Response ID ANON-UQP4-UQ98-1

Submitted to Environmental Authorisations (Scotland) Regulations 2018: Proposed Standard Conditions for Registration level activities
Submitted on 2024-11-24 17:07:00

Registrations and standard conditions

About you

1 What is your name?

Name:
Jenny Grant

2 What is your email address?

Email address:
jenny@r-e-a.net

3 If you have supplied an email address, are you happy to receive communication from SEPA about ongoing developments in the Better Environmental Regulation Programme?

Yes

4 Are you responding to this consultation on behalf of yourself, or a business or organisation?

Organisation

If you are responding on behalf of a business or organisation, please provide the name below::
REA - The Association for Renewable Energy and Clean Technology

5 Are you happy for us to publish your response to this consultation?

Yes

1.1. Core standard conditions for registration level waste management activities

6 Do you agree with the list of core standard conditions for:

Core standard conditions - Management systems:
Yes

Core standard conditions - Waste acceptance:
No

Core standard conditions - Site security:
Yes

Core standard conditions - Waste storage:
No

Core standard conditions - Pollution control:
No

Core standard conditions - Environmental event reporting:
Yes

Core standard conditions - Recording and reporting:
Yes

If you answered 'No' to any of the above, explain your answer below. Please include a reference to the specific standard conditions that you are commenting on.:

Waste Acceptance: The requirement for a stringent inspection process for all incoming waste (Condition 2) will be challenging for smaller or low-risk sites, especially if they are unmanned at times. The REA suggests a risk-based approach that allows periodic inspections based on waste type and historical compliance of suppliers. These inspections should happen prior to treatment, rather than on reception. Quarantine storage requirements (Condition 3) are also restrictive for smaller sites.
Allowing sealed containers to meet impermeable surface and sealed drainage requirements could be more achievable, and the REA suggests that this should be acceptable. Adjustments to these standards based on facility size and waste type could provide flexibility without compromising environmental safety.

Waste Storage: Requiring detailed labelling with hazard information (Condition 5) may be overly burdensome. A graded approach, with simpler labelling for non-hazardous materials and detailed information only for hazardous waste, would enhance practicality.
Pollution Control: The language around “no significant impact” (Conditions 6-11) is subjective. REA members have reported challenges with the subjectivity of managing odour on composting sites. When there is a consistent reporter nearby, it is difficult for these facilities to do ‘enough’ to mitigate the odour given there are no structured expectations around managing these types of pollution. Specific guidance on thresholds, particularly for odour, noise, dust, litter, and vermin, would assist in compliance. The restriction on fugitive emissions and bioaerosols for biowaste sites (Condition 6) needs specific guidelines or practical thresholds to avoid continuous regulatory uncertainty. SEPA should reference the current position on bioaerosols when there is a sensitive receptor within 250m in this section.

1.2.2. Transporting waste

7 Do you agree with the list of standard conditions for Transporting Waste?

Yes

If you answered 'No', please explain your answer below::

These conditions help reduce contamination in organic waste streams by ensuring transporters verify waste consistency with the transfer note. This process boosts confidence in material quality at recycling facilities. Additionally, requiring authorisation references in transactions and advertisements ensures traceable, compliant waste management.

1.2.3. Acting as a broker or dealer of waste

8 Do you agree with the list of standard conditions for Acting as a broker or dealer of waste?

Yes

If you answered 'No', please explain your answer below::

These conditions promote traceability and accuracy in waste transactions, crucial for supply chain integrity. However, waste criminals will likely evade these conditions, so continued SEPA investment in combating waste crime is essential.

1.2.6. Storage of less than, or equal to, 10 waste motor vehicles at any one time.

15 Do you agree with the list of standard conditions for the Storage of less than, or equal to, 10 waste motor vehicles at any one time?

Yes

If you answered 'No', please explain your answer below::

16 Do you agree with the conditions relating to storage of electric and hybrid motor vehicles?

Yes

If you answered 'No', please explain your answer below::

The requirement to store electric and hybrid vehicles separately and limit storage to 3 months is reasonable due to fire risks from EV batteries. Clear hazard signage in storage areas would further help manage these specific risks.

1.2.7. Storage and treatment of less than, or equal to, 5 waste motor vehicles at any one time (not including waste electric and hybrid vehicles)

17 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 5 waste motor vehicles at any one time (not including waste electric or hybrid vehicles)?

Yes

If you answered 'No', please explain your answer below::

The conditions cover essential factors, including wastewater runoff on impermeable surfaces with sealed drainage. For EVs, additional consideration is needed for runoff during fire incidents, as water used to extinguish EV fires may contain battery chemicals. Ensuring EVs are stored away from flammable materials, including oils or biofuels, further reduces fire risk.

1.2.8. Storage and treatment of less than, or equal to, 25 cubic metres of waste cooking oil at any one time to manufacture biodiesel

18 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 25m3 of waste cooking oil at any one time to manufacture biodiesel?

Yes

If you answered 'No', please explain your answer below::

1.2.9. Storage and treatment of less than, or equal to, 100,000 cubic metres of waste in a 12-month period within the boundary of a water treatment works or a wastewater treatment works (including the sludge treatment facility)

19 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 100,000m3 of waste in a 12-month period within the boundary of a water treatment works or a wastewater treatment works (including the sludge treatment facility)?

Yes

If you answered 'No', please explain your answer below::

Yes, REA generally agrees with these conditions. However, we suggest clarification in two areas. Condition 4 would benefit from clearer guidance on how to segregate and identify unauthorised waste, especially for facilities handling multiple waste types. Condition 15 would benefit from clarification on what qualifies as an 'event' to avoid confusion, especially in cases where multiple authorities may need notification or when the necessity of reporting is uncertain.

1.2.10. Storage and treatment of less than, or equal to, 20,000 tonnes of inert and excavation waste at any one time for the manufacture of construction aggregates.

20 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 20,000 tonnes of inert and excavation waste at any one time for the manufacture of construction aggregates?

No

If you answered 'No', please explain your answer below::

We are concerned about the requirement for "inert" waste to be stored on an hardstanding or impermeable surface with a sealed drainage system. This doesn't seem proportionate to the risk of pollution presented by this material. If it is inert, why the need for containment and why can the site not be served by a SUDS system?

1.2.13. Storage and treatment of less than, or equal to, 500 tonnes of segregated non-hazardous waste for recycling at any one time, except for activities to which the Code of Practice on Sampling and Reporting at Materials Facilities applies.

23 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 500 tonnes of segregated non-hazardous waste for recycling at any one time, except for activities to which the Code of Practice on Sampling and Reporting at Materials Facilities applies?

Yes

If you answered 'No', please explain your answer below::

24 Are there any other non-hazardous waste types you think should be excluded from this Registration?

Please list the waste types you believe should be excluded, below::

Not that we are aware of.

1.2.14. Storage and preparation for reuse of waste (not including WEEE)

25 Do you agree with the list of standard conditions for the Storage and preparation for reuse of waste (not including WEEE)?

Yes

If you answered 'No', please explain your answer below::

The standard conditions seem reasonable, but could benefit from further clarity on the types of activities that are covered. A non-exhaustive list of examples would be helpful. For example, does this apply to storage of digestate and compost after treatment for reuse (to land).

1.2.16. Storage and treatment of less than, or equal to, 500 tonnes of biowaste for composting in open systems at any one time, with a capacity of less than or equal to 75 tonnes a day.

27 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 500 tonnes of biowaste for composting in open systems at any one time, with a capacity of equal to or less than 75 tonnes a day?

No

If you answered 'No', please explain your answer below::

No. The REA does not agree with the proposed list of standard conditions. While most align with industry best practice, several are significantly more onerous than those under a Paragraph 12 Exemptions (which currently permit composting up to 400 tonnes of biowaste at one time). The proposed conditions for this activity resemble requirements for waste management licences, which are currently required for higher-risk activities. Small composting sites will struggle to comply with these conditions, and the REA believes some are disproportionate to environmental risk. Therefore, we would like to raise the following points for consideration:
Condition 5a: Clarification is needed on what constitutes "significantly contaminated." The acceptable level of contamination may vary by site, depending on available infrastructure and equipment for handling contaminants. While we support all efforts to reduce contamination in feedstocks, but these measures must be practical and achievable on site.
Condition 5f: Identifying “invasive non-native plant species” in incoming materials can be challenging, especially with kerbside-collected waste that has gone through bins and refuse collection vehicles. This identification is generally managed through waste acceptance agreements and guidance to waste producers but is difficult to confirm upon arrival. The REA suggests moving the condition 5f to condition 3, ‘All waste entering the Authorised Place must be inspected to ensure it meets the types and quantities authorised. The waste processor must have contracts in place and take all practical measures to prevent waste containing any Japanese Knotweed or any other invasive non-native plant species from entering the Authorised Place.’
Conditions 8 and 9 require all liquid waste produced on-site to be stored in a covered, impermeable lagoon, sealed sump, or sealed container. This is a significant change Paragraph 12 Exemptions. Covering existing lagoons is costly and sometimes technically impossible. These proposed conditions do not consider the use of reed bed water treatment systems – an alternative that is currently effective at various small-scale composting sites in Scotland. The environmental risk posed by any liquid discharged from composting less than 500 tonnes of biowaste is minimal. Therefore, the REA strongly recommends the requirements under Conditions 8 and 9 are changed to, ‘impermeable lagoons with covers where possible.’
Condition 13: The requirement to prevent the re-heating of oversize material could be problematic. When compost is screened, the material may still contain fines that continue to compost naturally, generating heat. This biological activity is not always controllable. Oversize material may need to be re-screened to remove more compost, reintroduced to the process, or transferred off-site. While oversize should be stored in a manner that minimizes the risk of fire, completely preventing re-heating is often difficult to achieve. We recommend rephrasing this condition to state, ‘Oversize material must be stored on site in a manner to prevent, or where that is not practicable, minimise, re-heating’ so that this condition reflects practical limitations.
Condition 16: The measurement of ‘offensive odours’ beyond the boundary of the Authorised Place is completely subjective. This will lead to SEPA officers applying this condition inconsistently across Scotland, creating an uneven playing field for composters. Effective management of environmental pollution requires sound measurement tools. The REA strongly suggests that it is odour that has an impact on sensitive receptors that should be the key – rather than what is detectable at the site boundary. We suggest adding the caveat, ‘which has significant impact on the environment, people or property’ to create consistency between the listed conditions (17-20).
Condition 20: The current position on bioaerosols is that measures must be taken to control bioaerosols where there is a sensitive reception within 250m of the site of activity. This is more appropriate than a requirement to prevent bioaerosols emitted beyond the site boundary entirely.
Ultimately, the REA does not support the listed proposed conditions because we want small compost sites to continue to recycle biowaste feedstocks where possible in Scotland. We believe it is important to match standard conditions to risk of harm, and we don’t think the conditions proposed for this activity accomplish that. If these standard conditions are adopted as written, community composting sites or similar sized commercial sites that take waste from the community (i.e. not arising from the site of processing) will have to shut-down because it will not be practical for them to invest in impermeable surfaces, sealed drainage systems, and extensive written management systems. Operators currently composting under Paragraph 12 Exemptions have not caused significant pollution incidents, and therefore, the REA does not see the rationale for expanding the burden of operation significantly under the new EASR framework.

1.2.17. Storage and treatment of less than, or equal to, 500 tonnes of biowaste for composting in an enclosed system at any one time, with a capacity of less than or equal to 75 tonnes per day.

28 Do you agree with the list of standard conditions for the Storage and treatment of less than, or equal to, 500 tonnes of biowaste for composting in an enclosed system at any one time, with a capacity of equal to or less than 75 tonnes a day?

No

If you answered 'No', please explain your answer below::

The REA does not agree with the proposed list of standard conditions for this activity as they are significantly more onerous than those under Paragraph 12 Exemptions (which currently permit composting up to 400 tonnes of biowaste at one time). As stated in our answer to question 27, small composting sites will struggle to comply with these conditions, and the REA believes some are disproportionate to the risks posed by this activity.
Our suggestions follow the same logic as stated in our answer to Question 27. We’ve listed our recommendations below as they apply to this activity, but please read our answer to Question 27 for more detail on each.
Condition 5a: Clarify what constitutes ‘significantly contaminated.’
Condition 5e: Move Condition 5f to Condition 3 by revising Condition 3 to say, ‘All waste entering the Authorised Place must be inspected to ensure it meets the types and quantities authorised. The waste processor must have contracts in place and take all practical measures to prevent waste containing any Japanese Knotweed or any other invasive non-native plant species from entering the Authorised Place.’
Condition 10: Revise condition 10a to read, ‘impermeable lagoons with covers where possible.’
Condition 12: Rephrase the condition to state, ‘Oversize material must be stored on site in a manner to prevent, or where that is not practicable, minimise, re-heating’ so that this condition reflects practical limitations.
(NEW) Condition 16: The requirement to have emissions abatement on the enclosed system in addition to the emissions requirement in 17 is excessive. If the system can operate in a way that complies with the other requirements regarding emissions, there is no need for also requiring emission abatement on the composting system.
Condition 18: This condition should be monitored using sensitive receptors rather than SEPA officers’ sense of smell. Add the caveat, ‘which has significant impact on the environment, people or property’ to create consistency between the listed conditions (19-22).
Condition 22: The current position on bioaerosols is that measures must be taken to control bioaerosols where there is a sensitive reception within 250m of the site of activity. This is more appropriate than a requirement to prevent bioaerosols emitted beyond the site boundary entirely.

Ultimately, the REA does not support the listed proposed conditions because we want small compost sites to continue to recycle biowaste feedstocks where possible in Scotland. We believe it is important to match standard conditions to risk of harm, and we don't think the conditions proposed for this activity accomplish that. Operators currently composting under Paragraph 12 Exemptions have not caused significant pollution incidents, and therefore, the REA does not see the rationale for expanding the burden of operation significantly under the new EASR framework.
We also suggest the addition of a condition where a facility is accepting Animal by-products that there is a requirement to comply with the Animal by-products regulations and obtain approval from Animal and Plant Health Agency. This would make clear that the requirements of these regulations also apply without having to duplicate the requirements within the standard conditions.

1.2.18. Anaerobic digestion of less than, or equal to, 100 tonnes of biowaste per day

29 Do you agree with the list of standard conditions for the Anaerobic digestion of less than, or equal to, 100 tonnes of biowaste per day?

No

If you answered 'No', please explain your answer below::

No. The REA does not fully agree with the proposed list of standard conditions for the anaerobic digestion of less than, or equal to, 100 tonnes of biowaste per day. While most of the conditions align with industry best practices, we would like to raise the following points for further consideration:
Condition 4a: As stated in questions 27 and 28, the REA suggests SEPA clarify what constitutes 'significantly contaminated' waste given different sites will be able to accept different levels of contamination, determined by thier contracts and processing equipment.
Condition 4c: As stated in questions 27 and 28, the REA suggests moving condition 4c to condition 3 so that condition 3 reads, 'All waste entering the Authorised Place must be inspected to ensure it meets the types and quantities authorised. The waste processor must have contracts in place and take all practical measures to prevent waste containing any Japanese Knotweed or any other invasive non-native plant species from entering the Authorised Place.'
Condition 11a: The inclusion of a specific condition for leak detection in earth-walled lagoons presents practical challenges. We acknowledge the need to prevent leaks, but it is unclear how an effective leak detection system can be integrated into such structures. We suggest rephrasing this condition to say, 'have leak detection where practical' to allow flexibility where leak detection systems cannot be incorporated into existing earth-walled lagoons.
Condition 22: We are unsure of the justification for requiring flares to operate at a minimum temperature of 1,000ºC. The Industrial Emissions Directive (IED) sets the flare temperature for non-hazardous waste at 850ºC, albeit for a duration of two seconds, while the 1,000ºC requirement is generally associated with hazardous waste. Given this, we believe that the higher temperature requirement for non-hazardous waste flares may not be warranted. A clarification of the rationale for this temperature level would be appreciated, particularly because lower temperatures have been proven to meet the regulatory standards for non-hazardous waste.
In addition to the specific conditions above, our members have expressed concerns about a SEPA's move towards requiring the construction of buildings for all waste storage and treatment activities. We are concerned that this guidance throughout the consultation may impose unnecessary costs and operational restrictions, particularly where other effective measures are in place to mitigate environmental impact. The REA believes that such a requirement should be more flexible, allowing operators to demonstrate that appropriate control measures (e.g., odour, noise, and dust mitigation) are in place before mandating enclosed buildings.

1.2.19. Use of waste on land for the purpose of soil improvement (single farm/site).

30 Do you agree with the list of standard conditions for the Use of waste on land for the purpose of soil improvement (single farm/site)?

No

If you answered 'No', please explain your answer below::

. In principle, the list of standard conditions for the use of waste on land for soil improvement is a positive step towards ensuring safe and sustainable practices in waste management. However, REA members have posed a few concerns about the standard conditions:
Flexibility on Storage Periods: The proposed restriction on storing waste for no longer than six months before land application may not always be feasible, particularly in areas subject to extreme weather conditions. A more flexible approach, allowing for extended storage under specific circumstances (e.g., prolonged wet weather), should be considered. Additionally, ensuring that operators are not penalized for unavoidable delays would provide a more practical framework.
Enforcement and Monitoring by SEPA: The conditions outline the expectation that SEPA will monitor and enforce these standards. However, the capacity of SEPA to oversee these regulations effectively should be addressed. Given the broad scope of SEPA's responsibilities, ensuring that there are sufficient resources for monitoring waste use on land would be important to maintain the integrity of the standards.
Soil and Waste Testing Requirements: The requirement for regular testing of soil and waste for key parameters is well-aligned with current best practices (e.g., RB209). However, care must be taken to ensure that the intervals for testing are both reasonable and practical. The testing requirements for sewage sludge and other waste types every six months before land application may not be compatible with the six-month storage period. Balancing these requirements will ensure that operators are not unduly burdened, and that testing remains effective.
Condition 25 covers the parameters that waste must be tested for. Some waste types (for example 19 05 03 off-specification compost and 19 06 codes, liquor and digestate from AD) may have a risk of containing physical contaminants. There should be an additional requirement to have these waste types analysed for physical contaminants over 2mm unless it can be demonstrated that there is no contamination present i.e. depending on the feedstocks into the plant.

31 Do you agree with the proposed testing frequency for soils?

No

If you answered 'No', please explain your answer below::

Overall, the proposed frequency of soil testing every five years for parameters such as pH, extractable nutrients, and potentially toxic elements is appropriate and aligns well with established best practices, such as those in the RB209 guidance. This interval is generally sufficient for monitoring soil health and nutrient levels without imposing unnecessary administrative or financial burdens on operators. However, it's worth noting that certain sites with high-intensity land applications may benefit from more frequent soil testing to ensure that nutrient and contaminant levels remain within safe thresholds. The proposed frequency could be enhanced with a risk-based approach, allowing for adjustments based on site-specific factors such as the type and quantity of waste applied, historical soil data, and environmental sensitivity.

32 Do you agree with the proposed testing frequency for wastes?

No

If you answered 'No', please explain your answer below::

The proposed six-month testing frequency for wastes is generally a reasonable approach, as it ensures regular monitoring of waste quality and helps prevent potential contamination issues. However, the six-month testing frequency may conflict with the six-month waste storage limit. Extended storage periods may be necessary due to factors like poor weather, which can delay land application. This might mean waste needs to be retested before application, increasing operational costs without necessarily adding value. While the proposed frequency is manageable, flexibility in testing requirements could benefit operators facing storage constraints, and SEPA may wish to consider a risk-based approach to enforcement.

33 We have aligned the frequency of testing for sewage sludge and other waste types to once every 6 months. This is an increased frequency for non-sewage wastes but is simple and consistent. Do you agree with the increased consistent testing frequency?

No

If you answered 'No', please explain your answer below::

The six-month testing frequency may conflict with extended storage needs, especially during prolonged periods of poor weather. For instance, if waste cannot be applied within six months due to weather-related delays, operators may need to retest, adding costs and administrative strain. For non-sewage waste operators, this increased frequency represents a significant change, potentially adding operational costs that could be burdensome, especially for smaller-scale facilities or those handling low-risk waste types. While the increased frequency provides consistency and enhances waste monitoring, allowing some flexibility for storage constraints and considering a risk-based testing model could help balance operational feasibility with regulatory aims.

34 We are proposing removing soils from construction (17 05 04) from the standard conditions template as they should be covered under 1.2.19 below. Do you agree with this approach?

No

If you answered 'No', please explain your answer below::

17 05 04 Peat, subsoil and topsoil other than those mentioned in 17 05 03 is included as a waste type in table 1 and this is section 1.2.19 so we don't understand the question.

35 We have no record of 04 02 waste codes (from leather, fur and textile industries) being spread on land in Scotland. Should these codes continue to be included in the table of acceptable wastes?

Yes

If you answered 'No', please explain your answer below::

36 Are there other waste types that you believe should be included or excluded from the table of acceptable waste types?

No

If you answered 'Yes', please specify the waste types and explain your answer below::

Not that we are aware of.

37 There is currently no limit proposed for the maximum amount of waste to be used for treatment per hectare, which is a change from the current position under Waste Management Licensing. Should a limit be included?

No

If you answered yes, what should it be and why? A possible suggestion is 50 tonnes/ hectare of liquid waste.:

No, a blanket maximum limit may not be suitable; instead, the application rate should be based on site-specific requirements to achieve the intended soil improvement outcomes. Factors like soil type, nutrient needs, and crop requirements are essential for determining the appropriate amount of waste, ensuring the addition is beneficial rather than excessive. Linking the rate directly to the specific soil and crop requirements rather than setting a rigid maximum aligns better with sustainable land management practices.

38 Some proposed operations may involve several applications of waste. What should the minimum time period between each application be and why?

Please specify the minimum time period and your rationale below.:

A minimum interval of three months between waste applications is generally advisable, especially for high-nutrient wastes. This duration allows the soil to process and integrate nutrients, reduces the risk of nutrient runoff and leaching, and ensures crops or vegetation can uptake nutrients effectively before additional applications. This time frame also gives microorganisms time to break down organic material in the waste, which is critical for maintaining soil health and avoiding nutrient imbalances. However, this interval could be adjusted based on seasonal factors and soil characteristics. Heavier, clay soils may require a longer interval due to slower drainage and nutrient mobility, while sandy soils might benefit from shorter intervals if nutrients leach quickly. Growing seasons could also influence the timing, as applications during active growth periods will align better with plant nutrient uptake. Therefore, we suggest basing application periods on site-specific requirements supported by guidance on soil monitoring to determine readiness for reapplication.

1.2.20. Use of less than, or equal to, 300 tonnes of waste per year in construction

39 Do you agree with the list of standard conditions for the Use of less than, or equal to, 300 tonnes per year of waste in construction?

No

If you answered 'No', please explain your answer below::

We think the conditions could benefit from greater clarity as to what activities are permitted. Condition 6 - The waste must not be used for the purpose of raising the level of land, filling hollows, or backfilling seems to prevent most uses. In addition it is not clear if this is applicable only to construction sites.

1.2.21. Use of waste for recovery in: (a) construction; or (b) reclamation, restoration or improvement of land projects using less than or equal to 100,000 tonnes

40 Do you agree with the list of standard conditions for the Use of waste for recovery (a) in construction or (b) in reclamation, restoration or improvement of land projects up to and including 100,000 tonnes?

No

If you answered 'No', please explain your answer below::

REA have concerns about volume of material that is covered by this registration along with concerns over the following conditions:
Condition 13 - This condition should be monitored using sensitive receptors rather than SEPA officers' sense of smell. Add the caveat, 'which has significant impact on the environment, people or property' to create consistency between the listed conditions 14-16.
We have included comments on the guidance in our answer to question 43.

1.2.22. Incineration of biomass 50kg to 3,000kg per hour

41 Do you agree with the list of standard conditions for the Incineration of biomass 50kg to 3,000kg per hour?

No

If you answered 'No', please explain your answer below::

Our members have made the following comments against these aspects of the standard conditions that should be amended or clarified:
Condition 1: All reasonable steps must be taken to minimise emissions during start-up and shut-down of the process.
Good practice would be to limit the total number of start-ups and shut-downs, and remove the ability to idle - making sure the systems can modulate the feed rate of the wood waste to the energy demands.
Condition 2: Biomass must not be incinerated during periods of start-up.
Need to define what is meant by "start-up".
Although not stated in the standard, we can assume that if biomass is not to be used, the system would have to be co-fired with gas or oil. This is impractical and defeats the purpose of using biomass as a renewable alternative to fossil fuels.
This would be better worded as the existing UK Part 'B' Environmental Permitting Legislation that allows for Virgin Wood startup:
4.2.3 On start up from cold, before waste wood is put into the furnace, raise the combustion zone temperature, using an ancillary burner fired by natural gas, gas oil, or virgin wood. Do not burn waste wood during the start up from cold.
This is important as otherwise it would burden the operator with excessive installation & maintenance costs, also a virgin wood (Certified Pellet or Woodchip) biomass plant would start using virgin wood biomass, so why should a waste wood plant be legislated differently.
Alternatively, another member also suggested that you should make sure systems can modulate feed rates to ensure smooth running and reduce start-ups.
Condition 4: All biomass must undergo complete combustion.
It would be better to define complete combustion numerically
Condition 5: Only the waste types listed in Table 1 can be incinerated, subject to the restrictions set out in column 3 of Table 1.
150103 - "Only visibly clean wooden packaging, including pallets, where no chemical treatments have been applied"
What is meant by "clean wood" – it would be better to give an emissions requirement. Clean wood doesn't mean a clean burn. Visual inspection is relatively meaningless.

191207 – “Only source-segregated, visibly clean, single waste wood streams such as pallets, where no chemical treatments have been applied.”
What is the definition of chemical treatment?
Condition 6: Post-segregation of mixed waste wood streams from civic amenity sites or skip hire operators must not be carried out.
If there’s wood that could be burnt cleanly this could be utilised by the waste wood biomass boiler industry. As long as emissions tests are done this shouldn’t be a problem.
Condition 7: Emissions to air from the authorised activities must only be made from the biomass incinerator.
Define what is meant by “biomass incinerator”. Incinerators and industrial wood waste boilers systems are all different. It’s important that definitions are clearly laid out and consistent terminology used.
Condition 8: Any biomass incineration or co-incineration plant stack height must be …
We would suggest using existing models and standards, such as H1 used by the UK Environment Agency.
Condition 9: Emissions of substance(s) to the air from the biomass incinerator must not exceed the relevant emission limit value specified in Table 2.
Again, an exact definition of biomass incinerator is needed.
We would suggest using the Emission Limit Values used for Part B Environmental permitting and the RHI. These are listed in the Environmental Permitting regulations (PGN 5/1 (18) – incineration or combustion of waste wood) – Table 5.3 and Table 5.4. These also use normal cubic metres (Nm3) – we would suggest using the same units exactly, to ensure a standard approach across England, Wales and Scotland.
Condition 12: Monitoring must be undertaken at the biomass incinerator at the sample port, frequency and using the monitoring standard as specified in Table 3.
We are pleased to see that monitoring standards are included.
Dust - we would support “dust” being tested annually. Using a manufacturers guarantee could be open to abuse. In England there are different rules depending on the burn rate, below 350kw manufacturers guarantees are used but above this annual testing is done.
Oxides of nitrogen – it would make sense to test this annually too.
All substances should be tested annually at the same time in the same test.
While mostly these standard conditions can be understood, clarity is needed around what is meant by “clean wood”, and “biomass incinerator”. These need to be clearly defined in the standard, otherwise they can be open to interpretation.

1.3. Additional comments on Standard conditions for waste management: registration level activities

42 Please comment here if you have any additional feedback on Section 1, Standard conditions for waste management: registration level activities.

Please type your additional feedback in the text box.:

We have included feedback and comments from members throughout our response to this consultation. However given the extent and range of sites that the proposed changes will impact, it is difficult to fully comprehend and foresee any issues. We think it is important that once finalised there is a mechanism in place for the standard conditions to be modified and improved where necessary. There may be further issues that come to light when the conditions are finalised and implemented and we would like to ensure that there is a pragmatic and adaptable approach taken to any changes to conditions that might be required.

1.4. Waste guidance

43 Do you agree that the content, style and format of the guidance provides additional clarity on the requirements of the standard conditions?

No

If you answered 'No', can you tell us why?:

Waste storage and treatment guidance
Whilst some aspects of the guidance are useful and proportionate, there are some areas where the requirements do not seem in line with level of risk. This is acknowledged at the start of the guidance and we would like to emphasise the importance of the wording in the introduction.
We have concerns around the ‘enclosure in buildings’ section within the Waste Storage and Treatment guidance. Whilst enclosing waste within a building can reduce pollutants, it is not always the best option for all waste treatment processes and has an environmental impact (e.g. concrete etc). The need for this should be based on risk and the actual emissions arising. For example, all organic waste treatment has the potential to cause emissions, these are often well managed by good operational practices. The need for a building should be based on more than the ‘storage and treatment activities are likely to cause (or are causing) environmental harm at sensitive receptors’. Operators should be able to demonstrate what alternative measures they are taking to address any emissions before the default options is to ‘enclose in a building’.
Similar is also true for the ‘fugitive emissions to air’ section. This should focus on emissions that have the potential for environmental harm at sensitive receptors. There are good practice operational techniques that can impact the potential for minimising fugitive emissions that do not involve enclosing the whole waste treatment process and this should be acknowledged in the guidance.
Measures for odour - Given composting and AD sites are designed to treat putrescible waste – the requirement for ‘restricting raw materials’ is not feasible, and they will be unable to comply with this section. This section would benefit from revision, and we suggest removal or re-wording of the first bullet point. If odourous putrescible waste arrives at a waste treatment facility, rejecting this material does not stop the waste smelling, merely transfers the ‘problem’ to another facility. If all facilities are required to reject this material – then where is it to go?
Also there is a requirement to ‘Minimise how long potentially odorous waste is kept at the facility, in particular under anaerobic conditions’ -we assume this means in storage areas or during transit but it should be clarified. When materials are treated in anaerobic digesters – then anaerobic conditions are the desired / required conditions.
Waste recovery plan guidance
We have concerns about the requirement within the purpose of work section ‘you must be able to demonstrate that you could and would carry out the works using non-waste if using waste was not authorised.’ There may be commercial barriers to using non-waste and we are not clear how this could be

demonstrated nor the purpose. This section could benefit from revision to improve clarity.
We would not like to see the financial case become a mandatory requirement for projects if determined over zealously – people undertake project for reasons often only known to themselves and not always for excessive financial gain. There is no doubt some are for cost saving, but is that not the rationale for such use of waste, to avoid using natural resources i.e. primary aggregates?
'Changing waste recovery plan' - the inability of changing a waste recovery plan seems very inflexible. There should be an ability for this to be changed even if it incurs a approval assessment cost.
The requirement for soils to achieve BS3885:2015 may be a higher standard than is actually required and could preclude the use of other fit-for-purpose soils in appropriate applications. Many naturally occurring soils in fields do not meet this standard and yet yield crops or feed stocks/grazing land and are productive and well maintained in both chemistry and structure.

3.2.9. Anaerobic digestion of non-waste materials

90 Do you agree with the list of standard conditions for the anaerobic digestion of <10 tonnes per day of non-waste materials?

No

If you answered 'No', please explain your answer below::

We would like some assurance from SEPA that regulating the anaerobic digestion of non-waste materials will not change the current interpretation of the non-waste status of the digestate produced by these plants and that this digestate can continue to be used without the need for waste regulatory controls.
We also have concerns about the following conditions:
Condition 8 – Requiring storage not above height of vessel. Material stored in clamps maybe higher than the sides, in the middle of the clamp. The important element is the material doesn't overtop the side and escape from the storage.
Condition 9a: The inclusion of a specific condition for leak detection in earth-walled lagoons presents practical challenges. We acknowledge the need to prevent leaks, but it is unclear how an effective leak detection system can be integrated into such structures. We suggest rephrasing this condition to say, 'have leak detection where practical' to allow flexibility where leak detection systems cannot be incorporated into existing earth-walled lagoons.
Condition 11- Temperature of flare. We are unsure of the justification for requiring flares to operate at a minimum temperature of 1,000ºC. The Industrial Emissions Directive (IED) sets the flare temperature for non-hazardous waste at 850ºC, albeit for a duration of two seconds, while the 1,000ºC requirement is generally associated with hazardous waste. Given this, we believe that the higher temperature requirement for non-hazardous waste flares may not be warranted. A clarification of the rationale for this temperature level would be appreciated, particularly because lower temperatures have been proven to meet the regulatory standards for non-hazardous waste.
Condition 13 – Pressure should read 32 millibar not 3.2? The pressure that any system can tolerate depends on the material used to cover tanks and the seals etc. Setting a blanket maximum may not be appropriate for all systems.
Condition 29 - This condition should be monitored using sensitive receptors rather than SEPA officers' sense of smell. Add the caveat, 'which has significant impact on the environment, people or property' to create consistency between the listed condition 28.