



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	05/07/2024				Time in		Out
What parts of the permit were assessed	Emissions monitoring Dioxin & Furan, Q1 & Q2 (Jan-Jun) 2024						
Assessment	Report/data review	EPR Activity:	Installation	X	Waste Op	Water Discharge	
Recipient's name/position	Operations Manager						
Officer's name	Phil Bridges				Date issued	05/07/2024	

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	N	
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)	4
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.

Emissions monitoring of Dioxin and furan (ITEQ) over Q1 and Q2 (Jan-Jun) 2024

This report relates to periodic emissions monitoring of Dioxin / Furan (ITEQ), (D&F), for the period Q1 and Q2 (Jan-Jun) 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 was work ongoing to identify and resolve the cause and we wanted to include details of that work and any potential impacts that it had made on the D&F emission.

In December 2023, the operator completed a human health risk assessment (HHRA), see our compliance report Ref: CP3733QJ/0491283 – 09-02-24.

At the end of 2023 and start of 2024, the operator has been undertaking work to identify a likely cause of D&F failures and made some changes to the plant.

- This work has included:
- 1.Improved coating of PAC on abatement bag filters by:
 - Relocation of PAC dosing nozzle approximately 6m upstream in flue gas flow.
 - Increasing nozzle insertion length from 60mm to 850mm at the centre of the gas flow.
 - Change of nozzle to spiral nozzle to improve distribution of PAC
 - 2. Following failure of T2S testing of Line20, 24&25th January 2024, changes have been made to increase temperature of tertiary air flow in the vicinity of the qualifying secondary combustion zone QSCZ.
 - 3. It is understood that these changes have also been applied to Line10, but that this line remains to be T2S tested.
 - 4. Further T2S testing of Line20, 16-19th April 2024, taken place and demonstrated that T2S was met.

Since the beginning of this year a number of D&F tests have been reported on each line as follows:

	Line 10, (A1)	Line 20 (A2)
30-01-24		0.1598ng/m3
08-02-24		(0.2527ng/m3)*
08-02-24	0.2527ng/m3	
13-02-24		(0.14ng/m3)*

07/08-03-24	0.1330ng/m3	
10-04-24	0.0223ng/m3	
16-04-24	0.0004ng/m3	
02-05-24		0.0104ng/m3
03-05-24	0.0255ng/m3	
15-05-24		0.7781ng/m3

Note: * operator should check this data is correct.

Schedule 5 Notifications received for dioxin & furan (I-TEQ) over the Q1 & Q2 2024 period

Schedule 5 Notifications over the period and relating to dioxin & furan (I-TEQ) have been received as follows:

- 30-01-24, notified 01-03-24. Line20 (A2) D&F ITEQ failure. 0.1598ng/m3 compared to ELV of 0.06ng/m3.
- 08-02-24, notified 08-03-24, Line20 (A2) D&F ITEQ failure 0.2527ng/m3 compared to ELV of 0.06ng/m3. **ACTION: Please check this, the Notification refers to emission point A2, whilst accompanying Envirocare report ES-1640, refers to failure of Line10 (A1).**
- 07/08-03-24, notified 03-05-24. Line10 (A1) D&F ITEQ failure 0.1330ng/m3 compared to ELV of 0.06ng/m3.
- 15-05-24, notified 24-06-24. Line 20 (A2) D&F ITEQ failure, 0.7781ng/m3, compared to 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 Q1 and Q2, 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-compliances with permit condition 3.1.2, over Q1 and Q2 (Jan-Jun) 2024, for failure to meet the dioxin / furan (I-TEQ) emission limit. (Q1 - 1, Q2 - 2).

Air 9 report for periodically monitored emissions for emission point A2, submitted on 03-05-24, identifies a D&F ITEQ emission failure result on 13-02-24, at 0.14ng/m3, however, no Schedule 5 Notification has been received for this. **Action:** Please confirm validity of this measurement and provide a copy of the laboratory test report that it relates to.

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

Action requested

There have now been multiple exceedances of the D&F emission limit and the root cause has not yet been clearly confirmed to the Environment Agency. A further exceedance on 15 May 2024, occurred, the cause currently unconfirmed, but may relate to a frozen load cell on the PAC dosing system, we are now requesting the following actions and work are completed:

1. Submit a detailed report of the work that has taken place on the changes to improve the PAC

dosing system and demonstration of the effectiveness of the work, **by 19th July 2024.**

2.Submit a detailed report of the work that has taken place on the changes made to the secondary combustion chamber and air flow, **by 19th July 2024.**

3.Provide details of the investigation undertaken to confirm the source of the dioxin failure on Line20, 15-05-24, and any proposed work, **by 12th July 2024. (report received 05-07-24, but not yet assessed).**

4.Provide details of any further investigation or work planned to investigate dioxin formation on the plant, **by 19th July 2024.**

5.Install an MCERTS-certified continuous sampler for a minimum period of 12 months on each line at a fixed representative monitoring point, **by 11 November 2024.**

6. Take fortnightly samples from the continuous sampler, analyse and report the results to EA. The report should include an interpretation of results.

7. Agree a methodology with EA for when continuous sampling shall commence / cease during start-up and shutdown periods. Prior to taking samples.

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	See details section of report - Actions requested and dated from 12-07-24.	22/07/2024

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.