

Environment Agency Permitting decisions

We are minded to issue the variation for Crymlyn Burrows Materials Recovery and Energy Centre operated by Neath Port Talbot (Recycling) Limited.

The permit number is EPR/BJ5775IF.

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 and Key Issues
- Annex 2 the advertising and consultation responses

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	<p>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.</p> <p>The application was advertised in the South Wales Evening Post on 09/02/10 and on our website.</p> <p>Our draft decision was consulted on by placing the draft Variation Notice and Decision Document on our website on 15/10/10. This was also advertised in the South Wales Evening Post on 15/10/10</p>	✓	
Responses to consultation, web publicising and newspaper advertising	<p>The consultation and advertising responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓	
Operator			
Control of the facility	<p>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.</p> <p>(No change to existing situation).</p>		✓
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	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p> <p>(No change to overall site boundary, but storage locations have altered)</p>	✓	

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
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. (Only applicable to permit issue).		✓
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. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).		✓
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.		✓
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 . A full assessment of the application and its potential to affect the site/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/habitat. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓	
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.		✓

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
Environmental risk (use when the operator has carried out the risk assessment)	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment submitted in support of the variation application is satisfactory overall. However it should be noted that the submitted odour management plan has in part been superseded / supplemented by the Agency initiated variation dated 11/08/10. This variation imposed various odour management related improvement conditions. This followed an independent study that identified a number of areas of the plant that could be enhanced or altered in order to minimise the potential for point source and fugitive odour emissions from the plant.</p> <p>The improvement conditions imposed by the Agency initiated variation of 11/08/10 are reproduced in the consolidated permit.</p> <p>Minimising and controlling odour at the site remains a priority for control.</p>	✓	
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	<p>We have reviewed the techniques used by the operator relevant to the variation and compared these with the relevant guidance note, ("How to comply with your environmental permit – Getting the Basics Right, version 2").</p> <p>The proposed techniques / emission levels for priorities for control are in line with the benchmark levels contained in the guidance note and, in conjunction with the improvement conditions, we consider them to represent appropriate techniques for the facility.</p> <p>Note: there are no proposed changes to the operating techniques to the incineration or fuel pellet manufacture for disposal. As such these existing operating techniques have not been reviewed against the corresponding guidance notes.</p>	✓	
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.		✓

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
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 various permit conditions and management plans are sufficient to control the potential impacts arising from the additional waste types.	✓	
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. It is considered that the existing improvement conditions will ensure that the appropriate measures are in place to prevent pollution from odour. Two additional improvement conditions have been imposed as part of the Environment Agency regulator-initiated variation. The first of these improvement conditions (ref: 9.55, Table S1.3) has been set to review emissions to air, now that the site has been operational for a number of years which has allowed for the compilation of a suitable data set of monitoring results. The condition requires comparative air dispersion modelling of these measured emission values against the emission limit values. The second of these improvement conditions (ref: 9.56, Table S1.3) requires an assessment relating to predicted dioxin uptake into the human body and has been imposed as part of a response to recent dioxin monitoring results.		✓
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.		✓

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
Incorporating the application	<p>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 and as part of the Improvement Programme.</p> <p>These are specified in the Operating Techniques table in the permit.</p>	✓	
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>The emission limits for the discharge to sewer have been altered to reproduce with the revised limits in the Trade Effluent Discharge Consent.</p>	✓	
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods and to the frequencies specified.</p> <p>A mechanism has been added to the monitoring requirements for emissions to air of hydrogen fluoride and heavy metals, such that a lower monitoring frequency may be agreed with the EA, (should future policy change). Note that this does not apply to other air emission monitoring determinands, such as dioxins.</p>	✓	
Reporting	<p>We have specified reporting in the permit.</p> <p>(No fundamental change to reporting requirements)</p>	✓	
Considerations of foul sewer (stand alone water discharges only)	<p>We agree with the operators justification for not connecting to foul sewer.</p>		✓
Operator Competence			
Environment Management System	<p>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.</p>	✓	
Technical competence (specified waste management activities and relevant waste operations only)	<p>Technical competency is required for activities permitted.</p> <p>(No change to the existing technical competence requirements).</p>		✓
Relevant Convictions (installations, waste operations and relevant mining waste operations only)	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p>		✓

Activity	Justification / Detail	Determination criteria met	
		Yes	N/A
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.	✓	
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

A number of incremental changes to operations occurring on site, (as noted in the checklist table above), have been formalised by incorporating into this Variation Notice.

The most significant change is the operation of mechanical biological treatment plant and bio-drying as activities independent of the incineration operations.

These activities have successfully been carried out on a trial basis, the key issue being one of odour management. The operator has produced an odour management plan which, combined with the permit conditions (including the recently imposed improvement conditions), are considered to provide a high level of environmental protection.

It has therefore not been considered necessary to impose further permit conditions in respect of odour control.

Annex 2: Consultation, web publication and newspaper advertising responses

Summary of responses to consultation, web publication and newspaper advertising and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
No responses received to web and newspaper advertising of application
Brief summary of issues raised
N/A
Summary of actions taken or show how this has been covered
No further action

Response received from
No responses received to web and newspaper advertising of draft decision
Brief summary of issues raised
N/A
Summary of actions taken or show how this has been covered
No further action