

# **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/QP3097NT

The Operator is: James Hodge, Victoria Hodge, Henry Hodge, Elizabeth Hodge

The Installation is: Cumberlow Green farm

This Variation Notice number is: EPR/QP3097NT/V007

### **What this document is about**

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication by the European Commission of updated decisions on BAT Conclusions.

We have reviewed the permit for this installation against the revised BAT Conclusions for the Waste Treatment industry sector published on 10 August 2018 in the Official Journal of the European Union. In this decision document, we set out the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the Operator in the operation and control of the plant and activities of the installation. This review has been undertaken with reference to the decision made by the European Commission establishing Best Available Techniques (BAT) Conclusions (BATc) for Waste Treatment as detailed in document reference C (2018) 5070. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position. It also provides a justification for the inclusion of any specific conditions in the permit that are in addition to those included in our generic permit template.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

The introduction of new template conditions makes the Permit consistent with our current general approach and with other permits issued to Installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental

protection achieved by the Permit in any way. In this document, we therefore address only our determination of substantive issues relating to the new BAT Conclusions.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future.

## **How this document is structured**

1. Our decision
2. How we reached our decision
3. The legal framework
4. Annex 1 – Review of operating techniques within the Installation against BAT Conclusions.
5. Annex 2 – Review and assessment of changes that are not part of the BAT Conclusions derived permit review
6. Annex 3 – Improvement Conditions

# 1 Our decision

We have decided to issue the Variation Notice to the Operator. This will allow the Operator to continue to operate the Installation, subject to the conditions in the Consolidated Variation Notice that updates the whole permit.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the varied permit will ensure that a high level of protection is provided for the environment and human health.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our use of “tailor-made” or installation-specific conditions, or where our Permit template provides two or more options.

## 2 How we reached our decision

### 2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 22/04/2021 requiring the Operator to provide information to demonstrate where the operation of their installation currently meets, or how it will subsequently meet, the revised standards described in the relevant BAT Conclusions document.

The Notice required that where the revised standards are not currently met, the operator should provide information that:

- describes the techniques that will be implemented before 17 August 2022 (BAT Compliance Date), which will then ensure that operations meet the revised standards, or
- justifies why standards will not be met by 17 August 2022, and confirmation of the date when the operation of those processes will cease within the Installation or an explanation of why the revised BAT standards are not applicable to those processes, or
- justifies why an alternative technique will achieve the same level of environmental protection equivalent to the revised BAT standards described in the BAT Conclusions.

Where the Operator proposed that they were not intending to meet a BAT standard that also included a BAT Associated Emission Level (BAT-AEL) described in the BAT Conclusions Document, the Regulation 61 Notice required that the Operator make a formal request for derogation from compliance with that BAT-AEL (as provisioned by Article 15(4) of IED). In this circumstance, the Notice identified that any such request

for derogation must be supported and justified by sufficient technical and commercial information that would enable us to determine acceptability of the derogation request.

The operator failed to respond to the Regulation 61 Notice.

## 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 not be able to comply with the techniques and standards described in the relevant BAT Conclusions listed in annex 1.

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

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

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

## **3 The legal framework**

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

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

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

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

## **Annex 1: decision checklist regarding relevant BAT Conclusions**

BAT Conclusions for the Waste Treatment, were published by the European Commission on 17th August 2018. There are 53 BAT Conclusions. This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

The overall status of compliance with the BAT conclusion is indicated in the table as:

**NA – Not Applicable**

**CC – Currently Compliant**

**NC – Not Compliant**

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
1	<p>In order to improve the overall environmental performance, BAT is to implement and adhere to an environmental management system (EMS) that incorporates all of the following features:</p> <ul style="list-style-type: none"> <li>I. commitment of the management, including senior management;</li> <li>II. definition, by the management, of an environmental policy that includes the continuous improvement of the environmental performance of the installation;</li> <li>III. planning and establishing the necessary procedures, objectives and targets, in conjunction with financial planning and investment.</li> <li>IV. implementation of procedures paying particular attention to: <ul style="list-style-type: none"> <li>(a) structure and responsibility,</li> <li>(b) recruitment, training, awareness and competence,</li> <li>(c) communication,</li> <li>(d) employee involvement,</li> <li>(e) documentation,</li> <li>(f) effective process control,</li> <li>(g) maintenance programmes,</li> <li>(h) emergency preparedness and response,</li> <li>(i) safeguarding compliance with environmental legislation;</li> </ul> </li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>



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

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	XI. an inventory of waste water and waste gas streams (see BAT 3); XII. residues management plan (see description in Section 6.5); XIII. accident management plan (see description in Section 6.5); XIV. odour management plan (see BAT 12) XV. noise and vibration management plan (see BAT 17).		
2	In order to improve the overall environmental performance of the plant, BAT is to use all of the techniques listed below:  (a) Set up and implement waste characterisation and pre-acceptance procedures; (b) Set up and implement waste acceptance procedures; (c) Set up and implement a waste tracking system and inventory; (d) Set up and implement an output quality management system; (e) Ensure waste segregation; (f) Ensure waste compatibility prior to mixing or blending of waste; (g) Sort incoming solid waste	<b>NC</b>	The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.  We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.
3	In order to facilitate the reduction of emissions to water and air, BAT is to establish and to maintain an inventory of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the following features:	<b>NC</b>	The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.

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	<p>(i) information about the characteristics of the waste to be treated and the waste treatment processes, including:            (a) simplified process flow sheets that show the origin of the emissions;            (b) descriptions of process-integrated techniques and waste water/waste gas treatment at source including their performances;</p> <p>(ii) information about the characteristics of the waste water streams, such as:            (a) average values and variability of flow, pH, temperature, and conductivity;            (b) average concentration and load values of relevant substances and their variability (e.g. COD/TOC, nitrogen species, phosphorus, metals, priority substances /micropollutants);            (c) data on bioeliminability (e.g. BOD, BOD to COD ratio, Zahn-Wellens test, biological inhibition potential (e.g. inhibition of activated sludge)) (see BAT 52);</p> <p>(iii) information about the characteristics of the waste gas streams, such as:            (a) average values and variability of flow and temperature;            (b) average concentration and load values of relevant substances and their variability (e.g. organic compounds, POPs such as PCBs);</p>		<p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

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	(c) flammability, lower and higher explosive limits, reactivity; (d) presence of other substances that may affect the waste gas treatment system or plant safety (e.g. oxygen, nitrogen, water vapour, dust).		
4	<p>In order to reduce the environmental risk associated with the storage of waste, BAT is to use all of the techniques given below:</p> <p>(a) Optimised storage location; (b) Adequate storage capacity; (c) Safe storage operation; (d) Separate area for storage and handling of packaged hazardous waste.</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
5	<p>In order to reduce the environmental risk associated with the handling and transfer of waste, BAT is to set up and implement handling and transfer procedures.</p> <p>Handling and transfer procedures aim to ensure that wastes are safely handled and transferred to the respective storage or treatment. They include the following elements:</p> <ul style="list-style-type: none"> <li>handling and transfer of waste are carried out by competent staff;</li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / 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>• handling and transfer of waste are duly documented, validated prior to execution and verified after execution;</li> <li>• measures are taken to prevent, detect and mitigate spills;</li> <li>• operation and design precautions are taken when mixing or blending wastes (e.g. vacuuming dusty/powdery wastes).</li> </ul> <p>Handling and transfer procedures are risk-based considering the likelihood of accidents and incidents and their environmental impact.</p>		
6	For relevant emissions to water as identified by the inventory of waste water streams (see BAT 3), BAT is to monitor key process parameters (e.g. waste water flow, pH, temperature, conductivity, BOD) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).	NA	<p><b><u>Not Applicable</u></b></p> <p>We are satisfied that BATc 6 is not applicable to this Installation as there are no emissions to water.</p>
7	BAT is to monitor emissions to water with at least the frequency given in BATc 7, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.	NA	<p><b><u>Not Applicable</u></b></p> <p>We are satisfied that BATc 7 is not applicable to this Installation as there are no emissions to water.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
8	<p>BAT is to monitor channelled emissions to air with at least the frequency given in BATc 8, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
10	<p>BAT is to periodically monitor odour emissions.</p> <p>Odour emissions can be monitored using:</p> <ul style="list-style-type: none"> <li>• EN standards (e.g. dynamic olfactometry according to EN 13725 in order to determine the odour concentration or EN 16841-1 or -2 in order to determine the odour exposure);</li> <li>• when applying alternative methods for which no EN standards are available (e.g. estimation of odour impact), ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.</li> </ul> <p>The monitoring frequency is determined in the odour management plan (see BAT 12).</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
11	<p>BAT is to monitor the annual consumption of water, energy and raw materials as well as the annual generation of residues and waste water, with a frequency of at least once per year.</p> <p>Monitoring includes direct measurements, calculation or recording, e.g. using suitable meters or invoices. The monitoring is broken down at the most appropriate level (e.g. at process or plant/installation level) and considers any significant changes in the plant/installation.</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
12	<p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> <li>• a protocol containing actions and timelines;</li> <li>• a protocol for conducting odour monitoring as set out in BAT 10;</li> <li>• a protocol for response to identified odour incidents, e.g. complaints;</li> <li>• an odour prevention and reduction programme designed to identify the source(s); to characterise the contributions of the sources; and to implement prevention and/or reduction measures.</li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
13	<p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to use one or a combination of the techniques given below:</p> <ul style="list-style-type: none"> <li>(a) Minimising residence times;</li> <li>(b) Using chemical treatment;</li> <li>(c) Optimising aerobic treatment</li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
14	<p>In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below:</p> <ul style="list-style-type: none"> <li>(a) Minimising the number of potential diffuse emission sources;</li> <li>(b) Selection and use of high-integrity equipment;</li> <li>(c) Corrosion prevention;</li> <li>(d) Containment, collection and treatment of diffuse emissions;</li> <li>(e) Dampening;</li> <li>(f) Maintenance;</li> <li>(g) Cleaning of waste treatment and storage areas;</li> <li>(h) Leak detection and repair (LDAR) programme</li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>



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15	<p>BAT is to use flaring only for safety reasons or for non-routine operating conditions (e.g. start-ups, shutdowns) by using both of the techniques given below:</p> <p>(a) Correct plant design; (b) Plant management</p>	<b>NA</b>	<p><b><u>Not Applicable</u></b> We are satisfied that BATc 15 is not applicable to this Installation as there are no flares on site.</p>
16	<p>In order to reduce emissions to air from flares when flaring is unavoidable, BAT is to use both of the techniques given below:</p> <p>(a) Correct design of flaring devices; (b) Monitoring and recording as part of flare management</p>	<b>NA</b>	<p><b><u>Not Applicable</u></b> We are satisfied that BATc 16 is not applicable to this Installation as there are no flares on site.</p>
17	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <p>I. a protocol containing appropriate actions and timelines; II. a protocol for conducting noise and vibration monitoring;</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	<p>III. a protocol for response to identified noise and vibration events, e.g. complaints;</p> <p>IV. a noise and vibration reduction programme designed to identify the source(s), to measure /estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and /or reduction measures.</p>		
18	<p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Appropriate location of equipment and buildings;  (b) Operational measures;  (c) Low noise-equipment;  (d) Noise and vibration equipment;  (e) Noise attenuation</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
19	<p>In order to optimise water consumption, to reduce the volume of waste water generated and to prevent or, where that is not practicable, to reduce emissions to soil and water, BAT is to use an appropriate combination of the techniques given below:</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	(a) Water management; (b) Water recirculation; (c) Impermeable surface; (d) Techniques to reduce the likelihood and impact of overflows and failures from tanks and vessels; (e) Roofing of waste storage and treatment areas; (f) Segregation of water streams (g) Adequate drainage infrastructure; (h) Design and maintenance provisions to allow detection and repair of leaks (i) Appropriate buffer storage capacity		We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.
20	In order to reduce emissions to water, BAT is to treat waste water using an appropriate combination of the techniques given below:  <b><i>Preliminary and primary treatment, e.g.</i></b> (a) Equalisation (b) Neutralisation (c) Physical separation, e.g. screens, sieves, grit separators, grease separators, oil-water separation or primary settlement tanks	<b>NA</b>	<b><u>Not Applicable</u></b> We are satisfied that BATc 20 is not applicable to this Installation as there are no emissions to water.

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	<p><b>Physico-chemical treatment, e.g.</b>            (d) Adsorption            (e) Distillation /rectification            (f) Precipitation            (g) Chemical oxidation            (h) Chemical reduction            (i) Evaporation            (j) Ion exchange            (k) Stripping</p> <p><b>Biological treatment, e.g.</b>            (l) Activated sludge process            (m) Membrane bioreactor            (n) Nitrification / denitrification when the treatment includes a biological treatment</p> <p><b>Solids removal, e.g.</b>            (o) Coagulation and flocculation            (p) Sedimentation            (q) Filtration (e.g. sand filtration, microfiltration, ultrafiltration)            (r) Flotation</p>		

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	<p>See also: Table 6.1: BAT-associated emission levels (BAT-AELs) for direct discharges to a receiving water body</p> <p>See also: Table 6.2: BAT-associated emission levels (BAT-AELs) for indirect discharges to a receiving water body</p>		
21	<p>In order to prevent or limit the environmental consequences of accidents and incidents, BAT is to use all of the techniques given below, as part of the accident management plan (see BAT 1):</p> <p>(a) Protection measures; (b) Management of incidental /accidental emissions; (c) Incident /accident registration and assessment system</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
22	<p>In order to use materials efficiently, BAT is to substitute materials with waste.</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	Waste is used instead of other materials for the treatment of wastes (e.g. waste alkalis or waste acids are used for pH adjustment, fly ashes are used as binders).		We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.
23	<p>In order to use energy efficiently, BAT is to use both of the techniques given below:</p> <p>(a) Energy efficiency plan; (b) Energy balance record</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
24	<p>In order to reduce the quantity of waste sent for disposal, BAT is to maximise the reuse of packaging, as part of the residues management plan (see BAT 1).</p> <p>Packaging (drums, containers, IBCs, pallets, etc.) is reused for containing waste, when it is in good condition and sufficiently clean, depending on a compatibility check between the substances contained (in consecutive</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	uses). If necessary, packaging is sent for appropriate treatment prior to reuse (e.g. reconditioning, cleaning).		
33	<p>In order to reduce odour emissions and to improve the overall environmental performance, BAT is to select the waste input.</p> <p>The technique consists of carrying out the pre-acceptance, acceptance and sorting of the waste input (see BAT 2) so as to ensure the suitability of the waste input for the waste treatment, e.g. in terms of nutrient balance, moisture or toxic compounds which may reduce the biological activity.</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
34	<p>In order to reduce channelled emissions to air of dust, organic compounds and odorous compounds, including H<sub>2</sub>S and NH<sub>3</sub>, BAT is to use one or a combination of the techniques given below:</p> <p>(a) Adsorption;  (b) Biofilter;  (c) Fabric filter;  (d) Thermal oxidation;  (e) Wet scrubbing</p>	<b>NC</b>  <b>BATc 34,</b> <b>Table 6.7</b> <b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
	See also: Table 6.7: BAT-associated emission levels (BAT-AELs) for channelled NH <sub>3</sub> , odour, dust and TVOC emissions to air from the biological treatment of waste.		
35	<p>In order to reduce the generation of waste water and to reduce water usage, BAT is to use all of the techniques given below:</p> <p>(a) Segregation of water streams;  (b) Water recirculation;  (c) Minimisation of the generation of leachate</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
36	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>Monitoring and/or control of key waste and process parameters, including:</p> <ul style="list-style-type: none"> <li>waste input characteristics (e.g. C to N ratio, particle size);</li> </ul>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>



BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / 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>• temperature and moisture content at different points in the windrow;</li> <li>• aeration of the windrow (e.g. via the windrow turning frequency, O<sub>2</sub> and/or CO<sub>2</sub> concentration in the windrow, temperature of air streams in the case of forced aeration);</li> <li>• windrow porosity, height and width.</li> </ul>		
37	<p>In order to reduce diffuse emissions to air of dust, odour and bioaerosols from open-air treatment steps, BAT is to use one or both of the techniques given below:</p> <p>(a) Use of semi permeable membrane covers;  (b) Adaptation of operations to the meteorological conditions</p>	<b>NC</b>	<p>The operator did not provide any information to support compliance with BAT, in response to the Regulation 61 Notice dated 22/04/2021.</p> <p>We have set out our approach to enforcement in Chapter 2 of this document. We shall undertake BAT compliance at this installation in accordance with our enforcement and sanctions policy.</p>
38	<p>In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters.</p> <p>This includes monitoring and/or control of key waste and process parameters:</p> <ul style="list-style-type: none"> <li>• pH and alkalinity of the digester feed;</li> </ul>	<b>NA</b>	<p><b><u>Not Applicable</u></b></p> <p>We are satisfied that BATc 38 is not applicable to this Installation as there is no anaerobic treatment on site.</p>

BAT Conclusion No	Summary of BAT Conclusion requirement for Waste Treatment	Status NA/ CC / 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>• digester operating temperature;</li> <li>• hydraulic and organic loading rates of the digester feed;</li> <li>• concentration of volatile fatty acids (VFA) and ammonia within the digester and digestate;</li> <li>• biogas quantity, composition (e.g. H<sub>2</sub>S) and pressure;</li> <li>• liquid and foam levels in the digester.</li> </ul>		
39	<p>In order to reduce emissions to air, BAT is to use both of the techniques given below:</p> <p>(a) Segregation of the waste gas streams;</p> <p>(b) Recirculation of waste gas</p>	NA	<p><b><u>Not Applicable</u></b></p> <p>We are satisfied that BATc 39 is not applicable to this Installation as the facility does not employ MBT techniques.</p>

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

### **Bioaerosols monitoring requirements**

We asked the Operator to confirm the following aspects regarding the site operations in the Regulation 61 Notice:

- Whether or not the operational processes of biodegradable waste are in open processes within 250 metres of human receptors.
- Whether or not there is a channelled or point source release within 250 metres that are open sources e.g. biofilters within 250 metres of human receptors; and
- The existing permit contains bioaerosols monitoring requirements, the microbiological markers, associated bioaerosols limits and the monitoring standards

The Operator failed to respond to the Regulation 61 Notice. We carried out an assessment of the site location and the distance of site processes from sensitive receptors as part of this determination.

There are external site operational processes and channelled point sources within 250 metres of a sensitive receptor. Monitoring of bioaerosols is required at the Installation. 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). The Operator is required to comply with the new monitoring requirements from the date of permit issue.

### **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 has not submitted a risk assessment which includes a description of the condition of the site and a consideration of the possibility of soil and groundwater contamination at the installation.

We have included Improvement Conditions in the permit (IC7 and IC8) which require the Operator to submit a site condition report which includes baseline soil and groundwater data. See Improvement Conditions in Annex 3 of this document.

### **Waste types**

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

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

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

### **Other wastes (non-standard waste codes)**

The following wastes in the current permit are not specified in the our revised biowaste treatment permit templates. We have retained these wastes in the current permit provided the Operator undertakes a detailed characterisation of the wastes prior to acceptance for treatment at the site in accordance with BATc 2a.

<b>Waste code</b>	<b>Description</b>
19 08 05	sludges from treatment of urban waste water
19 12 07	wood other than that mentioned in 19 12 06

We made this decision with respect to waste types in accordance with the Framework Guidance Note – *Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment* (July 2013).

### **Secondary containment and lagoon storage infrastructure design**

We asked the Operator via the Regulation 61 Notice to:

- describe any secondary containment and whether it currently meets the relevant standard in the “Containment systems for the prevention of pollution (C736)” report, where there are above-ground storage or primary containment on site; or
- explain why the current site infrastructure design and construction is fit for purpose, where it is concluded that secondary containment is not required or does not need to meet the standards in the C736 report, to enable a baseline standard so as to establish a quantified comparison; and
- describe how the construction of the lagoons meets the relevant standard in CIRIA C736 report, where there are storage lagoons used for the storage of digestate on site.

### **Assessment of existing secondary containment & lagoon storage design and construction**

The Operator failed to respond to the Regulation 61 Notice with respect to the existing site secondary containment and lagoon storage infrastructure.

We have set improvement conditions in the permit to address the deficiencies in the existing site secondary containment (IC10) and lagoon storage infrastructure (IC11). See Improvement Conditions in Annex 3 of this decision document.

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

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

The Operator failed to respond to the Regulation 61 Notice with respect to the existing site primary containment (tanks and vessels).

We have set improvement conditions in the permit to address the deficiencies in the existing site existing primary containment (IC9). See Improvement Conditions in Annex 3 of this decision document.

**Lagoon cover and digestate storage capacity**

We asked the Operator via the Regulation 61 Notice to:

- confirm if storage lagoons are covered to prevent emission loss; and
- confirm whether or not the operational lagoon storage capacity provides a minimum of two months storage

The Operator failed to respond to the Regulation 61 Notice and did not provide any information in response to lagoon cover arrangements and operational digestate storage capacity on site.

We have therefore set Improvement Conditions (IC11 & IC12) in the permit to address this aspect of the permit review. See Improvement Conditions in Annex 3 of this decision document.

## Annex 3: Improvement Conditions

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

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

<b>Table S1.3 Improvement programme requirements</b>		
<b>Reference</b>	<b>Requirement</b>	<b>Date</b>
<b>Improvement condition for for site risk assessment to prevent soil &amp; groundwater pollution</b>		
IC7	The operator shall submit to the Environment Agency for approval a risk assessment considering the possibility of soil and groundwater contamination at the installation where the activity involves the use, production or release of a relevant hazardous substance (as defined in Article 3(18) of the Industrial Emissions Directive). The risk assessment shall clearly establish with appropriate evidence whether or not there is a risk of contamination of soil and groundwater and should follow the Defra Guidance – Industrial Emissions Directive EPR Guidance on Part A Installations (Section 5.10-5.15, pages 28-29 - Baseline Reports and Permit Surrender).	18/09/2024
IC8	Where the risk assessment carried out under IC1 above establishes a risk to soil and groundwater, the operator shall: <ul style="list-style-type: none"> <li>a) prepare and submit a baseline report compliant with Article 22 of the Industrial Emissions Directive (IED) containing information necessary to determine the current state of soil and groundwater contamination; or</li> <li>b) provide a summary report referring to information previously submitted where the operator is satisfied that such information represents the current state of soil and groundwater contamination,</li> </ul> so as to enable a quantified comparison to be made with the state of soil and groundwater contamination upon definitive cessation of activity.	18/09/2024 or other date as agreed in writing with the Environment Agency
<b>Improvement condition for primary containment</b>		
IC9	The operator shall submit a written 'primary containment plan' and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of an inspection and program of works	18/09/2024 or other date as agreed in

	<p>undertaken by a qualified engineer, and shall assess the extent design specification and condition of primary containment systems where polluting liquids and solids are being stored, treated, and/or handled.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> <li>• an assessment of the physical condition of all primary containment systems (storage and treatment vessels) using a Written Scheme of Examination and their suitability for providing primary containment when subjected to the dynamic and static loads caused by catastrophic tank failure;</li> <li>• a program of works with timescales for the implementation of individual improvement measures necessary to demonstrate that the primary containment is fit for purpose or alternative appropriate measures to ensure all polluting materials will be contained on site; and</li> <li>• a preventative maintenance and inspection regime</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	writing with the Environment Agency
<b>Improvement condition for secondary containment design</b>		
IC10	<p>The operator shall submit a written 'secondary and tertiary containment plan' and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of an inspection and program of works undertaken by a competent structural engineer, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of secondary and tertiary containment systems where all polluting liquids and solids are being stored, treated, and/or handled.</p> <p>The inspection shall consider, but not be limited to, the storage vessels, bunds, loading and unloading areas, transfer pipework/pumps, temporary storage areas, and liners underlying the site.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> <li>• an assessment of the physical condition of all secondary and/or tertiary containment systems, using a Written Scheme of Examination and their suitability for providing containment when subjected to the dynamic and static loads caused by catastrophic tank failure;</li> <li>• a program of works with timescales for the implementation of individual improvement measures necessary for the secondary and/or tertiary containment systems to comply with CIRIA C736 (2014) guidance, or equivalent.</li> <li>• a preventative maintenance and inspection regime</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	18/09/2024 or other date as agreed in writing with the Environment Agency
<b>Improvement condition for storage lagoon design including lagoon cover</b>		

IC11	<p>The operator shall submit a written ‘storage lagoon plan’ and shall obtain the Environment Agency’s written approval to it. The plan shall contain the results of an inspection and program of works undertaken by a competent structural engineer, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of the site lagoon(s) where compost leachate /liquor is being stored, treated, and/or handled.</p> <p>The inspection shall consider, but not be limited to, the transfer pipework/pumps, and liners underlying the storage lagoon.</p> <p>The plan shall include:</p> <ul style="list-style-type: none"> <li>• an assessment of the physical condition of the storage lagoon, using a Written Scheme of Examination and the suitability for providing containment when subjected to the dynamic and static loads caused by compost leachate /liquor;</li> <li>• a program of works with timescales for the implementation of individual improvement measures necessary for the storage lagoon to comply with CIRIA C736 (2014) guidance, or equivalent.</li> <li>• a preventative maintenance and inspection regime</li> <li>• Existing cover arrangements on storage lagoons used to store compost leachate /liquor to minimise odour, ammonia and methane emissions</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency’s written approval.</p>	18/09/2024 or other date as agreed in writing with the Environment Agency
<b>Improvement condition for operational contingency storage capacity</b>		
IC12	<p>The operator shall provide a written “operational contingency storage plan” and shall obtain the Environment Agency’s written approval to it. The plan shall contain the results of a review of the current storage of compost produced from site operations. The review shall examine site contingency arrangements in the event of closed landspreading periods, extreme weather conditions, site closure, disease outbreak etc.</p> <p>The contingency storage plan shall include:</p> <ul style="list-style-type: none"> <li>• Additional storage capacity on-site (at least 2 months storage) and storage capacity off-site;</li> <li>• Identification of alternative outlets for compost – identify companies /permitted waste facilities that would be able to manage the compost output, taking into account their permits and capacity constraints.</li> </ul> <p>The plan shall be implemented in accordance with the Environment Agency’s written approval.</p>	18/09/2024 or other date as agreed in writing with the Environment Agency