

Environment Agency Permitting decisions

We have decided to issue the variation for Brookhill Landfill Site operated by Flintshire County Council.

The permit number is EA/EPR/AP3739KS

The Variation notice number is EA/EPR/AP3739KS/V003

The PAS reference number is KP3734TF

The facility is located at Brookhill Way, Pinfold Industrial Estate, Buckley, Flintshire CH7 3PL

The decision was effective from 15/06/2010

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 environment protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

Structure of this document

- Annex 1 the decision check list

Annex 1: decision checklist

This checklist should be read in conjunction with the Duly Making checklist.

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
Receipt of submission			
Confidential information	A claim for commercial or industrial confidentiality has been made.		✓
Consultation			
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.		✓
Responses to consultation, web publicising and newspaper advertising	The consultation and advertising responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.		✓
Operator			
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓	
The facility			
The regulated facility (only where there has been debate on the extent of the facility)	The extent/nature of the facilities taking place at the site required clarification.		✓
European Directives			
Applicable Directives	All applicable European Directives have been considered in the determination of the application.		✓
The site			
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.		✓
Planning permission (relevant waste operations and relevant mining waste operations only – not mobile plant)	We are satisfied that planning permission is in place and it is appropriate for the relevant waste operation(s) applied for.		✓
Site condition report (installations, waste operations and relevant mining waste operations only - not mobile plant)	The operator has provided a description of the condition of the site.		✓
Waste Management Plan (mining waste operations only)	The operator has provided a waste management plan which we consider is satisfactory.		✓
External Emergency Plan (mining waste operations only)	The Emergency Planning Authority have confirmed that they have the necessary information required to produce an external emergency plan.		✓
Deposit for recovery (relevant waste operations only)	We have agreed that the activity is deposit of waste for recovery.		✓

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .		✓
Environmental Risk Assessment and operating techniques			
EIA (installations, waste operations and mining waste operations only – where required)	In determining the application we have considered the Environmental Statement.		✓
Environmental risk (use when the operator has carried out the risk assessment)	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.	✓	
Environmental risk (only for stand alone water discharge and groundwater activities, where the risk assessment has been carried out by the Environment Agency)	We have carried out a risk assessment on behalf of the operator.		✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques / emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.	✓	
The permit conditions			
Use of conditions other than those from the template	Based on the information in the application, we consider that we need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.		✓
Odour alternative conditions (installations and waste operations only)	While we consider that the Applicant's proposals represent the appropriate measures to prevent/minimise such odour, we also consider that it is appropriate to impose a specific ELV in respect of odour emissions to provide additional environmental protection.		✓
Noise alternative conditions (installations and waste operations only)	We consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it is appropriate to impose specific measures.		✓
Raw materials (installations and waste operations only)	We have specified limits and controls on the use of raw materials and fuels.		✓
Waste types (installations and waste operations only)	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons: The operator has provided sufficient information to demonstrate that he is capable of handling and treating the leachate brought in from other sites without having an adverse impact on the environment.	✓	

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
Pre-operational conditions	Based on the information on the application, we consider that we need to impose pre-operational conditions.		✓
Improvement conditions	Based on the information on the application, we consider that we need to impose improvement conditions.		✓
Conditions where the consent of another person is needed.	Based on the information submitted in the application, we consider that it is necessary to impose conditions where the consent of another person is needed.		✓
Incorporating the application	We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process. These are specified in the Operating Techniques table in the permit.	✓	
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit.		✓
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods and to the frequencies specified.		✓
Reporting	We have specified reporting in the permit.		✓
Considerations of foul sewer (stand alone water discharges only)	We agree with the operators justification for not connecting to foul sewer.		✓
Operator Competence			
Environment Management System	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓	
Technical competence (specified waste management activities and relevant waste operations only)	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓	
Relevant Convictions (installations, waste operations and relevant mining waste operations only)	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓	
Financial provision (installations, waste operations and mining waste operations only)	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence. The financial provision arrangements have satisfied the financial provisions criteria.	✓	
OPRA			
Opra Score (Tier 3 operations that are not C for D only)	The Opra score has changed from that set out in the application.		✓

Key Issues of the decision

This variation does not change any activity that has previously been assessed and permitted. It allows the operator to import leachate from any other suitable landfill for treatment at its leachate treatment plant, rather than a site operated by the applicant as previously permitted.

A change in ownership of the specified landfill has necessitated this variation. An assessment of this activity was made under variation application EPR/BV7273IQ/V005, issued in May 2009. There will be no increase in the permitted volume of leachate treated at the site which remains at 150m³ per day, and no changes to the quality of the treated effluent as assessed for that variation.

The treatment of leachate from three landfill sites in one treatment plant is more efficient, uses less energy and is likely to produce a more consistent final effluent than if the leachate were to be treated in separate plants.

The operator has completed the necessary improvement works required under that permit variation to construct a suitable bunded area for transferring leachate from the tanker to the treatment plant. The operator has adequate procedures for the acceptance of waste to ensure the continued effective operation of the leachate treatment plant.

