

Thomas, Kate

From: Waste Permitting Enquiries
Sent: 06 August 2019 15:48
To: [REDACTED]
Cc: Davies, Huw
Subject: PAN-006045 We need more information about your application

Dear Mr. Webb,

Application reference: PAN-006045
Operator: J M Envirofuels (Barry) Limited
Facility: J M Envirofuels (Barry) Limited

Thank you for your application received on 17 July 2019. We need to ask you for some more information before we can do any more work on the application. Please can you submit the following information within the next 10 working days:

1. Environment management system – whilst you have submitted a file entitled “Barry EMS”, this does not include a summary of your EMS addressing the new activities and increases to existing activities. Please submit a summary of your EMS produced in accordance with our guidance “How to comply with your environmental permit” that includes the new activities and increases to the existing activities.
2. Application form Part F1, has the incorrect fee (as per below section on OPRA), does not include the payment details and the declaration has not been dated. Please submit a revised form.
3. Application form Part C2, question 5 states that site plan has been provided (“Site Plan Barry”). Although this has not been submitted. Please submit this plan.
4. Two versions of application form part C4 have been submitted. Please confirm that version 2 is the correct version that is part of the application.
5. Application form Part C4, the table in 1a has not been fully completed. Please submit a revised form that is fully completed.
6. Application form Part C4, table in 1a includes “Production of biomass fuel”. SECTION 5.5 of the Environmental Permitting Regulations 2016 includes the following:
The production of fuel from waste
Part A(1)
(a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.
Please confirm the treatment activities used to produce the fuel. If you will be using heat, this activity is an installation activity and therefore an installation permit is required.

In addition to this the activity may be subject to the Industrial Emissions Directive. The pre-treatment of waste for incineration or co-incineration falls under both section 5.4 A(1)(a) and section 5.4 A(1)(b) (Schedule 1) of the amended Regulations. Sites treating waste above the limits below require a “waste installation” permit.

Section 5.4 A(1)(a) covers the pre-treatment of waste where its incineration is classed as disposal, and daily treatment capacity is 50 tonnes or more per day. Section 5.4 A(1)(b) covers the pre-treatment of waste where its incineration is classed as recovery or a mix of recovery and disposal, and the daily treatment capacity is 75 tonnes or more per day.

It is actually the nature of the site of use (the place where the waste gets burnt), that determines whether the treatment (to produce the waste fuel) is recovery or disposal. If the use site is 'R1' recovery rated, then the burning of the waste fuel will be a recovery activity. Hence, any pre-treatment carried out to prepare it for burning will also be recovery. And, vice versa.

We have an agreed interpretation of what constitutes 'pre-treatment'. Essentially, it is any treatment which improves the nature of the fuel, in any of the following five ways:

- Calorific (or heating) value;
- Moisture content
- Ash content;
- Chemical composition
- Heavy metal content

Only treatments that improve fuel quality, and the actual (available) capacity to carry them out on site, count towards the Industrial Emissions Directive activity thresholds.

Please explain what waste types will be used in the production of biomass fuel and what treatment activities will be used so that we can ensure that the activity can be operated as a "waste facility". If the treatment improves the nature of the waste (as above), please provide information to demonstrate how you will comply with the daily treatment capacity limits above. If the daily treatment capacity exceeds the limit, you will need to apply for an IED permit.

In addition to this, the non-technical summary states that bottom ash will be accepted on site. The amended Regulations specifically cover treatment of non-hazardous slags and ashes as a specified type of activity. If treatment is for recovery and capacity is more than 75 tonnes per day (either alone or in aggregation with other Section 5.4 A(1)(b) activities), or if treatment is for disposal and capacity is more than 75 tonnes per day (either alone or in aggregation with other Section 5.4 A(1)(a) activities – this is important as this includes the pre-treatment of waste for incineration, as stated above), then an IED installation permit may be needed.

Any treatment to a slag/ash counts towards the capacity threshold, this includes bulking up. Therefore, we need to consider IED installation thresholds for any site that accepts slags and/or ash wastes.

Please provide information to demonstrate how you will comply with the daily treatment capacity limits above. If the daily treatment capacity exceeds the limit, you will need to apply for an IED permit.

7. Application form Part C4, table in 1a includes "*Surface water storage - Collection and storage of site surface water in impermeably lined lagoon*", however a site drainage plan including the location of the lagoon has not been provided. Please submit a drainage plan.
8. Application form Part C4, table in 1a includes "*Storage of raw materials including lubrication oil, diesel, chemicals, antifreeze*" as an "A5". This appears to have been incorrectly included, as these materials would be used to operate plant on site and not used in relation to the actual waste activity. Please provide confirmation of this and remove from the table if that is appropriate.
9. Application form Part C4, table in 1a includes "*Storage of waste containing Gypsum pending transfer off site for recovery*". As this waste type can be hazardous, please confirm if you propose to accept 17 08 01* (gypsum-based construction materials contaminated with hazardous substances) or 17 08 02 (gypsum-based construction materials other than those mentioned in 17 08 01). If you propose to accept hazardous waste please note that you will need to amend your application documents and your OPRA profile to reflect this. This may also increase your application fee.
10. Application form Part C4, question 1b, states that the waste codes have been provided in document referenced "Waste codes Barry" this has not been included in the application. Please submit this document.

11. Section 1.4 of the non-technical summary is incomplete as it states: *"The site will accept up to 130,000 tonnes of wood waste and **** tonnes of wastes for transfer per year. The storage capacity for the site will be limited to 20,000 tonnes wood and ***** tonnes other"*.
Please submit a revised non-technical summary with this information.
12. The non-technical summary does not state the permit variation is to vary the current permit to a tier 3 bespoke permit.
Please submit a revised non-technical summary with this information.
13. Odour management plan – the proposed variation will change the facility to a household, commercial and industrial waste transfer station with treatment. As listed in "How to Comply with your environmental permit", an odour management plan must be in place for such a facility and is required to be submitted with the application. Please submit an odour management plan, produced in accordance with our H4 odour management guidance, found on our website:
<https://naturalresources.wales/permits-and-permissions/environmental-permits/horizontal-guidance/?lang=en>
14. OPRA - The electronic OPRA profile submitted is version 1 dated 2015. The correct version as per our website is "NRWv2, release date 01-Apr-19".
Electronic OPRA is required using the current version, found on our website:
<https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>
15. The site type should be based on the proposed changes. The non-technical summary states: *The recovery centre will allow for the storage and treatment of solid, dry, inert non-hazardous household, commercial and industrial wastes, predominantly wood to be processed for use as fuel to the neighboring biomass plant. The site will also facilitate the temporary storage and bulking up of metal, glass, bottom ash and plasterboard that will go for recovery off site.*
Part C4, table 1a states "Storage of separately collected fractions – glass, plasterboard, bottom ash, conditioned ash", this is a waste transfer activity and therefore, the correct site type is "A11-Household, commercial and industrial waste transfer station".
16. The proximity to human occupation has been answered as 250m – 1KM. This is incorrect as there is a waste facility next to the site. Therefore, this needs to be changed to <50m.
17. Assessment under wildlife needs to be changed to "CROW" as there are two SSSI within 2km of the site. These are "Barry Island, SSSI code 33WVA" and Hayes Point to Bendrick Rock, SSSI code 510".
18. Groundwater/Aquifers needs to be changed from *No* to *Yes- Outside GPZ* because the site is on both a superficial and bedrock aquifer, but not a source protection zone.
19. Please submit a revised OPRA using the current electronic version.
20. These changes will increase the OPRA score to 56, with an associated fee of £7,952 for normal variation. A fee of £3,058 has been received, leaving an additional fee required of £4,894.
21. The risk assessment submitted with the application does not include the following sensitive receptors:
 - Local wildlife site that is within 60 metres of the site.
 - Protected species that are within 500 metres of the site.
 - It refers to SSSI being 800ms away but does not reference the specific sites. These are "Barry Island, SSSI code 33WVA" and Hayes Point to Bendrick Rock, SSSI code 510" which are separate sites and different distances away from the site.
 Please submit a revised risk assessment that includes the sensitive receptors. In addition to this please provide a survey for the protected species and update the risk assessment accordingly.
22. Fire prevention and mitigation plan (FPMP) – we have taken a cursory glance at the plan to ensure that it has been produced in accordance with our guidance. It is stated that this plan has been

prepared in conjunction with the format prescribed by Natural Resources Wales and Fire Prevention and Mitigation plan guidance No.16 V2 August 2017. However, it also states that the plan details the measures that will be taken to meet the 3 objectives detailed in the guidance:

- *Minimise the likelihood of a fire happening*
- *Aim for a fire to be extinguished within 4 hours*
- *Minimise the spread of fire within the site and to neighbouring areas.*

The above statement is not in accordance with our guidance but with the Environment Agency guidance. Furthermore, section 9 summary table refers to "EA FPP requirement" and separation distances of 6m have been referred to in the plan, which is from the EA guidance.

In addition to this, the non-technical summary states:

"The recovery centre will allow for the storage and treatment of solid, dry, inert non-hazardous household, commercial and industrial wastes, predominantly wood to be processed for use as fuel to the neighboring biomass plant. The site will also facilitate the temporary storage and bulking up of metal, glass, bottom ash and plasterboard that will go for recovery off site."

These additional waste types are not included in the FPMP.

The FPMP also refers to maximum storage time of 6 months, which conflicts with Application Form Part C2 which states that the variation is to increase the storage time to 9 months.

Please submit a revised FPMP that includes all combustible waste proposed to be stored on site, reflects the proposed changes and based on our guidance.

If you email or write to us please quote the application reference "PAN-006045" on any correspondence and send it to the relevant address below. If you have any questions please phone me on 03000 65 4487 or email huw.davies@naturalresourceswales.gov.uk.

If you need advice about how to complete the form, please contact your local area office. Call 03000 65 3000 and ask to speak to your local area office or your site officer.

Please reply within 10 working days from the date of this email. If we don't hear from you we must return your application and fee.

When we receive the missing items we'll continue to check the details in your application. If there's enough there for us to begin the process of deciding whether or not we can grant your application we say the application is 'duly made' and we'll let you know this by email.

Yours sincerely,

Huw Davies
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www.cyfoethnaturiol.cymru / www.naturalresources.wales

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy.

Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.



Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi