

# **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/JP3830WG  
The Operator is:                         Seachill UK Limited  
The Installation is:                     Estate Road 2 Fish Processing Site  
This Variation Notice number is:   EPR/JP3830WG/V006

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

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

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

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

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

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

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

## **How this document is structured**

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

# 1 Our decision

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

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

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

## 2 How we reached our decision

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

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 30/09/2022 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 28/02/2023.

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 11. 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 IC8 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusion is delivered within 3 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 a further information request relating to BAT 1, BAT 2, BAT 6, BAT 7, BAT 8 and RHS on 13/08/2024. Later we issued another RFI relating to BAT 3 and BAT 12 on 23/12/2024. Copies of the further information request were placed on our public register.

# **3 The legal framework**

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

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

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

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

## Annex 1: decision checklist regarding relevant BAT Conclusions

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

There are 37 BAT Conclusions.

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

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

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

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

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

**NA – Not Applicable**

**CC – Currently Compliant**

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

**NC – Not Compliant**

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement
<b>GENERAL BAT CONCLUSIONS (BAT 1-15)</b>			
1	<p><b>Environmental Management System - Improve overall environmental performance.</b></p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	CC	<p>The Operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 1.</p> <p>The Operator has a EMS externally accredited to the ISO14001 standard.</p>
2	<p><b>EMS Inventory of inputs &amp; outputs. Increase resource efficiency and reduce emissions.</b></p> <p>Establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the features as detailed within the BATCs.</p>	CC	<p>The Operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 2.</p> <p>The Operator has a EMS in place which is aligned to the requirements of ISO14001.</p>
3	<p><b>Monitoring key process parameters at key locations for emissions to water.</b></p> <p>For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).</p>	CC	<p>The Operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 3.</p> <p>The Operator has stated that samples are taken at the point of discharge to sewer by Anglian Water on an ad hoc basis.</p> <p>In the event of a failure, the installation instigates an investigation which potentially includes testing at various stages of the process. They have provided the discharge consent parameters as:</p> <ul style="list-style-type: none"> <li>• COD 5000.0 mg/l</li> <li>• TSS 1000.0 mg/l</li> <li>• FOG's 250.0 mg/l</li> </ul>

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement
4	<p><b>Monitoring emissions to water to the required frequencies and standards.</b>            BAT is to monitor emissions to water with at least the frequency given [refer to BAT 4 table in BATc] and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.</p>	NA	<p>We are satisfied that BATc 4 is not applicable to this Installation.            The site does not discharge process effluent directly to a water body.</p>
5	<p><b>Monitoring channelled emissions to air to the required frequencies and standards.</b>            BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards.</p>	NA	<p>We are satisfied that BATc 5 is not applicable to this Installation.             The operator doesn't undertake any of the activities listed within the table associated with BATc 5.</p>
6	<p><b>Energy Efficiency</b>            In order to increase energy efficiency, BAT is to use an energy efficiency plan (BAT 6a) and an appropriate combination of the common techniques listed in technique 6b within the table in the BATc.</p>	CC	<p>The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 6.             The operator has provided an ISO 50001:2018 certificate we accept that this demonstrates compliance with the requirements of BATc 6a. The techniques used on site to increase energy efficiency are:            LED lighting,            Process control systems,            Reducing compressed air system leaks,            Reducing heat losses by insulation,            Use of solar energy.</p>
7	<p><b>Water and wastewater minimisation</b>            In order to reduce water consumption and the volume of waste water discharged, BAT is to use BAT 7a and one or a combination of the techniques b to k given below.</p>	CC	<p>The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are</p>

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement
	(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		<p>satisfied that the operator has demonstrated compliance with BATc 7.</p> <p>The Operator has provided a justification to why they cannot apply BAT 7a. They stated that due to the nature of food production, the process of water recycling is limited in the site, but they are investing on ways to improve.</p> <p>The Operator has stated that they are using the following techniques on site:</p> <ul style="list-style-type: none"> <li>• Equipment cleaned every night due to food processing quality standards.</li> <li>• Using group knowledge to use the best flow rate water nozzles and hoses.</li> <li>• Use high pressure cleaning.</li> <li>• Use Low-pressure foam and/or gel cleaning</li> </ul>
8	<p><b>Prevent or reduce the use of harmful substances</b></p> <p>In order to prevent or reduce the use of harmful substances, e.g. in cleaning and disinfection, BAT is to use one or a combination of the techniques given below.</p> (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	<p>The operator has provided information to support compliance with BATc 8. We have assessed this information and we are satisfied the operator has demonstrated compliance with BATc 8.</p> <p>The Operator has stated that due to being a food production site they have limited use of chemicals in the site. All the cleaning chemicals they use at a low dosage to reduce harmfulness and the chemicals are advised by cleaning specialists.</p>
9	<p><b>Refrigerants</b></p> <p>In order to prevent emissions of ozone-depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential.</p>	CC	<p>The operator has provided information to support compliance with BATc 9. We have assessed this information and we are satisfied the operator has demonstrated compliance with BATc 9.</p>



BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement
			<p>The Operator stated that they had received a quote for retrofit lower GWP (to change from R404 to R448A). They also stated that there was a potential to move the system onto glycol.</p>
10	<p><b>Resource efficiency</b>            In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:            (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</p>	CC	<p>The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.</p> <p>The Operator has confirmed that the food wastes go to anaerobic digestion.</p>
11	<p><b>Waste water buffer storage</b>            In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	FC	<p>The operator has provided information to support compliance with BATc 11. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 11.</p> <p>The Operator didn't state how they would buffer their effluent. They also didn't mention what measures are in place to prevent uncontrolled off site discharges. We have therefore included IC8 in order to ensure compliance.</p>
12	<p><b>Emissions to water – treatment</b>            In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.            Preliminary, primary and general treatment            (a) Equalisation            (b) Neutralisation            (c) Physical separate (eg screens, sieves, primary settlement tanks etc)</p>	CC	<p>The site meet the requirements of BATc 12 as the site has an ETP, but they didn't provide a summary of the treatment techniques Being used at the site.</p> <p>The Operator has confirmed that they use the following techniques.</p>

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement										
	Aerobic and/or anaerobic treatment (secondary treatment) (d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc) (e) Nitrification and/or denitrification (f) Partial nitrification - anaerobic ammonium oxidation Phosphorus recovery and/or removal (g) Phosphorus recovery as struvite (h) Precipitation (i) Enhanced biological phosphorus removal Final solids removal (j) Coagulation and flocculation (k) Sedimentation (l) Filtration (eg sand filtration, microfiltration, ultrafiltration) (m) Flotation		c) Physical separation, e.g. screens, sieves, grit separators, oil/fat separators, or primary settlement tanks Gross solids, suspended solids, oil/grease.  There is a 3-chamber interceptor system with a capacity of 30m <sup>3</sup> . Solids and oil are removed from this vessel approximately once every two weeks.										
12	<b>Emissions to water – treatment</b> <b>BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body</b>  <table border="1" data-bbox="282 922 1211 1121"> <thead> <tr> <th>Parameter</th> <th>BAT-AEL (°) (°) (daily average)</th> </tr> </thead> <tbody> <tr> <td>Chemical oxygen demand (COD) (°) (°)</td> <td>25-100 mg/l (°)</td> </tr> <tr> <td>Total suspended solids (TSS)</td> <td>4-50 mg/l (°)</td> </tr> <tr> <td>Total nitrogen (TN)</td> <td>2-20 mg/l (°) (°)</td> </tr> <tr> <td>Total phosphorus (TP)</td> <td>0,2-2 mg/l (°)</td> </tr> </tbody> </table>	Parameter	BAT-AEL (°) (°) (daily average)	Chemical oxygen demand (COD) (°) (°)	25-100 mg/l (°)	Total suspended solids (TSS)	4-50 mg/l (°)	Total nitrogen (TN)	2-20 mg/l (°) (°)	Total phosphorus (TP)	0,2-2 mg/l (°)	NA	We are satisfied that the BAT-AELs associated with BATc 12 are not applicable to this Installation.  The site does not discharge process effluent directly to a water body.
Parameter	BAT-AEL (°) (°) (daily average)												
Chemical oxygen demand (COD) (°) (°)	25-100 mg/l (°)												
Total suspended solids (TSS)	4-50 mg/l (°)												
Total nitrogen (TN)	2-20 mg/l (°) (°)												
Total phosphorus (TP)	0,2-2 mg/l (°)												
13	<b>Noise management plan</b> 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;	NA	We are satisfied that BATc 13 is not applicable to this Installation.  BATc 13 is only applicable where a noise nuisance at sensitive receptors is expected or has been substantiated. We agree with the Operator's response that there has been no substantiated noise complaints at the site.										

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement
	<ul style="list-style-type: none"> <li>- a protocol for response to identified noise events, eg complaints;</li> <li>- a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.</li> </ul>		
14	<p><b>Noise management</b></p> <p>In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given below.</p> <ul style="list-style-type: none"> <li>(a) Appropriate location of equipment and buildings</li> <li>(b) Operational measures</li> <li>(c) Low-noise equipment</li> <li>(d) Noise control equipment</li> <li>(e) Noise abatement</li> </ul>	<b>CC</b>	<p>The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14.</p> <p>The Operator has stated that noisier equipment are located internally within the site and equipment are maintained regularly to reduce noise.</p>
15	<p><b>Odour Management</b></p> <p>In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements:</p> <ul style="list-style-type: none"> <li>- a protocol containing actions and timelines;</li> <li>- a protocol for conducting odour monitoring.</li> <li>- a protocol for response to identified odour incidents eg complaints;</li> <li>- an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures.</li> </ul>	<b>NA</b>	<p>We are satisfied that BATc 15 is not applicable to this Installation.</p> <p>BATc 15 is only applicable where an odour nuisance at sensitive receptors is expected or has been substantiated.</p>
25	<p><b>Water consumption and waste water discharge</b></p> <p><b>In order to reduce water consumption and the volume of waste water discharged, BAT is to use an appropriate combination of the techniques specified in BAT 7 and of the techniques given below.</b></p> <ul style="list-style-type: none"> <li><b>(a) Removal of fat and viscera by vacuum</b></li> <li><b>(b) Dry transport of fat, viscera, skin and fillets</b></li> </ul>	<b>NA</b>	<p>We are satisfied that BATc 25 is not applicable to this Installation.</p> <p>The Operator has stated that they do not carry out any primary processing on their site.</p>

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement						
26	<p><b>Emissions to air</b></p> <p><b>In order to reduce channelled emissions of organic compounds to air from fish smoking, BAT is to use one or a combination of the techniques given below.</b></p> <p><b>(a) biofilter</b>  <b>(b) Thermal oxidation</b>  <b>(c) Non-thermal plasma treatment</b>  <b>(d) Wet scrubber</b>  <b>(e) Use of purified smoke</b></p> <p style="text-align: center;"><i>Table 11</i></p> <p>BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber</p> <table border="1" data-bbox="277 847 1223 932"> <thead> <tr> <th>Parameter</th> <th>Unit</th> <th>BAT-AEL (average over the sampling period)</th> </tr> </thead> <tbody> <tr> <td>TVOC</td> <td>mg/Nm<sup>3</sup></td> <td>15–50 <sup>(1)</sup> <sup>(2)</sup></td> </tr> </tbody> </table> <p><sup>(1)</sup> The lower end of the range is typically achieved when using thermal oxidation.  <sup>(2)</sup> The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.</p>	Parameter	Unit	BAT-AEL (average over the sampling period)	TVOC	mg/Nm <sup>3</sup>	15–50 <sup>(1)</sup> <sup>(2)</sup>	<b>NA</b>	<p>We are satisfied that BATc 26 is not applicable to this Installation.</p> <p>The Operator has stated that they do not carry out any fish smoking operations on their site.</p>
Parameter	Unit	BAT-AEL (average over the sampling period)							
TVOC	mg/Nm <sup>3</sup>	15–50 <sup>(1)</sup> <sup>(2)</sup>							

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

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

- Activity name
- Introductory note
- 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 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**

#### **Existing small combustion plant (<1MW)**

For the existing combustion plant with a rated thermal input less than 1 MW we will not be including any emission limit values or monitoring requirements within the permit, unless any site specific conditions require us to do this.

#### **Existing Medium Combustion Plant (1MW-50MW)**

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

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

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

Boilers

	Wanson No.1	Wanson No.2	Wanson No.3	Beel Boiler	CFB Boiler
1. Rated thermal input (MW) of the medium combustion plant.	1.16MWth	1.16MWth	465 kW	1.25MWth	1.5MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boiler	Boiler	Boiler	Boiler	Boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Natural Gas	Natural Gas	Natural Gas	Natural Gas	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.	Jan 2014	Jan 2019	Feb 2018	Oct 2020	Jul 2011

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

For existing MCP with a rated thermal input of less than or equal to 5 MW, the emission limit values set out in tables 1 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2030.

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

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

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

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

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

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

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

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

The Operator submitted a site condition report [ER2 Site Condition Report 2014] during the Reg 61 response received on 28/02/2023. 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.

## **Hazardous Substances**

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

The Operator has provided a short risk assessment on the hazardous substances stored and used at the installation. The risk assessment was a stage 1-3 assessment as detailed within EC Commission Guidance 2014/C 136/03.

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

We have included an improvement condition into the permit (IC9) to request that the assessment is undertaken and is submitted by the operator for approval from the Environment Agency.

If the outcome of the three stage assessment identified that pollution of soil / groundwater to be possible, and monitoring is required for these hazardous substance(s). The operator is required to submit a relevant hazardous substances monitoring plan for review to the Environment Agency via improvement condition (IC10).

## **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 identified the installation as likely to be or has been affected by flooding and prolonged dry weather/ drought, which we consider to be a severe weather event.

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 IC11 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 applicable.

The Operator provided of all tanks;

- Tank reference/name
- Contents details
- Capacity (litres)
- Location



- Construction material(s) of each tank
- The bunding specification including
  - Whether the tank is banded
  - 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 banded 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

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

We reviewed the information provided by the Operator and their findings. We are not satisfied that the existing tanks and containment measures on site meet the standards set out in CIRIA C736.

We have set improvement conditions in the permit to address the deficiencies in the existing tanks and containment measures on site IC12. 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).

Previous improvement conditions marked as complete in the previous permit.

Superseded Improvement Conditions – Removed from permit as marked as “complete”	
Reference	Improvement Condition
IC1	<p>The Operator shall produce an Environment Management System (EMS) having regard to the Environment Agency Guidance 'How to Comply with your Environmental Permit'.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the EMS.</p>
IC2	<p>Review the provision for the protection of the drainage system from fugitive emissions throughout the installation, and in particular in areas of waste storage. A written report shall be provided to the Environment Agency for approval in writing detailing any deficiencies identified, the improvements proposed and the timescale for implementation.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The improvements proposed in the report shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>
IC3	<p>The Operator shall review the secondary containment measures provided for the potentially polluting substances that are stored or held on site. The review shall ensure that all storage tanks, drums and containers within the installation are sited on an impermeable base, within suitably constructed bunding that has sufficient capacity, as detailed in the Environment Agency's Pollution Prevention Guidance Note 11 (PPG 11). The Operator shall provide the Environment Agency with a written copy of the review for approval in writing detailing any deficiencies identified, the improvements proposed and the timescale for implementation.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The improvements identified in the review shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>
IC4	<p>The Operator shall review existing measures and procedures that exist to prevent and mitigate potential spillage and leakage from the delivery, supply, loading and unloading of raw materials and wastes to and from the installation's storage tanks, process items and road tankers as detailed in the Environment Agency's Pollution Prevention Guidance Note 11 (PPG 11). The</p>

	<p>Operator shall supply the Environment Agency with a written copy of the review for approval in writing detailing any deficiencies identified, the improvements proposed and the timescale for implementation.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The improvements identified in the review shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>
IC5	<p>The Operator shall carry out an energy use audit for the installation and shall develop, implement and maintain an energy efficiency plan as detailed in the Environment Agency Guidance 'How to Comply with your Environmental Permit'. The energy efficiency plan shall also explore the opportunities for heat recovery at the installation. The Operator shall provide the Environment Agency with a written summary of the energy use audit and a written copy of the energy efficiency plan for approval in writing. This shall include any deficiencies identified, the improvements proposed and the timescale for implementation.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The improvements identified in the audit shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>
IC6	<p>The Operator shall carry out a water efficiency audit of the installation. The audit shall have regard to the Environment Agency Guidance 'How to Comply with your Environmental Permit', and shall provide a breakdown of significant water use by department or activity and shall establish the current installation performance (for example litre water/kg of product) and water efficiency objective(s) for this installation. It shall also explore opportunities for the recycling and reuse of water. A summary of the audit shall be sent to the Environment Agency for approval in writing. This shall include any deficiencies identified, the improvements proposed and the timescale for implementation.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The improvements identified in the audit shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.</p>
IC7	<p>The operator shall investigate options for reducing the amount of surface water that is discharged to sewer. A written report shall be submitted to the Environment Agency for approval in writing detailing the options available, the preferred option and timetable for implementation of any work.</p> <p>The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan.</p>

	The improvements identified in the report shall be implemented by the operator to an agreed timeframe from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.
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The following improvement conditions have been added to the permit as a result of the variation.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IC8	<p>The Operator shall undertake a survey of the waste water buffer storage at the site and review measures against relevant standard including:</p> <p>The operator shall submit a written report that meets the Narrative BAT requirements for the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT 11, to the Environment Agency for approval, outlining the results of the survey and the review of feasibility of options and provide details of:</p> <ul style="list-style-type: none"> <li>• current containment measures</li> <li>• improvements proposed</li> <li>• time scale for implementation of improvements.</li> </ul> <p>The operator shall implement the proposed improvements in line with the timescales agreed by the Environment Agency.</p>	12 months from date or other date as agreed in writing with the Environment Agency
IC9	<p>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 hazardous substances (as defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures).</p> <p>A stage 1-3 assessment should be completed (as detailed within the EC Commission Guidance 2014/C 136/-3) as follows;</p> <p>Stage 1 – Identify hazardous substance(s) used / stored on site.</p> <p>Stage 2 – Identify if the hazardous substance(s) are capable of causing pollution. If they are capable of causing pollution, they are then termed Relevant Hazardous Substances (RHS).</p> <p>Stage 3 – Identify if pollution prevention measures &amp; drains are fit for purpose in areas where hazardous substances are used / stored.</p> <p>If the outcomes of Stage 3 identifies that pollution of soil / ground water to be possible. The operator shall produce and submit a monitoring plan to the Environment Agency for approval detailing how the substance(s) will be monitored to demonstrate no</p>	12 months from date or other date as agreed in writing with the Environment Agency

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
	pollution. The operator shall commence monitoring of the RHS within a timescale as agreed by the Environment Agency.	
IC10	<p>The operator shall produce a monitoring plan detailing how the management of relevant hazardous substances which did not screen out as low risk, based on the RHS baseline assessment (undertaken in IC9), will be maintained and monitored to mitigate the risks of pollution. The plan shall be submitted for approval.</p> <p>The plan shall be implemented in accordance with the Environment Agency's written approval, including timescales to undertake any infrastructure improvements.</p>	12 months from date or other date as agreed in writing with the Environment Agency
IC11	<p>The operator shall produce a climate change adaptation plan, which will form part of the EMS.</p> <p>The plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Details of how the installation has or could be affected by severe weather;</li> <li>• The scale of the impact of severe weather on the operations within the installation;</li> <li>• An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation.</li> </ul> <p>The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency.</p>	3 months from date or other date as agreed in writing with the Environment Agency
IC12	<p>"The Operator shall undertake a survey of the primary, secondary and tertiary containment at the site and review measures against relevant standard including:</p> <ul style="list-style-type: none"> <li>• CIRIA Containment systems for the prevention of pollution (C736) – Secondary, tertiary and other measures for industrial and commercial premises,</li> <li>• EEMUA 159 - Above ground flat bottomed storage tanks</li> </ul> <p>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</p> <ul style="list-style-type: none"> <li>• current containment measures</li> <li>• any deficiencies identified in comparison to relevant standards,</li> <li>• improvements proposed</li> <li>• time scale for implementation of improvements.</li> </ul> <p>The operator shall implement the proposed improvements in line with the timescales agreed by the Environment Agency."</p>	12 months from date of issue