

Thomas, Kate

From: Waste Permitting Enquiries
Sent: 04 September 2019 11:01
To: [REDACTED]
Cc: [REDACTED]
Subject: PAN-006045 Not duly made response

Tracking:	Recipient	Delivery
	[REDACTED]	
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	Davies, Huw	Delivered: 04/09/2019 11:01

Dear Mr. Webb,

Thank you for your email in response to the request for further information, sent 06 August 2019. We have assessed the information and unfortunately you have not provided a sufficient response to all of the points outlined in our request.

As requested in our email sent 06 August, please provide the following information (these are listed below – with the numbering as per the original request).

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.

Not duly made response states:

C4 wording amended, this now removes any confusion given and the questions regarding "Fuel, IED etc."

Not duly made response assessment:

This part of the not duly made response does not satisfy the request for further information. Although you have removed the reference to producing biomass fuel, you must still provide the above information. It is unlikely that the waste activity will be a 5.5 activity as our guidance note RGN2 specifically attached to Section 5.5 states that the 'description applies only to processes whose purpose is to make waste-derived solid fuel and which use heat specifically in the fuel manufacturing step'.

However, so that we can be sure that the activity is not a 5.5 listed activity, please confirm if heat is used in the treatment process.

The waste activity has the potential to be an IED activity in the following sections, as highlighted below. The amended Environmental Permitting (England and Wales) Regulations 2016 includes the following:

**SECTION 5.4 Disposal, recovery or a mix of disposal and recovery of non-hazardous waste
Part A(1)**

- a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one of more of following activities, and excluding activities covered by the Council Directive 91/271/EEC –**
 - i) biological treatment;**
 - ii) physio-chemical treatment;**
 - iii) pre-treatment of waste for incineration and co-incineration;**
 - iv) treatment of slags and ashes;**

v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-vehicles and their components.

b) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of following activities, and excluding activities covered by the Council Directive 91/271/EEC –

i) biological treatment;

ii) physio-chemical treatment;

iii) pre-treatment of waste for incineration and co-incineration;

iv) treatment of slags and ashes;

v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-vehicles and their components.

The non-technical summary (submitted 15/08/19) states:

1.6 The Environmental Permit is required for the storage (keeping) prior to treatment and removal (all types of handling/processing) of waste. Waste treatment processes to be carried out on site may include the following:

- **Sorting (with loading shovel / 360 degree, excavator or by hand)**
- **Shredding and screening (by using appropriate mechanical plant and equipment)**

If you will be shredding metal and the shredder plant has the ability to treat more than the limits above for metal waste, an IED installation permit is required.

So that we can ensure that you have applied for the correct permit type (for a waste facility), you must confirm the following:

a) **The treatment of waste for incineration and co-incineration**

- Please confirm the treatment activities that will be used on all waste types so that we can ensure that the activity can be operated as a “waste facility”.
- If the treatment improves the nature of the fuel (calorific (or heating) value, moisture content, ash content, chemical composition or heavy metal content) please provide information to demonstrate how you will comply with the daily treatment capacity limits above. If the daily treatment capacity exceeds the limits (in section 5.4, Part A(1) a and b), you will need to apply for an IED installation permit.

If the treatment activities do not improve the nature of the fuel, the activity will not be subject to a section 5.4, Part A(1) a or b of the Environmental Permitting Regulations.

b) **The treatment of ashes (“treatment” includes the bulking up of ashes).**

- Please confirm the amount of ashes that the site has the capacity to accept, per day. (Once received these ashes will be bulked up and bulking up is considered to be a treatment activity).
- Please confirm if ashes will be accepted for recovery or disposal or a mixture of both.
- Please confirm the specific facilities where the ashes will be transferred to, so that we can ensure if they are being accepted for recovery or disposal or a mixture of both.
- Please provide information to demonstrate how you will comply with the daily treatment capacity limits above (75 tonnes per day for recovery or a mix of recovery and disposal or 50 tonnes per day for disposal).

c) The treatment in shredders of metal waste

- **Please confirm what waste types will be shredded. If metal is to be shredded please provide information to demonstrate how you will comply with the daily treatment capacity limits above (75 tonnes per day for recovery or a mix of recovery and disposal or 50 tonnes per day for disposal).**

If the treatment does not include the treatment in shredders of metal waste, the activity will not be subject to a section 5.4, Part A(1) a or b of the Environmental Permitting Regulations.

Please note: The treatment capacity for the activities carried out on site (*a to c above*) must be aggregated. Aggregation refers to the *total* capacity a site has to carry out different activities that fall within each section, or sub-section of the amended regulations. To find the aggregated (total) capacity for the site, you need to add together all relevant individual capacities. This means that you must add the capacity of all relevant treatments (for recovery or disposal) activities together to give a total for the site. It is the site (permit) total that affects whether an installation permit is needed.

The aggregation rule applies to each relevant section or sub-section activity. In other words:

- to determine if a site is a Section 5.4 A(1)(a) (non-hazardous waste treatment for disposal) site; you need to add together the capacities for all activities carried out which are listed in that sub-section (i.e., (i) to (v)).
- to determine if a site is a Section 5.4 A(1)(b) (non-hazardous waste treatment for recovery) site; you need to add together the capacities for all activities carried out which are listed in sub-section (i.e., (i) to (iv)).

Please note that capacity for sub-section 5.4 A(1)(a) and sub-section 5.4 A(1)(b) activities need to be considered separately.

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.*

Not duly made response states:

The site plan in the EMS and now the standalone Site plan shows the Surface water storage tank

Not duly made response assessment:

The "Site Plan Barry" includes the location of the "water tank", however it does not include the "lagoon" or the details of the drainage (including how site drainage is collected and directed to the "water tank". The site plan also includes a "pump" and "interceptor", however the plan does not show how the drainage system functions.

This part of the not duly made response does not satisfy the request for further information.

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.

Not duly made response states:

Risk Assessment amended for wildlife site, Protected species and SSI's.

We wish to discuss the submission of a survey for the protected species – this was not requested for the current permit. The changes for the bespoke permit are for volume and 4 additional waste streams – there will be no increased risk to the Environment from the existing operation.

Not duly made response assessment:

Appendix A JME Barry Generic RA submitted 15/08/19. The risk assessment does not include local wildlife site as a sensitive receptor and does not reference the specific SSSIs, as requested. 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.

This part of the not duly made response does not satisfy the request for further information.

With regards to the protected species, we wish to clarify that although the site is within 500m of protected species, these species are not on the list as per Section 7 of the Environment Act 2016; therefore a survey on the protected species is not required.

Please provide the above information by Friday 13 September. Please note that if we do not receive the information by this date we will return your application and fee to you.

Kind regards,

Huw Davies

Arweinydd Tim Trwyddedu (Gwastraff) / Permitting Team Leader (Waste)

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