

**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	Hooton Park Sustainable Energy Facility				Permit Ref	CP3733QJ	
Operator/ Permit holder	HOOTON BIO POWER LIMITED						
Date	31/12/2024				Time in		Out
What parts of the permit were assessed	Emissions monitoring Dioxin & Furan, Q3 & Q4 (Jul-Dec) 2024						
Assessment	Report/data review	EPR Activity:	Installation	X	Waste Op	Water Discharge	
Recipient's name/position	MSA Operations Manager						
Officer's name	Phil Bridges				Date issued	14/01/2025	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the Detailed Assessment of Compliance (section 2) and the Actions (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary				Condition(s) breached
a) Permitted activities	1. Specified by permit	N		
b) Infrastructure	1. Engineering for prevention & control of pollution	N		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	N		
	4. Containment of stored materials	N		
	5. Plant and equipment	N		
c) General management	1. Staff competency/ training	N		
	2. Management system & operating procedures	N		
	3. Materials acceptance	N		
	4. Storage handling, labelling, segregation	N		
d) Incident management	1. Site security	N		
	2. Accident, emergency & incident planning	N		
e) Emissions	1. Air	*C3		3.1.2
	2. Land & Groundwater	N		
	3. Surface water	N		
	4. Sewer	N		
	5. Waste	N		
f) Amenity	1. Odour	N		
	2. Noise	N		
	3. Dust/fibres/particulates & litter	N		
	4. Pests, birds & scavengers	N		
	5. Deposits on road	N		
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N		
	2. Records of activity, site diary, journal & events	N		
	3. Maintenance records	N		
	4. Reporting & notification	A		
h) Resource efficiency	1. Efficient use of raw materials	N		
	2. Energy	N		

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), **N** = Not assessed, **NA** = Not Applicable, **O** = Ongoing non-compliance – not scored

MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	0
If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response			

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Actions from report CP3733QJ/0509900, dated 05-07-24 - Emissions monitoring Dioxin & Furan, Q1 & Q2 (Jan-Jun) 2024:

1. Report received 19-07-24. Dioxin and Furan Emissions Control Action Plan.
2. Report received 19-07-24. Temperature & Two second residence time resolution report
3. Report received 05-07-24 and 19-07-24. Investigation undertaken into the line 20 D&F failure 24 June 24.
4. E-mail summary of actions HBPL D&F Actions, received 21-08-24, following meeting with EA 21-08-24.
5. Continuous samplers now to be in place by 16-01-25 (updated following meeting 21-11-24).

Emissions monitoring of Dioxin and furan (ITEQ) over Q3 and Q4 (Jul-Dec) 2024

This report relates to periodic emissions monitoring of Dioxin / Furan (ITEQ), (D&F), for the period Q3 and Q4 (Jul-Dec) 2024. Relevant permit conditions are: 3.1.2, 4.3.1, 4.3.2. When assessing compliance of emissions on a quarterly basis the Environment Agency has assessed Dioxin / Furan (ITEQ) emission separately, because there remains ongoing work by the operator to identify and resolve the cause.

An initial action plan was produced in December 2023, since then further investigations, modifications and control measures have progressively been implemented based on learnings to establish the root cause factors for failures which has been complicated by interspersal with compliant results. As it could not be evidenced that the plant could continually operate within the ELV it was shut down on 18-09-24 whilst further investigation works were conducted. These works together with previous and planned further work were summarised in a report submitted to us 19-11-24, Dioxin & Furan Emissions Report Rev01.

The operator has since produced a further detailed action plan including timescales that incorporates a proposal to operate one line only for purpose of testing and identification of the cause of the D&F formation emission failures and restart of a second line only on receipt of at least four sequential compliant D&F stack test results from the line being tested.

We have agreed to this action plan and taken into consideration a human health risk assessment (HHRA) completed in December 2023, see our compliance report Ref: CP3733QJ/0491283 – 09-02-24. This report is to be reviewed and reported as part of the operator's action plan by 17-01-25.

Schedule 5 Notification received for dioxin & furan (I-TEQ) over the Q3 & Q4 2024 period:

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- 23-07-24, reported 16-08-24. Line 10 (A1) D&F ITEQ failure. 0.09ng/m3 compared with ELV of 0.06ng/m3.
- 28-08-24, reported 20-09-24. Line 20 (A2) D&F ITEQ failure. 0.7224ng/m3 compared with ELV of 0.06ng/m3.
- 29-08-24, reported 18-09-24. Line 10 (A1) D&F ITEQ failure. 0.32ng/m3 compared with ELV of 0.06ng/m3.
- 24-10-24, reported 05-11-24. Line 10 (A1) D&F ITEQ failure. 0.24ng/m3 compared with ELV of 0.06ng/m3.

Emissions monitoring assessment and compliance with permit conditions

Permit condition 3.1.2, Schedule 3, Table S3.1 sets a limit for Dioxin / Furan (I-TEQ) of 0.06ng/m3, this was exceeded on 4 occasions over Q3 and Q4, 2024. We have assessed this breach of permit condition 3.1.2 at a Cat 3, as the HHRA concludes that no significant impacts are predicted to occur.

In accordance with our compliance classification guidance we have assessed the failures on a quarterly basis and for each emission point, A1 and A2. We have therefore recorded 3, Cat3, non-compliance with permit condition 3.1.2, over Q3 and Q4 (Jul-Dec) 2024, for failure to meet the dioxin / furan (I-TEQ) emission limit. (Q3 - 2, Q4 - 1).

The compliance scores are currently suspended for these failures in accordance with our guidance on assessing and scoring environmental permit compliance, principle 5. This is because the operator is following a voluntary action plan that we have accepted:

- Investigatory report, history and outline of work carried out and proposed (HBPL Dioxins & Furans Report Nov24)
- Action plan timeline. (HBPL Action Plan Timeline Nov 24)
- Action details with dates (HBPL D&F Action Plan R2 **and** HBPL Action Method Statements Numbers 1-34)
- Conditions of restart

For D&F periodic sampling and analysis there is a delay between the date of sampling / analysis and reporting of results to account for laboratory time. We have accepted reasonable delays to reporting results to allow for this

Section 3- Enforcement Response

Only one of the boxes below should be ticked

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence* and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

**Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

X

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
E1	C3	Complete actions identified in the Action plan, Nov 24, by the specified dates.	31/05/2025

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence* and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

A breach of permit condition **MSA, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

MSA requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

MSB requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

TCM requires the submission of technical competence information.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If a permit holder disagrees with the CAR form, they should raise their concerns to the officer or team which issued the form. This must be done within 14 calendar days of receipt. If the response does not resolve the issue, a permit holder can request an appeal of the regulatory decision. This request must be made within 28 calendar days of receipt of the response. More details on our regulatory appeals process can be found at

<https://www.gov.uk/guidance/appeal-a-regulatory-decision-from-the-environment-agency>.

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary and Health Service Ombudsman phone their helpline on 0345 015 4033.