and metalloids; arsenic (expressed as As), cadmium (expressed as Cd), chromium (expressed as Cr), hexavalent chromium (expressed as Cr(VI)), copper (expressed as Cu), lead (expressed as Pb), nickel (expressed as Ni), mercury (expressed as Hg), zinc (expressed as Zn) (µg/l).

## **Monitoring**

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included in order to comply with the Waste Treatment BAT conclusions. We made these decisions in accordance with Waste Treatment BAT conclusions.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

## **Reporting**

We have specified reporting requirements in the permit. We imposed these requirements in accordance with the Waste Treatment BAT conclusions.

## **Management System**

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

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

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

## **Technical Competence**

Technical competence is required for the activities permitted. The operator is a member of the CIWM/WAMITAB scheme. We are satisfied that the operator is sufficiently technically competent.

## **Previous performance**

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

## **Financial competence**

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

## **Growth duty**

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

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all



specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

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

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

## **Consultation Responses**

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

### **Responses from organisations listed in the consultation section:**

Response received from UK Health Security Agency (UKHSA).

Brief summary of issues raised: UKHSA notes emissions to air as being a source of potential concern and notes that a reduction of nitrogen oxides has potential public health benefits.

Summary of actions taken: We have set limits for the emission of pollutants to air in accordance with BAT or have set limits that are appropriate for the biowaste treatment sector. Limits include; nitrogen oxides, sulphur dioxide for engines and boilers and ammonia limits for odour abatement plant discharging emissions to air. We have set action trigger limits and monitoring of bioaerosols to further control potential emissions of airborne pollutants from processes that may release them.

No other responses were received to our consultation exercise.