

## Powerfuel Portland Limited

# Portland ERF

## EP Clarification

---

The Environment Agency (EA) has issued a request for further clarification in relation to the EP application for the Portland ERF (the Facility) in relation to:

1. The Operator; and
2. IBA Storage/Handling.

This note is intended to address the request from the EA. For clarity, the questions from the EA are included in **bold**.

## 1 Operator

**Confirm the operational arrangements for the proposed installation. How will Powerfuel Portland Limited meet the requirements of the legal operator?**

Powerfuel Portland Ltd (Powerfuel) is a private company which has been set up for the development, management and operation of the Facility.

Powerfuel acknowledges that 'The Operator', as defined in the Regulation 7 of the Environmental Permitting Regulations, is 'the person who has control over the operation of a regulated facility'. Furthermore, in accordance with DEFRA and Environment Agency (EA) Guidance titled 'Guidance: Legal operator and competence requirements: environmental permits' (referred to as the Operator Guidance), the Operator must:

- have day-to-day control of the facility or activity, including the manner and rate of operation;
- make sure that permit conditions are complied with;
- decide who holds important staff positions and have incompetent staff removed, if required;
- make investment and financial decisions that affect the facility's performance or how the activity is carried out; and
- make sure its activities are controlled in an emergency.

In addition, the EA Guidance titled '*Legal operator and competence requirements: environmental permits*' also states:

*'If contractors work at your site, you can still be classed as the legal operator if you have sufficient control of the activities carried out by your contractors.'*

It is acknowledged by the project team that it has advised stakeholders that it will subcontract the day-to-day operation of the Facility to a third-party organisation through an operation and maintenance (O&M) contract. However, Powerfuel will ensure that, through the terms and conditions of the O&M contract, it retains control of the Facility, that the Facility is operated in accordance with the instructions of Powerfuel and that all of the requirements of the Operator Guidance are complied with, including making investments and financial decisions which will influence the performance of the Facility.

For clarify, the O&M Contractor would not be able to be listed as the Operator on the EP. Whilst it would be able to fulfil most of the responsibilities of an Operator, it would not be in a position to 'make investment and financial decisions that affect the facility's performance or how the activity is carried out'. As the owner of the Facility, Powerfuel is able to make investment decisions.

Taking the above into consideration, Powerfuel considers that it will be the 'legal operator' of the Facility, and is in accordance with EA Guidance.

## 2 IBA Storage/Handling

**Confirm the proposed arrangements for the storage, handling and removal of incinerator bottom ash (IBA) from the installation. Including clarification of the proposals for using a barge (or similar vessel) to transport the IBA (including loading operations).**

As set out in section 1.4.5 of the Supporting Information:

*The quenched ash will be transferred to a dedicated IBA storage area. There will be regular collections of IBA from the IBA storage area for transfer off-site to a suitably licensed waste facility.*

Furthermore, as set out in section 2.9.2 of the Supporting Information:

*Powerfuel intend to transfer IBA from the waste incineration plant to an off-site IBA processing facility for recovery/recycling.*

To further clarify the arrangements, the bottom ash is loaded onto road vehicles within an enclosed ash handling/storage area for transport off-site. There are no proposals to undertake the treatment of IBA within the Facility.

The planning application for the Facility indicates that IBA will either be:

1. transferred out of Portland Port and off the island of Portland, via road; or
2. transferred onto barges within Portland Port for onward transfer.

The planning application has considered both of these options, with the transfer via road being considered as the most conservative case for transport assessment purposes.

Powerfuel has progressed extensive discussions regarding the treatment and processing of IBA with a specialist processor of IBA which has operational facilities in the UK (Day Group). Day Group has indicated that the transfer of IBA via barge to its specialist facility at Greenwich (on the River Thames) or to Bristol (on the Avonmouth Dockside) would be preferable from a transport sustainability and carbon perspective, and that transfer via road to its facility in Bristol would also be acceptable.

Furthermore, Powerfuel's understanding is that Portland Port is able to transfer IBA to vessels at the Port should a transfer by barge be able to be agreed commercially between the relevant parties and the relevant permits are able to be secured for the transfer operations.

Currently, Powerfuel is not aware that there are any commercial agreements between Day Group (or any other specialist IBA processors) and Portland Port and the EA has not granted an EP for a waste transfer facility within the Port. Therefore, this is not considered to be an available option at this stage, but Powerfuel will continue to review this with the Port and any potential IBA processors.

We trust that the information contained in this note is sufficient to enable the EA to progress with the EP determination process.

Yours sincerely

FICHTNER Consulting Engineers Limited



James Sturman  
**Lead Consultant**



Stephen Othen  
**Technical Director**