# 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/YP3336VQ

The Operator is: Premier Foods Group Limited

The Installation is: Premier Foods Carlton

This Variation Notice number is: EPR/YP3336VQ/V002

**What this document is about**

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

We have reviewed the permit for this installation against the BAT Conclusions for the Food, Drink and Milk Industries published on 4th December 2019 in the Official Journal of the European Union. In this decision document, we set out the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the Operator in the operation and control of the plant and activities of the installation. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position.

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

The introduction of new template conditions makes the Permit consistent with our current general approach and with other permits issued to Installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the Permit in any way. In this document, we therefore address only our determination of substantive issues relating to the new BAT Conclusions.

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

**How this document is structured**

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

**1 Our decision**

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

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

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

**2 How we reached our decision**

2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 03/10/2022 requiring the Operator to provide information to demonstrate where the operation of their installation currently meets, or how it will subsequently meet, the revised standards described in the relevant BAT Conclusions document.

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

* describes the techniques that will be implemented before 4 December 2023, which will then ensure that operations meet the revised standards, or
* justifies why standards will not be met by 4 December 2023, and confirmation of the date when the operation of those processes will cease within the Installation or an explanation of why the revised BAT standards are not applicable to those processes, or
* justifies why an alternative technique will achieve the same level of environmental protection equivalent to the revised BAT standards described in the BAT Conclusions.

Where the Operator proposed that they were not intending to meet a BAT standard that also included a BAT Associated Emission Level (BAT-AEL) described in the BAT Conclusions Document, the Regulation 61 Notice required that the Operator make a formal request for derogation from compliance with that BAT-AEL (as provisioned by Article 15(4) of IED). In this circumstance, the Notice identified that any such request for derogation must be supported and justified by sufficient technical and commercial information that would enable us to determine acceptability of the derogation request.

The Regulation 61 Notice response from the Operator was received on 30/01/2023.

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

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

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

Based on our records and previous experience in the regulation of the installation we consider that the Operator will be able to comply with the techniques and standards described in the BAT Conclusions other than for those techniques and requirements described in BAT Conclusion 9 and also containment onsite and climate change adaptation. The operator does not currently comply with the requirements of BATc 9 also containment onsite and climate change adaptation. In relation to these BAT Conclusions, we do not fully agree with the Operator in respect of their current stated capability as recorded in their response to the Regulation 61 Notice. We have therefore included Improvement Conditions IP3, IP4 and IP5 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered within 3 months for IP3 and IP4 /IP5 within 12 months of the variation being issued.

2.3 Requests for further information during determination

Although we were able to consider the Regulation 61 Notice response generally satisfactory at receipt, we did in fact need more information in order to complete our permit review assessment, and issued further information requests on 19/02/2024 regarding BATc 6 and questions regarding boiler blowdown, Site Condition Report, hazardous substances, containment and medium combustion plant. Then on 20/03/2024 to clarify emission points on the current site plan. A copy of each further information requests was placed on our public register.

**3 The legal framework**

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

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

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

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

# Annex 1: decision checklist regarding relevant BAT Conclusions

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

There are 37 BAT Conclusions.

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

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

|  |  |
| --- | --- |
| BAT 16 & 17 | BAT Conclusions for Animal Feed |
| BAT 18 – 20 | BAT Conclusions for Brewing |
| BAT 21 – 23 | BAT Conclusions for Dairies |
| BAT 24  BAT 25 & 26 | BAT Conclusions for Ethanol Production  BAT Conclusions for Fish and Shellfish Processing |
| BAT 27 | BAT Conclusions for Fruit and Vegetable Processing |
| BAT 28 | BAT Conclusions for Grain Milling |
| BAT 29 | BAT Conclusions for Meat Processing |
| BAT 30 – 32 | BAT Conclusions for Oilseed Processing and Vegetable Oil Refining |
| BAT 33  BAT 34 | BAT Conclusions for Soft Drinks and Nectar/Fruit Juice Processed from Fruit and Vegetables  BAT Conclusions for Starch Production |
| BAT 35 – 37 | BAT Conclusions for Sugar Manufacturing |

This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

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

**NA – Not Applicable**

**CC – Currently Compliant**

**FC – Compliant in the future (within 4 years of publication of BAT Conclusions)**

**NC – Not Compliant**

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | **Status**  **NA/ CC / FC / NC** | **Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement** |
| --- | --- | --- | --- |
| **GENERAL BAT CONCLUSIONS (BAT 1-15)** | |  |  |
| 1 | **Environmental Management System - Improve overall environmental performance.**  Implement an EMS that incorporates all the features as described within BATc 1. | **CC** | The operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 1.  The operator has an EMS externally accredited to the ISO14001 standard (valid until 15/05/2024). |
| 2 | **EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.**   |  | | --- | | Establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the features as detailed within the BATCs. | | **CC** | The operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2.  The Operator declared that it is using:   * Simplified process flow and a description of process integrated techniques * Water usage mass-balance * Information about wastewater streams and characteristics * Monitoring of waste gas streams and characteristics * Energy consumption monitoring and tracking * Identification of waste generation, resource use and monitoring of waste reduction opportunities |
| 3 | **Monitoring key process parameters at key locations for emissions to water.**  For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation). | **CC** | The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 3.  The Operator is:  - Monitoring pH, flow at the influent and final outfall and conductivity. The site measures COD, suspended solids, ammonia, nitrate and phosphate in the daily composite with turbidity continuously monitored.  - Average daily concentrations of key consent parameters are already obtained and trended through the effluent plant operating arrangements. |
| 4 | **Monitoring emissions to water to the required frequencies and standards.**  BAT is to monitor emissions to water with at least the frequency given [refer to BAT 4 table in BATc] and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality. | **NA** | We are satisfied that BATc 4 is not applicable for this site.  BATc 4 applies in the case of direct discharge of effluent to water body. Here, all discharges of trade effluent are to the foul sewer under consent from Yorkshire Water Limited. |
| 5 | **Monitoring channelled emissions to air to the required frequencies and standards.**  BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards. | **NA** | We are satisfied that BATc 5 is not applicable to this Installation.  BATc 5 is only applicable to sites that have dust emissions from the process. The site does not operate relevant processing which would give rise to these emissions. |
| 6 | **Energy Efficiency**  In order to increase energy efficiency, BAT is to use an energy efficiency plan (BAT 6a) and an appropriate combination of the common techniques listed in technique 6b within the table in the BATc. | **CC** | The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 6.  The site has an energy efficiency plan.  The operator declares:   * Burner regulation and control takes place through inspections and servicing(including balancing and efficiency testing) * Energy-efficient motors – site is replacing less energy efficient motors to more energy efficient on a rolling Capex programme * Lighting – all lighting is LED across site * Minimising blowdown from the boiler is via automation and suitable controls * Preheating feed water is through one economiser for both boilers allowing for preheating hot well, office heating and hot water for site * Process control systems are in place and continually reviewed with energy efficiency measures targeting year on year improvement * Reducing compressed air system leaks by implementing a new low level ring main giving good access * Reducing heat losses by insulation * Variable speed drives are specified on pumps and larger drives * Subject to planning consent adding 1MW solar farm to East of effluent plant. |
| 7 | **Water and wastewater minimisation**  In order to reduce water consumption and the volume of waste water discharged, BAT is to use BAT 7a and one or a combination of the techniques b to k given below.  (a) water recycling and/or reuse  (b) Optimisation of water flow  (c) Optimisation of water nozzles and hoses  (d) Segregation of water streams  Techniques related to cleaning operations:  (e) Dry cleaning  (f) Pigging system for pipes  (g) High-pressure cleaning  (h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP)  (i) Low-pressure foam and/or gel cleaning  (j) Optimised design and construction of equipment and process areas  (k) Cleaning of equipment as soon as possible | **CC** | The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.  The operator declared:  a) Water recovery and reuse is limited due to food safety reasons, but part of a business improvement programme.  b) Optimisation of water flow through flow meters, and Variable Speed Drives that reduce consumption and minimise discharge.  c) Optimisation of water nozzles and hoses and pressure of delivery is area specific.  e) The site operates a “Clean As You Go” policy and where possible Standard Operating Procedures prescribe dry cleaning techniques.  f) Pigging system not employed due to the nature of the process and layout of the pipelines.  g) Cold water power washers and hand scrubbing are employed across the site where applicable and in accordance with food safety.  h) There is no CIP on site.  i) Optimised design of systems are employed to allow more controlled dosing of chemicals and a reduction in rinse water.  k) Cleaning equipment is carried out to prevent product hardening through hygiene operations for specific equipment. |
| 8 | **Prevent or reduce the use of harmful substances**  In order to prevent or reduce the use of harmful substances, e.g. in cleaning and disinfection, BAT is to use one or a combination of the techniques given below.  (a) Proper selection of cleaning chemicals and/or disinfectants  (b) Reuse of cleaning chemicals in cleaning-in-place (CIP)  (c) Dry cleaning  (d) Optimised design and construction of equipment and process areas | **CC** | The operator has provided information to support compliance with BATc 8. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.  The operator declared:  a) Proper selection of cleaning chemicals through assessing any changes to chemicals used on site and benchmarking the site’s chemical inventory through the Surface Water Impact Assessment.  c) Where possible dry cleaning is employed. |
| 9 | **Refrigerants**  In order to prevent emissions of ozone-depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential. | **FC** | The operator has provided information to support compliance with BATc 9. We have assessed the information provided we are not satisfied that the operator has demonstrated compliance with BATc 9.  The operator states R404A, R407C, R410A, R448A, R449A, R134A, R422D, R32 and R22 refrigerant are used in chillers, freezers, offices and tech kitchen equipment on site. Site uses run to fail system replacement and is considering utilising lower GWP alternatives for top ups of current equipment.  We consider that the operator will be future compliant with BATc 9. Improvement Programme IP3. has been included in the permit to achieve compliance (see Annex 3). |
| 10 | **Resource efficiency**  In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:  (a) Anaerobic digestion  (b) Use of residues  (c) Separation of residues  (d) Recovery and reuse of residues from the pasteuriser  (e) Phosphorus recovery as struvite  (f) Use of waste water for land spreading | **CC** | The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator demonstrated compliance with BATc 10.  The operator declared:  a) Effluent sludge and other residues are sent from site for recovery via AD.  b) Use of some residues by sending non-conforming product for redistribution for human consumption.  c) Residues are separated at the point of generation. |
| 11 | **Waste water buffer storage**  In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water. | **CC** | The operator has provided information to support compliance with BATc 11. We have assessed the information provided and we are satisfied that the operator demonstrated compliance with BATc 11.  The operator declared:   * Holding waste water in tanks at the reception pit, primary, main, balance tank extension and headroom in aeration tanks has sufficient volume to exercise control over the fate of abnormal wastewater. Site has sufficient effluent storage capacity until contingency measures can be implemented. * Offsite tanker for third party treatment where necessary. |
| 12 | **Emissions to water – treatment**  In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.  Preliminary, primary and general treatment  (a) Equalisation  (b) Neutralisation  (c) Physical separate (eg screens, sieves, primary settlement tanks etc)  Aerobic and/or anaerobic treatment (secondary treatment)  (d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc)  (e) Nitification and/or denitrification  (f) Partial nitration - anaerobic ammonium oxidation  Phosphorus recovery and/or removal  (g) Phosphorus recovery as struvite  (h) Precipitation  (i) Enhanced biological phosphorus removal  Final solids removal  (j) Coagulation and flocculation  (k) Sedimentation  (l) Filtration (eg sand filtration, microfiltration, ultrafiltration)  (m) Flotation | **CC** | The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are satisfied that the operator demonstrated compliance with BATc 12.  The operator declared:   1. Equalisation of influent prior to treatment in the DAF and aeration tanks. 2. Neutralisation through pH correction (both acid and alkaline dosing). 3. Physical separation achieved using mesh rotary screen and fat floatation. 4. Aeration tanks. 5. Coagulation and flocculation removal of sludge offsite. |
| 12 | **Emissions to water – treatment**  **BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body** | **NA** | We are satisfied that BATc AELs are not applicable to this Installation.  The site does not discharge process effluent to surface water. The site discharges treated effluent to the foul sewer via Trade Effluent Discharge Consent to Yorkshire Water. |
| 13 | **Noise management plan**  In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:  - a protocol containing actions and timelines;  - a protocol for conducting noise emissions monitoring;  - a protocol for response to identified noise events, e.g. complaints;  - a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures. | **CC** | The operator has provided information to support compliance with BATc 13. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 13.  A new Noise Management Plan (Iteration no.2, 09/2022) has been approved. There have been substantiated noise complaints (until 24th August 2022) regarding air handling units and bulk tanker deliveries at the new housing development adjacent to site.  The NMP contains:   * Protocol containing actions and timelines * Protocol for weekly and monthly noise emissions monitoring * Response protocol for reported or identified noise events * Identification of contributions and sources of noise and plan preventative measures where practicable. |
| 14 | **Noise management**  In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given below.  (a) Appropriate location of equipment and buildings  (b) Operational measures  (c) Low-noise equipment  (d) Noise control equipment  (e) Noise abatement | **CC** | The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14.  The operator declared:  b) Regular inspection and maintenance of equipment; closed door policy (except loading area); experienced and trained staff operating equipment; avoidance of noisy activities after 8pm  c) Opportunities to identify low noise equipment for fans, pumps and compressors part of design briefs  e) Louvres installed around ETP plant room |
| 15 | **Odour Management**  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:  - a protocol containing actions and timelines;  - a protocol for conducting odour monitoring.  - a protocol for response to identified odour incidents eg complaints;  - an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures. | **CC** | The operator has provided information to support compliance with BATc 15. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 15.  Within the site’s EMS there is a mechanism to monitor, report, record and escalate where required. The installation has odour as a specific component of the site checks and a complaints and escalation procedure is in place. However there is no specific Odour Management Plan. Odour is not an amenity issue and there have been no substantiated complaints. We therefore do not consider a formal Odour Management Plan is required.  **As a result the IC to produce an Odour Management Plan will be removed from the current permit going forwards.** |

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

**Updating permit during permit review consolidation**

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

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

**Production/Capacity threshold**

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

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

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

**Emissions to Air**

We asked the operator to list all emission points to air from the installation in the Regulation 61 notice. And to provide a site plan indicating the locations of all air emission points.

The operator has provided an up to date air emission plan.

Implementing the requirements of the Medium Combustion Plant Directive

We asked the Operator to provide information on all combustion plant on site in the Regulation 61 Notice as follows:

* Number of combustion plant (CHP engines, back-up generators, boilers);
* Size of combustion plant – rated thermal input (MWth)
* Date each combustion plant came into operation

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

Boilers

|  |  |
| --- | --- |
| 1. Rated thermal input (MW) of the medium combustion plant. | 15.24MWth |
| 2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant). | Boiler 1: 7.68MWth  Boiler 2: 7.68MWth  (run as duty and standby 50/50) |
| 3. Type and share of fuels used according to the fuel categories laid down in Annex II. | Boiler 1: Natural gas  Boiler 2: Natural gas |
| 4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018. | Boiler 1: September 1998  Boiler 2: September 1998 |

We have reviewed the information provided and we consider that the declared combustion plant qualify as “existing” medium combustion plant.

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

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

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

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

* Identify any effluents which discharge directly to surface or groundwater;
* Provide an assessment of volume and quality, including results of any monitoring data available;
* and for any discharges to water / soakaway whether a recent assessment of the feasibility of connection to sewer has been carried out.

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

There is no external discharge of boiler blowdown on site.

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

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

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

The Operator submitted a site condition report [JC30854 Premier Barnsley SCR V13, 18/02/2015] during the original application received on 18/02/2015. The site condition report included a report on the baseline conditions as required by Article 22. We reviewed that report and considered that it adequately described the condition of the soil and groundwater at that time.

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

**Hazardous Substances**

Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures

The operator has confirmed there has been no change in the hazardous substances used, their capability of causing pollution and/or the pollution prevention measures at the installation since the risk assessment was submitted on 01/02/2015 Consequently, we are satisfied there has been no change to the assessment of risk for hazardous substances.

The outcomes of the three stage assessment identified that pollution of soil and/or ground water to be unlikely.

**Climate Change Adaptation**

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

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

We do not consider the operator to have submitted a suitable climate change adaptation plan for the installation. We have included an improvement condition into the permit (IP4) to request a climate change adaptation plan is submitted by the operator for approval from the Environment Agency.

**Containment**

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

The Operator provided details of all tanks;

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

We reviewed the information provided by the operator and their findings. We are not satisfied that the existing tanks and containment measures on site meet the standards set out in CIRIA C736. Internal tanks drain to the effluent treatment plant. The operator declared some external tanks drain to the effluent treatment plant but no bunding information, such as maintenance, capacity or emptying regime is provided. No information regarding tertiary containment at site is provided.

We have set improvement conditions in the permit to address the deficiencies in the existing tanks and containment measures on site (IP5). See Improvement condition(s) 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).

Previous improvement conditions marked as complete in the previous permit.

|  |  |
| --- | --- |
| **Superseded Improvement Conditions – Removed from permit as marked as “complete”** | |
| **Reference** | **Improvement Condition** |
| IC1 | Submit a written noise assessment and management plan  to the Environment Agency for approval.  The noise assessment must include modelling to demonstrate that the mitigation measures for priority plant will be appropriate. The priority plant, listed below, are likely to be appropriate based on the predicted impact at receptors; however other plant should not be excluded from the cost benefit analysis, as the improvement will be dependent on the mitigation implemented.   * BAC/BCH Chillers * Two Mince Kettle stacks * Three High Level Vents associated with the extract fans for the BCH room * Fats Tank exhaust * Partially open door to the WWTW Effluent Plant Blowers * Bulk raw materials offloading     The noise assessment should include all sources on site, unless appropriate explanations for their exclusion are provided. Specific sound levels at the receptor for plant proposed for mitigation should be considered in the context of their tonal, impulsivity, intermittent and other noise emitting characteristics. The assessment must contain dates for the implementation of individual measures.  The notification requirements of condition 2.4.2 will be deemed to have been complied with on submission of the plan.  You must implement the plan as approved, and from the date stipulated by the Environment Agency. |
| IC2 | Submit a written odour management plan to the Environment Agency for approval.    The plan must fully address the requirements set out in our Horizontal guidance Note ‘H4’ Odour management.  Reference should also be made to Environment Agency guidance SGN EPR 6.10 ‘Food and Drink Sector’ and ‘Food Drink and Milk industries’ BREF document.  The notification requirements of condition 2.4.2 will be deemed to have been complied with on submission of the plan.  You must implement the plan as approved, and from the date stipulated by the Environment Agency. |

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

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| Improvement programme requirements | | |
| **Reference** | **Reason for inclusion** | **Justification of deadline** |
| IP3 | The operator shall use refrigerants without ozone depletion potential and with a low global warming potential (GWP) in accordance with BAT 9 from the Food, Drink and Milk Industries BATCs.  To demonstrate compliance against BAT 9, the operator shall produce a plan for the onsite refrigerant system(s) at the installation. The plan is to be assessed by the Environment Agency and shall be incorporated within the existing environmental management system.  The plan should include, but not be limited to, the following:  • Where practicable, retro filling systems containing high GWP refrigerants e.g. R-404A with lower GWP alternatives as soon as possible.  • An action log with timescales, for replacement of end-of-life equipment using refrigerants with the lowest practicable GWP. | 3 months from date of issue or as agreed in writing by the Environment Agency |
| IP4 | The operator shall produce a climate change adaptation plan, which will form part of the EMS.  The plan shall include, but not be limited to:  • Details of how the installation has or could be affected by severe weather;  • The scale of the impact of severe weather on the operations within the installation;  • An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation.  The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency. | 12 months from permit issue or other date as agreed in writing with the Environment Agency |
| IP5 | The Operator shall undertake a survey of the primary, secondary and tertiary containment at the site and review measures against relevant standard including:  • CIRIA Containment systems for the prevention of pollution (C736) – Secondary, tertiary and other measures for industrial and commercial premises  The operator shall submit a written report to the Environment Agency approval which outlines the results of the survey and the review of standard and provide details of  • current containment measures  • any deficiencies identified in comparison to relevant standards,  • improvements proposed  • time scale for implementation of improvements.  The operator shall implement the proposed improvements in line with the timescales agreed by the Environment Agency. | 12 months from permit issue or other date as agreed in writing with the Environment Agency |