

Permitting Decisions - Variation

We have decided to grant the variation for Albury Landfill Site operated by SUEZ Recycling and Recovery UK Ltd.

The variation number is EPR/BV1020IS/V011.

The variation is for alterations to leachate management, amend leachate compliance limits, amend groundwater monitoring locations and compliance limits and monitoring frequency. Replace gas CO₂ limits with actions levels and reduce the surface water monitoring frequency.

We consider in reaching that decision 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.

Purpose of this document

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

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

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

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Landfill gas

The application proposed to:

- Increase in methane compliance limits to 1.1%v/v in most monitoring locations
- Replacement of carbon dioxide compliance limits with action levels (going forwards, action levels will be detailed in the Monitoring Management Plan, not the permit)

- Decrease in monitoring frequency to quarterly (supported by amended contingency actions)
- Cessation of perimeter gas monitoring in ‘*other peripheral landfill gas monitoring boreholes*’ (as currently referenced within Table S3.4 of the permit)

We requested further information via a schedule 5 notice as it was unclear how some values had been derived for each monitoring point. Further data had also been collected since 2019 and we needed to review how the updated action levels for CO₂, reported in table 2 provided had been derived for each borehole. We also requested a revised gas action plan and an amendment to the Monitoring management plan (MMP). We were satisfied with the information provided and our assessments and the changes to the gas monitoring were agreed.

Leachate

The variation application proposed to:

- to revise leachate compliance elevations at the site to one common elevation supported by an action level.
- Subdivide the site (and its Conceptual Site Model) into 2 hydraulic units, separated by a higher elevation intercell bund – as opposed to 11 discrete independent landfill cells.
- The identification of 12 points of leachate level compliance/quality monitoring across the site while 6 wells are retained and monitored with “contingency” status without compliance limits.

Our conclusions about the locations of the proposed leachate level compliance monitoring points are drawn from comparison of the criteria definitions provided for the proposed ‘Primary’ and ‘Secondary’ leachate level monitoring points together with the data presented in:

- Albury Landfill Site – Leachate Management Plan – September 2020 – Report No 10481-R02,
- Schedule 5 Response Leachate management Plan Aspects Report No. 14-K6116-ENV-R001 – JUNE 2022 - REVISION 00’,
- Albury landfill site hydrogeological risk assessment review February 2021 report reference number 10481-R03 (HRA F2021), and
- Schedule 5 Response Hydrogeological Aspects Report No. 14-K6116-ENV-R003.

We have concluded from our assessment of the data and our interpretation of the proposal that Albury Landfill Site will operate to an action level, or lower, with the compliance limit included for its defined purpose of regulating compliance, that subject to improvement to the proposed leachate level monitoring regime (locations and number of wells subject to ‘pump suspension testing’ every 6

months,) and derivation of the pump suspension testing period, we conclude that the proposed:

- compliance limit of 82.3 mAOD level is justifiable and included in table S3.1.

We concluded that there is insufficient information to show what duration is required for the proposed 'Pump Suspension' at 6 monthly time intervals should be and recognise that deriving the appropriate time a pump suspension test is required to allow full recovery of leachate levels in a leachate monitoring well can be a borehole specific situation. We decided to add an improvement condition (IC1) linked to the proposed leachate compliance limit.

Groundwater

- The number of upgradient and cross-gradient baseline monitoring points for groundwater quality is reduced from 8 to 3 (BH6, BH7 and BH1A)
- Removal of compliance limits on cross-gradient monitoring points (BH2, BH16 A and BH16B, BH17 and BH18) (Groundwater level monitoring to be retained)
- Reduction in monitoring frequency of down gradient wells to quarterly
- The list of determinands for analysis in the down gradient wells is updated to reflect core residual parameters detected in leachate and the change in the hazardous/non-hazardous classification of some parameters
- Removal of phenol and cadmium as compliance parameters and addition of lead and xylene (as stated above, to reflect core residual parameters detected in leachate and the change in the hazardous/non-hazardous classification of parameters)
- Amendment to mecoprop compliance limits in A/BH04R, A/BH09 and A/BH12, based on a detailed review of groundwater chemistry (see section 5.3 of the HRA Review)

The groundwater quality chloride compliance limit of 150 mg/l for BH4R included in permit 'Table S3.3 Groundwater – emission limits and monitoring requirements' is an interim limit and subject to:

- a full technical review of groundwater chloride concentrations by SUEZ at the next Hydrogeological Risk Assessment review required by permit condition 3.1.5, and

the outcome of the technical review of the groundwater chloride concentrations submitted by SUEZ in writing to the Environment Agency for written approval'. Improvement conditions (IC3 & IC4) has been included in the permit relating to groundwater.

Decision considerations

Confidential information

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

The decision was 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 was taken in accordance with our guidance on confidentiality.

The site

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

These show the extent of the site of the facility.

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.

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

We have checked the location of the application 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 is not within our screening distances for these designations.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

The decision was taken in accordance with our guidance.

Environmental impact assessment

In determining the application we have considered the Environmental Statement.

Environmental risk

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

The operator's risk assessment is satisfactory.

Operating techniques

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

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

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

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that, see key issues for more details.

Emission limits

Emission limits have been added, amended or deleted as a result of this variation. See key issues.

Monitoring

We have decided that monitoring should be amended for the following parameters, using the methods detailed and to the frequencies specified, see key issues for more details.

Management system

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

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

Financial provision

This facility is required to have financial provision. We have decided not to reassess the financial provision as part of this variation because the changes proposed by this variation will have no material impact on the value of the current financial provision.

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 variation.

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.