

Responses to Questions from the CLP Meeting 16 (11/01/2021)

Questions for the Environment Agency

- 1) *How will the EA react to the new PHE advice to cut permitted emissions? The CLP are interested in emissions in the vicinity of the plant and Marston Vale! (Clive Baker, Wootton PC) [Verbal answer provided]*

“Ed’A commented that this had already been implemented, as the BAT (Best Available Techniques) reference document (the ‘BREF’) issued in December 2020 – there is already a cut in emissions; the site would have four years to be able to reduce their emissions to meet these limits. For example, NOx has been reduced from 200 to 180; dust and particulate matter has already been reduced. She felt that this mechanism was already in play.”

As Emma D’Avilar explained on the evening the permit is a ‘live’ document; reviewed, and varied, as evidence or the law requires. This not only looks at local impact minimisation but also how technological development can be incorporated into existing operations to improve the overall environmental performance of the installation. So where existing health protection advice changes there is, as Emma explained, a mechanism for adoption into the permits. The local compliance and enforcement teams will regulate against the current permit conditions until it is legally or technically changed by the National Permitting Service who interact with EA/Government Policy Teams on these types of issues.

- 2) *Presumably, having left the EU, we are at liberty to move to lower emission levels? What impact on Covanta will lower permitted emission levels have? (Clive Baker, Wootton PC) [Verbal answer provided]*

“Ed’A stated that lower emissions levels have already been incorporated within the EU Withdrawal Agreement – [the UK] would mirror and stay aligned to limits set by the European Commission. She envisaged keeping in line with these mechanisms of continuing to lower emissions. With regard to Covanta, Ed’A felt that any new plant with new technology would easily be able to meet these lower emissions levels.”

The EA is an arm’s length-body of DEFRA, the Government Department responsible for such matters, but the stated position, as Emma D’Avilar explained, is to remain aligned to European Commission Best Available Technique Reference (BREF) guidance for environmental protection from industrial processes. The decision to tighten, or relax, environmental standards is a matter for the UK Government but, in general, there should be no ‘backsliding’ of environmental standards and protection measures and that the principle, as Emma stated, of continual improvement to meet improved emissions standards will be retained.

- 3) If the government decides to reduce the permitted pollutant levels for incinerators, will the Environment Agency change the Environmental Permit for Covanta:-

- a) depending on the wording?
- b) if the incinerator has not yet become fully operational?
- c) if the incinerator is already fully operational?

[Written questions, no answer provided yet]

The Environment Agency will implement UK law as it is changed. We can't comment on specific future legislative requirements, as we aren't the legislator, but where it has not happened the principles, outlined in Question 2, are usually that there is no 'backsliding' of emission limits; there is normally a transitional period to upgrade where it is technically feasible to do so; and that will be dependent on the stage of where any project is at. Normally the law outlines what that means. As Emma explained on the evening the Government has stated that we will mirror the current EU legislation for the time being. Please note that DEFRA are currently consulting on what the future technical requirements for industrial emissions might be:-

https://consult.defra.gov.uk/airquality/industrial_emissions_bat/

- 4) Can the EA itself change an Environmental Permit once issued? If so under what circumstances? If so, would the public be informed or consulted? **[Written questions, no answer provided yet]**

Permit variations are not uncommon. These can be very simple administrative changes, such as a correction of an address or typographical errors. They may be quite simple, requiring very little technical input, and not impacting on the day to day impacts of the site, such as improvement to a monitoring or operational technique. However, some might be quite significant and these fall under either normal or substantial variations. Either of these will undergo a significant technical review by the National Permitting Service (NPS) with statutory consultation required for substantial changes. Putting these legal and operating procedures aside we will inform this forum of any changes that have been requested so that they understand the impact from a change to operations.

- 5) Could Covanta apply for changes to the Environmental Permit? If so under what circumstances would the EA approve the application? If so, would the public be informed or consulted before the application was approved? **[Written questions, no answer provided yet]**

Most changes are applied for by the operator. The approval process is no different from a new application. Therefore some of the documentation provided under the original application would need to be updated and re submitted. The Agency will then review and, only if fully satisfied, will approve a change to the permit.

- 6) Have the EA and PHE and/or other health agencies discussed possible effects of incinerator emissions on Covid patients and/or assessed the susceptibility of people inhaling incinerator emissions to develop Covid?
- If so, what is the outcome of that consultation?
 - If not, does the EA have a duty to consult in this way?

As stated in the meeting policies surround health protection are driven by Public Health England.

At a local level the Environment Agency is engaged at Local Resilience Forums with PHE and at a National Level these will be discussed strategically at various levels of Government, including COBRA.

There has not been any indication, from local or national government, that the current pandemic changes any assumptions on the health impacts from incinerators, or any other industrial or domestic emission sources, and therefore the permit continues to provide the recommended protection necessary to protect human health and environment.

As we said in the meeting we are not health professionals and where an individual is looking for advice and guidance on a medical issue then they should contact a GP in the first instance.

[Written questions, no answer provided yet]

- 7) *If PHE shows concern regarding the impact of Covid, will the EA review the permit - or amend the terms of the permit?*

As stated in Question 6 there has been no indication from PHE that Covid is changing the assumptions that were assessed to determine the original permit. If the law, or statutory guidance, changes then we will review the permit and make the necessary changes.

- 8) *If PHE determine that there is an increased health concern for Covid sufferers and long term Covid effects, will the EA review the granting of the Permit or consider amending the terms of the Permit?*

See Question 7

[Written questions, no answer provided yet]

With regard to Covid-19, what action are the EA taking to understand how emissions from the plant might exacerbate the health impacts from the current pandemic (Paul Rolfe, Houghton PC) **[Verbal answer provided]**

“Ed’A reiterated that the EA was not a human health-based organisation; this would be down to PHE or other health authorities.”

See Question 7

- 9) *What is the impact of emissions from the plant likely to be on those living nearby? (Robina Chatham, Lidlington Resident)* **[Verbal answer provided]**

“Ed’A apologised and reiterated that [human health] was not within the EA’s competency or expertise, but rather their focus was on environmental concerns”

As Emma D’Avilar explained at the meeting the impacts on specific individuals is not something we can comment on, however, the permit conditions are in force to protect both human health and environment from adverse impacts based on the details provided in the Permit Application. The Decision Document for the Permit explains the significant consultation and assessment process that was completed to decide on those protection measures and our involvement going forward will to ensure that these permit requirements are complied with. Should conditions not be complied with we will enforce the permit as dictated by our Enforcement and Civil Sanctions Policy.

- 10) *Since the death of 9 year-old Ella Kissi-Debrah being officially related to exposure to air pollution are your “acceptable” levels of these various toxins likely to change to be lower? (David Sinfield, Cranfield PC)* **[Verbal answer provided]**

“Ed’A responded by noting that air pollution comes in many different guises. While this was not her area of expertise, she believed that emissions from these plants were continually being driven down.

NGd added that the unfortunate death of this child and the resulting inquest finding has focussed attention. Low-level emissions from car exhausts and lack of dispersion are completely different from those being dispersed from a high-level stack. He added, however, that the EA is always looking at its policies and working with health professionals to see if the limits remain valid. When these need to be tightened up, the EA tightens them up”

The answers provided by Emma D’Avilar and Neil Goudie at the meeting are correct. This is a matter for the legislator, however the permit for the facility controls, and monitors, the releases of emissions.

- 11) *Are the EA consulting with medical experts or not? (Bob Fisher, Chairman)* **[Verbal answer provided]**

“NGd confirmed that PHE was the competent authority but, with regard to the question about Covid-19, there have been various COBRA meetings at government level, that the EA is represented at this level and there is an exchange of thoughts and ideas on possible impacts. Occasionally, notes are passed down by environmental business colleagues but as yet this has not been highlighted as an issue.”

See also answer to Question 7 & 8.

- 12) *Did the EA consult with PHE prior to the pandemic? – I would assume the point of regulation is to protect our health. [Written questions, no answer provided yet]*

We consulted the PHE before issuing the permit and the conditions reflect what is required to prevent any adverse impact to human health. There has not been any indication, from local or national PHE Teams, that the current pandemic changes any assumptions on the health impacts from incinerators and therefore the permit continues to provide the protection necessary to protect human health and environment.

- 13) *How does the pandemic change things – should regulation now be stricter? [Written questions, no answer provided yet]*

See Question 12.

- 14) *During their presentation, the EA mentioned that older incinerators are producing more polluted emissions than Covanta will. Could the EA illustrate the difference with comparative, quantitative data including the age and capacity of the plants used to make the comparisons? [Written questions, no answer provided yet]*

As more and more incinerators are built so does the improvement of the abatement technology for cleaner air releases. Although older incinerators may be meeting the emission limit values required by the law, more recently designed and built plant will be able to go beyond these and therefore, by comparison pollute less per tonnage of feedstock. As well as providing quarterly environmental performance compliance reports Operators must provide an annual mass release calculation of releases for our Pollution Inventory reporting database. We will provide a quarterly update on performance, and comparators, when the plant is up and running. Until then we refer you to most recent comprehensive briefing report provided to the UK Parliament on incineration performance.

<http://researchbriefings.files.parliament.uk/documents/CDP-2020-0029/CDP-2020-0029.pdf>