

# Standard Rules Consultation No.14 Landspreading and Digestate Storage

Comments in red indicate ORG’s initial thoughts. Please let us know yours!

This document shows the key questions that need to be answered in respect to this consultation and lays out the significant changes proposed. It does not attempt to answer any of the questions, but makes some comments in red and questions for members are shown in green text within text boxes. It is a summary of actions for the REA when consulting with its members.

## What does this consultation cover?

This consultation will review the risks associated with a number of Standard Rules permits, SR2010 No4, SR2010 No5 and SR2010 No6

All of these SR permits are associated with the spreading of waste on land for ecological or agricultural benefit.

There are seven **proposed changes** which are as follows; each will be covered in more detail later in the document.

1. *Changes to the provisions for temporary storage of waste prior to spreading*

*2. Enable operators to request deployments for areas greater than 50 hectares*

*3. Prohibit spreading in Groundwater Safeguard Zones for nitrate*

*4. Add restrictions on spreading in adverse conditions*

*5. Update the list of acceptable wastes and add a number of new wastes*

*6. Require pre-notification of the intention to commence spreading*

*7. Minor amendments to existing definitions and wording to provide greater clarity and consistency*

## 1.0 Storage of wastes prior to spreading

**Current situation**: Current limit is set for 3,000 tonnes per permit, although this has been interpreted by industry as 3,000tonnes/deployment. This has meant that storage at the place of use has become the preferred option for long term storage and the EA are not happy with this as they believe this poses undue environmental risk.

**Proposed changes:**

* 1. 3,000 tonnes per deployment will be permitted –This is a helpful development.
  2. There will be a differentiation between stackable (solid) and non-stackable (liquid) with no more than 1,250 tonnes of non-stackable tonnes/deployment – Recognition of the varying risk posed between liquid and solid wastes is welcome.
  3. It will not be permissible to store more than 3,000 tonnes in a single location at any one time (of this no more than 1250 tonnes shall be non-stackable) - This is not a welcome suggestion. Feedback on the tonnage limits is welcome.
  4. NVZ requirement for field heaps will be adopted to minimise run-off. Field heaps must not be more than 30m from surface water if the land is sloping (20% slope or more)- This is good practice
  5. A storage limit of **six months** maximum allowed for temporary storage, longer term must be in a properly constructed and **actively** managed facility - Not a welcome development as changeable UK weather means that spreading within this window is always possible. What is a realistic timescale?
  6. Where digestate is stored within 200 metres of a European site, Ramsar site of SSI site digestate storage MUST be covered.-What is defined by ‘covered’, will aero covers for example be adequate for this purpose. Please let us know what covers are typically used?

2**.**0 Deployments for areas greater than 50 hectares (applicable to SR2010 No4 and No6 only)

**Current situation:** Currently the maximum allowable area for each deployment submitted is 50 hectares.

**Proposed changes:**

2.1 It is proposed that where deployments relate to a ‘continuously managed area of land’, the EA will allow the area to cover 150 hectares- This is a welcome change

**Action: REA to propose what the definition of ‘*continuously managed area of land’* should be. This needs to be unambiguous and clear.**

## 3.0 Groundwater Safeguard Zones for nitrate

**Current situation:** Landspreading of highly available nitrogen wastes such as compost and digestate can be carried out under a SR permit.

**Proposal:**

3.1 The proposal is that ‘high readily available nitrogen wastes’ are not allowed to be stored or spread within a groundwater Safeguard Zone for nitrate.

\* A definition of high readily available nitrogen wastes derived from the Nitrate Pollution Prevention Regulations is included in the interpretation section.of SR2010No4 permit: ‘“high readily available nitrogen wastes” has the meaning given in the Nitrate Pollution Prevention Regulations 2008 (as amended), i.e. organic wastes in which more than 30% of the total nitrogen content is available to the crop at the time of spreading’

ORG comments: readily available nitrogen in digestate tends to exceed 30 % of its total nitrogen content so the proposed change would prevent the storage and spreading of HRAN digestates in any Groundwater Safeguard Zone for nitrate. Impact could be highly adverse where a significant proportion of the landbank previously available to an AD operator becomes unavailable because it is a Groundwater Safeguard Zone for nitrate. How would you be affected?

## 4.0 Spreading in adverse conditions

**Current situation:** Under the current U10 and U11 exemptions, there is a clause that restricts the spreading of wastes to land if;

* the land has been frozen for 12 hours or more in the preceding 24 hours
* the land is waterlogged, frozen or snow covered

**Proposal:**

4.1 As with the above landspreading exemptions, the same conditions should be applied. – This appears to be good practice and should not be an issue.

## 5.0 List of acceptable wastes

There is recognition that under the current situation there is a need to add new waste types to the SR permit.

**Question for the REA and members: What additional waste types should be included in the SR permit? Evidence is required to demonstrate the benefits of any suggested material**.

## 6.0 Require pre-notification of the intention to commence spreading

**Current situation:**

There is a voluntary approach to pre-notification, however the EA does not consider this to be operating successfully. Those who pre-notify feel that they are being unfairly targeted in respect to their compliance scores.

**Proposal:**

In the event that spreading ceases for more than seven days, the EA must be given at least 48 hours notice that spreading will re-commence.

**The EA has invited suggestions on how they should be notified that spreading is taking place such as:**

* **text, email or any other suggested means.**

## 7.0 Minor amendments to existing definitions and wording

Where sites are also regulated by site based environmental permits and they show significant variance with the mobile plant permits then the site based permit will take precedence. I am not clear as to the significance of this? Not an issue for industry?

**Transitional arrangements**

Existing permit holders have six months to decide on whether to surrender their permit or operate under the revised SR permit.

* Any deployments submitted in this time will be assessed under the current rules and will be valid for 12 months. Acceptable
* All deployments submitted six months after date of publication will be assessed under the revised standard rules. Acceptable

## Amendment to the standard rule permit and risk assessment for the storage of digestate from anaerobic digestion plants (storage of digestate in containers or lagoons). SR2010 No 17

**The proposal is as follows:**

1. Expand the list of acceptable wastes to include all non-hazardous wastes listed in SR2010Nos 4, 5 and 6. A welcome addition

2. Remove the exclusion on wastes consisting solely or mainly of dust powder and loose fibres. These wastes will be acceptable if they are stored in a building. A welcome addition

3. Require stackable wastes to be stored on an impermeable surface with sealed drainage. Will reduce risk of environmental pollution but will it be cost effective? Should the EA provide a surface impermeability specification and/or make clearer what kinds of surface material would be acceptable?

4. Require containers used to store non-stackable wastes to be constructed to CIRIA 126 specifications. Needs further investigation as to how onerous this requirement is. A potentially demanding requirement.

5. High readily available nitrogen wastes may be stored but containers must be covered to prevent ammonia emissions. What does this mean in respect to ‘cover’, will a floating ‘aero’ type cover be sufficient?

6. Different wastes must be stored separately. Good practice, assume this is output materials not input?

7. Minor amendments to existing wording and definitions to provide greater clarity and consistency. Acceptable

**Transitional arrangements;**

* Any application for a new permit will be treated as an application for the revised rules
* Existing permit holders have a period of three months in which to decide whether to surrender their permit or to operate under the revised standard rules. Why not six months as with the changes to SR above?

**The EA has asked for feedback on the following questions**:

**Question one:** Have we correctly identified all the risks for each activity, as described in the generic risk assessments associated with the consultation?

**Question two:** Do you consider that reducing the storage period allowed in mobile plant standard rules from 12 months to 6 months will be effective in stimulating investment in contingency storage facilities and lead to greater business resilience.

**Question three:** Can you suggest other wastes that could be suitable for inclusion in these standard rules.

**Question four:** Do the codes and descriptions for ashes cover the range of waste ashes being spread on land?

**Question five:** What would be your preferred method for pre-notifying us of the intention to commence spreading operations?

**Question six:** For deployments of up to 100 hectares how would you prefer the standard rules to define ‘continuously managed area of land’?

**Question seven:** We consider that taken as a whole the package of proposals described here will not have a significant financial impact on the wider business community. If you agree or disagree, please explain why, and provide evidence to support your view of the likely impacts.

**Question eight:** Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions.