

# **Food Drink and Milk Industries Best Available Techniques Reference (FDM BRef)**

## **Guidance for completing the Regulation 61 Information Notice Response**

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### Section 1: Introduction

The purpose of this guidance is to assist operators in completing the Regulation 61 Information Notice (Reg 61 notice) which is issued to initiate the sector permit review process for the FDM BRef.

The aim is to ensure that you can respond to the notice in a time efficient manner and provide the required information using the response tool spreadsheet.

This guidance should be read in conjunction with the [FDM BAT conclusions](#) , explanatory notes in the Reg 61 notice and instructions in the response tool spreadsheet.

For ease of reference, the key guidance documents are also available at <https://consult.environment-agency.gov.uk/psc/permit-reviews-for-food-drink-milk-industries>

For each relevant BAT conclusion (BATc) we are seeking confirmation that you are either currently compliant or will be compliant by 4 December 2023 when the four year implementation period ends for existing installations. You should include completion dates for any identified improvements.

## Section 2: Explanation of BAT conclusions

There are three categories of BAT conclusion in the FDM BRef as described below. You will be asked for your current performance against each type of BATc.

- 1) BAT- Associated Emission Levels (BAT-AELs).  
These apply to releases of pollutants to the environment i.e. to air and for direct emissions to watercourses. They do not apply to sewer discharges.  
You must comply with relevant BAT-AELs by the end of the four year implementation period unless a formal request for derogation has been approved. **If you believe you will require a derogation then we strongly recommend that you tell us about it immediately.**
  
- 2) BAT-Associated Emission Performance Levels (BAT-AEPLs).  
These are indicative environmental performance levels and it is expected that you will comply with the relevant sector specific benchmarks for energy consumption and/or water consumption/wastewater discharge.  
You may be able to justify deviation from these benchmarks based on site specific factors eg your product range. A formal derogation is not required for this however you should include a robust justification in the Information Notice response.
  
- 3) Narrative (descriptive) BAT.  
These are descriptive techniques without any associated numerical values. They are neither prescriptive nor exhaustive and you may propose alternative techniques provided they give the equivalent level of environmental protection. You should explain how this equivalent level of protection is achieved for each alternative technique.

## Section 3: FDM General BAT conclusions

BAT conclusions 1-15 are cross sector and it is expected that they will apply to most, if not all, of the activities covered by the FDM BRef.

There are some exceptions.

For example BATcs 4 and 12 relate to monitoring and treatment of wastewater. They do not apply to sectors which are essentially dry processes where no effluent is generated eg grain milling or compound feed.

Similarly BAT 9 on refrigerant use only applies to sectors where cooling/chilling or freezing is carried out.

You should briefly explain why any particular General BATc is not applicable.

Space is provided in the response tool spreadsheet (column H on the relevant tab) for you to provide details on how you comply with each relevant BAT conclusion, or why one is not applicable. You should provide sufficient evidence to demonstrate compliance eg a description of the techniques you employ, the monitoring you carry out or a table or graph of emissions.

It may be easier to do this by inclusion of a separate attachment eg Word document as a report, in which case you should ensure that the additional file (and section) is appropriately cross referenced in Col I of the response tool spreadsheet.

The following table provides specific guidance to help prepare your response for each General BATc.

<b>Additional guidance for General BAT conclusions 1-15</b>		
<b>BAT Ref No.</b>	<b>Topic</b>	<b>Guidance for completion</b>
<b>BAT 1</b>	Environmental Management System (EMS)	<p>Although not compulsory, an externally accredited EMS such as ISO14001 or EMAS ought to contain the required level of information to demonstrate compliance with this BATc. If you have such an EMS, provide written confirmation that it addresses all the requirements listed including Noise Management Plan, Odour Management Plan, inventory of raw materials and energy efficiency plan together with evidence of accreditation.</p> <p>If your EMS is not externally accredited, you should consider each individual feature listed and briefly summarise how it is addressed in your EMS or otherwise propose a timescale for inclusion.</p> <p>You are not expected to reproduce entire sections of your EMS for this response.</p>
<b>BAT 2</b>	Raw materials and emissions inventory	<p>You should provide confirmation that the Requirements I to VI described in this BATc are all addressed within your EMS or otherwise propose a timescale for inclusion.</p> <p>We will require specific information in your response regarding the characterisation of your wastewater streams and waste gas streams as set out in Requirements III and IV. Where applicable, this information should be provided in the emissions to water and emissions to air worksheets in the response tool.</p> <p>In particular, we want to know whether your effluent contains the substances listed in BAT 4.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• Where present in your raw materials eg total phosphorus in milk.</li> <li>• Where used in your production process eg chlorides arising from brining in cheese production.</li> <li>• Where present in ancillary chemicals eg total phosphorus in cleaning chemicals, ferric chloride in effluent treatment or nutrients added to biological treatment systems.</li> </ul> <p>You should include details of pollutants to air even if there is no current permit limit or monitoring requirements.</p> <p>Note that you are not expected to carry out monitoring to obtain the above information if it is not already available.</p> <p>You can demonstrate compliance with the raw materials consumption/waste minimisation aspects in Requirements V and VI if you currently participate in the Waste and Resources Action Programme (WRAP) Target Measure Act initiative. If applicable, provide evidence of participation.</p> <p>In your response to Requirement V please state whether sub-metering is provided for the principal units consuming energy and water.</p>

<b>BAT 3</b>	Monitoring of process parameters for wastewater	<p>This applies to wastewater discharges to watercourses and to sewer, including discharges from on-site effluent treatment plants (ETPs) and untreated discharges. Its purpose is to ensure that you have appropriate monitoring of process parameters in place for effective management of ETPs and direct discharges.</p> <p>Monitoring requirements for process parameters will be dependent on the nature of treatment provided and should be specified by competent personnel (e.g. ETP supplier, contractor or consultant etc). For untreated discharges to sewer, there may be minimal monitoring, however you should still outline the extent of what you do.</p> <p>The BAT conclusion cites flow, pH and temperature monitoring as examples however there may be other key parameters eg COD loading, dissolved oxygen, sludge microscopy etc.</p> <p>You should identify your key process parameters and the rationale for their selection. Describe your monitoring programme for all key process parameters for each stage of effluent treatment (preliminary, primary, secondary etc) or for the untreated discharge if there is no ETP.</p> <p>Describe how you use this monitoring data for effective management of plant performance eg trend analysis.</p>
<b>BAT 4</b>	Monitoring of emissions to water	<p>For each relevant substance:</p> <ul style="list-style-type: none"> <li>i) Confirm if you currently carry out monitoring and specify the frequency.</li> <li>ii) Provide details of the sampling method eg flow proportional composite sampler or spot sampling etc.</li> <li>iii) Provide details of the <a href="#">monitoring standard</a> you use.</li> <li>iv) Confirm if the sampling and monitoring arrangements are <a href="#">MCERTs</a> approved.</li> </ul>
<b>BAT 5</b>	Monitoring of emissions to air	<p>If your sector is listed in BAT 5 of the FDM BAT conclusions document you must provide the following information for each relevant substance:</p> <ul style="list-style-type: none"> <li>v) Confirm if you currently carry out monitoring.</li> <li>vi) Provide details of the <a href="#">monitoring standard</a> you use.</li> <li>vii) Confirm if the sampling and monitoring arrangements are <a href="#">MCERTs</a> approved.</li> </ul>
<b>BAT 6</b>	Energy efficiency	<p>Although not compulsory, certification to ISO 50001 Energy Management will be accepted as evidence that you comply with this BATc.</p> <p>Where applicable, provide evidence of accreditation.</p> <p>Otherwise you should provide a brief summary of your Energy Management plan and the relevant techniques used.</p>
<b>BAT 7</b>	Water consumption	<p>Provide a brief summary of how you implement each relevant water minimisation technique and/or any other techniques not described.</p> <p>For BAT technique (h) you should state whether a CIP system optimisation check has been carried out, including assessment of rinse times and minimisation of product losses, to ensure</p>

		efficient use of water, avoidance of “over-cleaning” and minimisation of effluent loading.
<b>BAT 8</b>	Harmful substances in cleaning/disinfection	<p>Provide a summary of your procedure to assess chemicals used in the installation and identify potential alternatives less harmful to the environment. If you have no such procedure then propose a timescale for implementation.</p> <p>BAT technique a: This applies mainly to Priority Hazardous Substances/Specific Pollutants as identified in the Water Framework Directive (2000/60/EC). Details of relevant substances are available <a href="#">here</a>. For example Triclosan is a Specific Pollutant which is used as an anti-bacterial agent in some hand cleaners. It is not readily degradable and so may persist through wastewater treatment processes. Confirm if any such substances are used on-site and describe the procedures in place to eliminate or reduce use eg substitution with suitable alternatives.</p> <p>BAT technique b: Describe how you have optimised your CIP system, including chemical dosing and recovery, to ensure efficient use of cleaning chemicals.</p>
<b>BAT 9</b>	Refrigeration and Ozone Depleting Substances and substances with high Global Warming Potential (F- Gases)	<p>Provide details (type and system capacity) of any refrigerants containing ozone depleting substances or F-Gases used in the permitted installation. If R22 is used then you should propose a timescale for replacement. For F-Gases you should consider both short and longer term improvement opportunities in your response:</p> <ul style="list-style-type: none"> <li>i) Where appropriate, identify options for drop-in replacement.</li> <li>ii) Make initial proposals for end of life replacement of high GWP systems.</li> </ul> <p>Examples of drop-in replacement include using R448A or R449A instead of R404A. For end of life system replacement, describe how you will select refrigerants with the lowest practical GWP. Overall energy efficiency should be taken into account when considering alternative refrigerants as the indirect carbon dioxide emissions from energy consumption are much greater than direct emissions associated with refrigerant losses.</p>
<b>BAT 10</b>	Resource efficiency	<p>The recommended approach to address this BAT conclusion is to describe how you implement the waste hierarchy for the food and drink sector for your process related waste streams. For further information refer to: <a href="#">Defra waste hierarchy for the food and drink sector</a></p>
<b>BAT 11</b>	Uncontrolled emissions to water	<p>This BATc applies to both discharges to water and sewer. Describe the measures in place to a) detect uncontrolled releases into drainage systems from spills etc and b) prevent their discharge off site. Examples include in-line monitoring, emergency storage tanks, slam-shut valves etc. Provide a summary of any risk assessment carried out.</p>

<b>BAT 12</b>	Wastewater treatment techniques	Information on wastewater treatment techniques should be provided for discharges to water and to sewer. Briefly explain why you consider your combination of techniques is appropriate. Justification is required where no on-site treatment is provided, taking into account the nature of the wastewater and any subsequent off-site treatment.
	Emissions to water BAT-AELs	These BAT-AELs apply for direct emissions to water. This includes discharges to surface water sewers which discharge into the environment with no additional treatment. They do not apply to discharges to sewer with off-site downstream treatment. When assessing compliance with the stated BAT-AELs, you should include a summary of monitoring data which is both recent and representative. Typically this would be for a minimum of 12 months where the effluent composition is consistent with frequent monitoring or 3 years where the effluent composition is variable eg with seasonal/campaign production or where monitoring is infrequent. Please include the range of values, mean and number of samples the assessment is based on. Some sectors may benefit from a higher upper end of the BAT-AEL range, subject to the pollutant removal rate. For example in the dairy sector the COD upper limit may be increased from 100 mg/l to 125 mg/l if the removal rate is $\geq 95\%$ . If you believe this could apply to you then you must provide an assessment of the pollutant removal rate. This should be calculated on a flow weighted basis over a minimum of 12 months. A BAT-AEL for either COD or TOC will be included. If you prefer TOC then you should provide an assessment of the relationship between COD and TOC for your effluent.
<b>BAT 13</b>	Noise Management Plan (NMP)	A response is only needed where you are required under your permit to implement and maintain a Noise Management Plan. Please provide the NMP document reference and confirm its status (approved, under assessment etc).
<b>BAT 14</b>	Noise reduction techniques	If you are already required to implement a NMP then this ought to be addressed in that document. If you are not required to implement an NMP, provide a brief summary of the relevant techniques you use to ensure that noise problems do not arise.
<b>BAT 15</b>	Odour Management Plan	A response is only needed where you are required under your permit to implement and maintain an Odour Management Plan. Please provide the OMP document reference and confirm its status (approved, under assessment etc). Detailed information is required where odour abatement plant is installed as BAT requires that odorous emissions from the regulated activity are contained and treated by a properly designed odour abatement system, meeting appropriate emission levels (in terms of odour units) so as to prevent odour nuisance. You should be able to demonstrate that you have effective controls in place to monitor and maintain your site abatement system to achieve continual optimum conditions.

		<p>Your Reg 61 Notice response should describe these controls which may include the following operating parameters (depending upon the abatement system used):</p> <ul style="list-style-type: none"> <li>• gas flow or loading rate- to ensure flow rates allow for sufficient residence time</li> <li>• bacterial viability (applicable to bio-oxidisation treatment systems)</li> <li>• gas temperature</li> <li>• Odour removal efficiency- by sampling the inlet and the outlet of system gas stream to be monitored for Odour concentration (OUe/m<sup>3</sup>) once per year at minimum.</li> <li>• pH &amp; redox potential – (applicable for chemical scrubbing and bio-oxidisation systems)</li> <li>• Gas humidity or moisture content (for the inlet gas stream of carbon filter)</li> <li>• back-pressure</li> <li>• Ammonia and hydrogen sulphide (in both input and exhaust gas streams)</li> <li>• Energy requirements for providing adequate and continuous airflow</li> </ul> <p>You should also specify the target emission levels which your abatement system is designed to achieve, either in odour units or concentrations of specific substances.</p>
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## Section 4: FDM Sector specific BAT conclusions

These apply to the sectors specifically listed in Section 2 of the FDM BATcs document and on the individual worksheets in the information response tool.

Depending upon the activities you carry out, you may need to refer to other sector specific BAT conclusions in addition to your own.

Examples include:

- Sugar processing installations which carry out beet pulp pelletising should refer to the relevant animal feed sector BAT conclusions.
- Grain milling installations which carry out pelletising of husks etc for animal feed should refer to the relevant animal feed sector BAT conclusions.
- Whisk(e)y producers should refer to relevant grain milling BATcs.

### **BAT-AELs for emissions to air**

You should clearly state in your response whether you currently comply with the relevant BAT-AELs or otherwise will comply by 4 December 2023.

If you cannot comply with the BAT-AELs, you should discuss any potential derogation application with your regulator as soon as possible.

Where prompted in the response tool, provide available monitoring data to support your response. Where available, this should cover a three year period or a minimum of six samples whichever is the greater.

### **BAT-AEPLs for specific energy consumption**

You should clearly state in your response whether you currently comply with the relevant BAT-AEPLs or otherwise will comply by 4 December 2023.

Where prompted in the response tool, provide available consumption data to support your response.

You may be able to justify why the BAT-AEPL ranges are not applicable to your activity due to site specific factors such as the nature of your particular product range which may be more energy intensive. You are expected to provide a robust justification as to why this is the case, together with a suitable alternative BAT-AEPL.

### **BAT-AEPLs for specific wastewater discharge**

You should clearly state in your response whether you currently comply with the relevant BAT-AEPLs or otherwise will comply by 4 December 2023.

Where prompted in the response tool, provide available consumption data to support your response.

You may be able to justify why the BAT-AEPL ranges are not applicable to your activity due to site specific factors such as the nature of your particular product range which may require a higher rate of water use for cleaning etc. You are expected to provide a robust justification as to why this is the case, together with a suitable alternative BAT-AEPL.

## **Section 5: Emissions to water and impact assessment**

Emissions to water are a key environmental issue for the Food and Drink sector and so this topic will be addressed in detail in the permit review.

In addition to implementing the FDM BAT conclusions for emissions to water, we will be taking account of the Water Framework Directive (WFD) requirements and the potential effects of other harmful chemicals eg pesticide residues.

This means that we will require information about your emissions to water/sewer and may also require an impact assessment to demonstrate there is no adverse effect on the environment. Further information on how to do risk assessments is available [here](#).

In order to protect the receiving environment, we may need to set tighter Emission Limit Values (ELVs) than the BAT-AEL ranges in the FDM BRef or include ELVs for substances that don't have a BAT-AEL eg Biochemical Oxygen Demand.

The information required in your Reg 61 notice response will depend on whether you have a direct emission (to watercourse, soakaway or groundwater) or an indirect emission (to sewer for off-site treatment).

#### **i) Direct emissions**

We will need monitoring data to demonstrate your ability to comply with the FDM BAT-AELs for TN, TP, TSS & COD (or TOC) and information on daily loading rates as well as information on BOD and NH<sub>3</sub> where present in your effluent.

The data you provide should be recent and representative. Typically this would be for a minimum of 12 months where the effluent composition is consistent with frequent monitoring or 3 years where the effluent composition is variable eg with seasonal/campaign production or where monitoring is infrequent.



You should assess whether hazardous chemicals or elements may be present in your effluent. Ideally this would include monitoring data as outlined above but you are not expected to carry out monitoring solely for the purpose of completing your Reg 61 response.

If hazardous chemicals or elements may be present in your effluent, you should carry out an impact assessment using the methodology set in the guidance above.

You should also provide an assessment on the likelihood of pesticide residues being present in your effluent eg from fruit and vegetable processing. Confirm whether you currently carry out monitoring for these substances and provide the data if available.

You should also consider ancillary discharges such as boiler blowdown in your response. Although the FDM BAT-AELs do not apply to this type of discharge we do still want to know these discharges and in particular, any monitoring data that is currently available.

If your effluent is discharged to soakaway or groundwater you will need to provide a site specific groundwater discharge assessment. Please contact us to discuss in more detail.

## **ii) Indirect emissions**

Where available, you should provide effluent quality data including daily loading rates (kg/day) for TN, TP, TSS, COD and NH<sub>3</sub>. The data you provide should be recent and representative. Typically this would be for a minimum of 12 months where the effluent composition is consistent with frequent monitoring or 3 years where the effluent composition is variable eg with seasonal/campaign production or where monitoring is infrequent.

You should assess whether hazardous chemicals or elements may be present in your effluent.

If so, you should carry out an impact assessment using the methodology set out in the guidance above, applying appropriate Sewage Treatment Reduction Factors.

You should also provide an assessment on the likelihood of pesticide residues or other treatment chemicals such as sprout suppressants being present in your effluent. This is particularly relevant to fruit and vegetable processing sectors. Confirm whether you currently carry out monitoring for these substances and provide the data if available.

## Section 6: Emissions to air

We will need evidence of your ability to comply with relevant BAT-AELs for emissions to air.

We will also want information about any emissions to air from your process which may contain polluting substances for which there is no BAT-AEL.

The response tool worksheet for air emissions sets out the information that we need, including currently available monitoring data. Ideally this should be based on a minimum of 3 years recent and representative data.

Note: you are not expected to carry out monitoring solely for the purpose of completing your Reg 61 response.

## Section 7: Other than normal operating conditions (OTNOC)

BAT-AELs for emissions to air and water relate to performance under normal operating conditions (NOC) and it is possible that different performance levels may result during other than normal operating conditions (OTNOC).

Examples of OTNOC in the food and drink sector may include:

- waste water treatment plant start-up (especially for seasonal operations);
- malfunction or breakdown of abatement equipment;
- emergency operations or actions taken to prevent loss of life or personal injury;

Any OTNOC events should be addressed within the EMS by application of clear operating procedures. This may include:

- appropriate design of the systems considered relevant in causing OTNOC that may have an impact on emissions to air, water and/or soil;
- set-up and implementation of a specific preventive maintenance plan for these relevant systems;
- techniques to minimise the duration and frequency of the OTNOC event;
- techniques to minimise emissions during the OTNOC event;
- review and recording of emissions caused by OTNOC and associated circumstances and implementation of corrective actions if necessary;
- periodic assessment of the overall emissions during OTNOC (e.g. frequency of events, duration, emissions quantification/estimation) and implementation of corrective actions if necessary.

You should define any relevant OTNOC events for your installation, including frequency and duration, and explain how they are addressed within your EMS.

You should quantify emissions to air and/or water during an OTNOC event and provide an H1 impact assessment to demonstrate that there are no unacceptable short term impacts.

## Section 8: Medium Combustion Plant (MCP)

We are incorporating some of the MCP directive requirements into this sector permit review and therefore need you to provide relevant information.

Refer to the Medium Combustion Plant worksheet in response tool spreadsheet. Please enter the required information for each MCP in your installation. This information will satisfy the registration requirements in the MCPD.

The above information will enable us to include emission limit values and associated monitoring requirements required by MCPD. These requirements will be post-dated in accordance with the MCPD and will avoid the need for operators having to apply for a separate variation request as the MCP deadline approaches.

You should let us know if you are planning to replace your MCP(s) soon.

You should also confirm whether there are suitable sampling arrangements in place to enable monitoring to be carried out.

For further information about MCP please refer

<https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generators-environmental-permits>

<https://www.gov.uk/guidance/medium-combustion-plant-when-you-need-a-permit>

For information on monitoring for MCPs please refer <https://www.gov.uk/government/publications/m5-monitoring-of-stack-gas-emissions-from-medium-combustion-plants-and-specified-generators>

## Section 9: Climate Change Adaptation

As part of the permit review, we will be asking about your preparedness for the effects of climate change. This is an important topic for protection of the environment as well as business continuity.

We have identified four generic climate change impacts which are relevant to the food and drink sector as a whole. In your response you should consider which are relevant to you:

- i) Is your site at risk of flooding?
- ii) Do you send wastes for landspreading and, if so, do you have contingency plans if you are unable to landspread due to adverse weather?
- iii) Is a resilient water supply a business critical factor for your installation and, if so, have you prepared a contingency plan in the event of dry weather or drought or reduced reliability of supply over time due to changing water availability (climate change)?
- iv) Do you discharge process effluent to a watercourse and, if so, have you considered the effect of drought or prolonged dry weather on your ability to continue to discharge effluent in low flow conditions?
- v) Have you identified any other impacts?

At this stage we want to know whether you have developed a climate change adaptation plan for your installation and/or carried out a suitable risk assessment.

If you send wastes for landspreading for wastes you should be aware of the Farming Rules for Water legislation, introduced in 2018 to tackle diffuse pollution from agricultural sources including landspreading. This legislation restricts landspreading to certain times of the year. You should ensure that your contingency plan takes account of this.

If you need a plan but have not yet produced one, the following links to guidance should help you prepare one. You do not need to submit a climate change adaptation plan in response to this Notice.

<https://www.gov.uk/government/publications/preparing-for-flooding-a-guide-for-regulated-sites>

[How to prepare a Climate Change Action Plan, F&D guidance](#)

[Adapting to climate change: industry sector examples for your risk assessment:](#)

## Section 10: Site Condition Baseline

IED requires an assessment to be carried out for all hazardous substances used, produced or released within the installation. Where a risk to soil and groundwater is identified baseline conditions **must** be established and soil and groundwater monitoring carried out during the life of the permit.

Hazardous substances are those defined in Article 3 of [Regulation \(EC\) no. 1272/2008 on classification, labelling and packaging of substances and mixtures](#).

If you haven't already done so (eg at the time of original permit application), you must complete a Stage 1 – 3 assessment which is clearly explained within the [EC Commission Guidance \(2014/C 136/03\)](#), which in summary is a short risk assessment; as follows:

- Stage 1 – identify hazardous substances used/stored on site and produce a list of these substances.

- Stage 2 – Identify which hazardous substances on the list are capable of causing pollution. These are then called “relevant hazardous substances” (RHS).
- Stage 3 – For each RHS, carry out a risk assessment to identify the actual possibility for soil or groundwater contamination, taking account of the quantity stored, and whether pollution measures (including drains) are fit for purpose in areas where each is used/stored.

If your Stage 2 assessment shows that there are no “relevant hazardous substances” (ie no potential for pollution) then you only need to submit your assessment to us for our review.

If the risk assessment at stage 3 identifies that pollution of soil/groundwater is possible, then you will need to undertake monitoring for hazardous substances ie a baseline report is required. In this case, produce a monitoring plan and submit this to us for review.

If a Baseline Report (BR) is required, you should check any previous soil or groundwater monitoring carried out. If previous work is adequate to provide a baseline, then submit a summary report demonstrating how the existing measurements are fit for purpose.

For Operators who applied for their first EA permit after 2013, then it is likely you will have already carried out the Stage 1 – 3 assessment. If so, check that this previous assessment is still relevant and confirm this to us. No further work is required.

Further information on site condition and baseline reports is also available in our [H5 Site condition report guidance](#).

If you have no baseline data, it is advisable to re-assess whether data is required for other potentially polluting substances.

**NOTE:** this only applies to those substances which may be released from the permitted activity. Other substances which may be present as a result of historic activities but will not be used at the installation are not relevant to the baseline report, even though they may be of interest to the Operator.

## Section 11: Applicability of the Waste Treatment BRef

In addition to implementing the BAT conclusions of the FDM BRef, we will also implement BAT conclusions from any relevant BRef published prior to 4 December 2019.

In your response to the information notice, you should consider whether any other BRefs are relevant for your installation. The Waste Treatment BRef is the most likely to be relevant to food and drink sites. You should refer to the WT BAT conclusions, available [here](#), where you use anaerobic digestion (AD) in your FDM installation eg in effluent treatment or for treatment of solid residues.

In particular you should provide an assessment of your compliance with the following BAT conclusions which are directly relevant to AD:

- BAT 15 and BAT 16 for flaring of systems.
- BAT 21 emissions from accidents and incidents.
- BAT 38 for monitoring of key process variables.

## Section 12: Applicability of the Large Combustion Plant BRef

The BAT conclusions in the Large Combustion Plant (LCP) BRef only apply to sites with Large Combustion Plant as defined by articles 28 and 29 of the Industrial Emissions Directive.

There are only five such sites in the food and drink sector and these sites should refer to the detailed LCP guidance available. If you are unsure whether you have an LCP then contact us at FDM [PermitReview@environment-agency.gov.uk](mailto:PermitReview@environment-agency.gov.uk)

## Section 13: Containment

In your response you should provide details of secondary and tertiary containment arrangements for all above-ground tanks, including effluent storage and treatment tanks, irrespective of whether the discharge is to sewer or watercourse, along with any other measures installed to reduce the risk of fugitive emissions from these tanks. You should demonstrate that provision is in accordance with guidance in the CIRIA C736 report "*Containment systems for the prevention of pollution*" (current version is dated 2014, ISBN 978-0-86017-740-1) as well as [EA guidance on Gov.uk](https://www.gov.uk/guidance/ea-guidance-on-govuk) website. We will review containment provision and set an improvement condition if measures are inadequate.

## Section 14: Other information

### Production Capacity

We are requesting that you provide a production capacity figure so that we can include it in the permit within Table S1.1. We need to ensure that the environmental impact of emissions while operating at this limit has been assessed, so we are also asking for the production capacity used in your most recent impact assessment.

If you have used a lower production capacity in your impact assessment, then we may set an improvement condition to require you to review the impact assessment.

In future, if you make changes on site which will increase your capacity, you will need to redo your impact assessment. This is to avoid a creeping increase in capacity with an associated higher level of emissions for which there is no impact assessment.

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