



**Alternative Use Boston Projects
Boston Alternative Energy Facility Order**

Planning Inspectorate Reference: EN010095

**Deadline 5 Representations by
the Environment Agency
Unique Reference Number: 20028344**

25 January 2022

Submitted on behalf of the
Environment Agency by:
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1. Scope of these representations

- 1.1. This letter includes a response to the Examining Authority's written questions and requests for information (ExQ2) issued on 11th January 2022.

2. Responses to ExQ2

Q2.3.0.6

- 2.1. The Applicant has commenced pre-application discussions with the Environment Agency (EA). The EA has submitted questions on a range of topics including one on the Lightweight Aggregate (LWA) plant. This relates to the mixing of a hazardous waste stream (Air Pollution Control residues - APCr) with a non-hazardous waste stream (incinerator bottom ash - FBA) for subsequent processing within the LWA plant. The mixing of a hazardous waste with a non-hazardous waste is generally not permitted by the regulations.
- 2.2. A legal view has been obtained which states that as a starting point (as per the WI BAT C) we consider APCr and FBA should not be mixed. The Applicant would have the opportunity through the permitting process to demonstrate that it is Best Available Technique (BAT) and that there is an environmental/process benefit to the APCr being mixed with the FBA. There would need to be a clear demonstration that the mixing does not result in increased volumes of hazardous waste and that it is not being used as dilution. The APCr would need to clearly add something to the process which improves the quality of the output.
- 2.3. It would also need to be demonstrated that the LWA plant is BAT as a whole and we would consider issues including the points below under Q.3.1.23 when making this decision.

Q2.3.0.9

- 2.4. No environmental permit application has been received. We have advised on the typical timeframe for a permit determination for this type of application that includes a novel process. Public consultation would be required and so this extends the timeline required to issue any permit.

Q2.3.1.23

- 2.5. The EA has reviewed the Applicant's Technical Note on Lightweight Aggregate [REP4-018].
- 2.6. This Technical Note does not offer alternative techniques but provides information on LWA plants that have been/are permitted by the Environment Agency and aims to show that the proposed LWA plant is not novel.
- 2.7. The EA has concerns with the proposals, including:

- Does the process work? Producing LWA from a combination of bottom ash and APCr has not been done before. The only thermal LWA plant currently in operation uses non-hazardous Pulverised Fuel Ash (PFA) as a feedstock.
- Evidence will need to be provided that the mixing of hazardous with non-hazardous waste is of clear benefit to the process/product and must not be used to dilute the pollutants present in the APCr.
- The environmental fate of pollutants present in the APCr must be addressed, including whether they could be released to air from the LWA process.
- Is producing LWA the best way to manage the bottom ash and APCr when compared with the conventional treatment approaches such as screening and direct use as an aggregate for bottom ash and carbonation of the APCr? How does the proposed process compare with these techniques from an environmental perspective?
- Producing LWA is an energy intensive process and releases CO₂. No waste derived fuels are proposed, instead fuel oil would be used.

These aspects would be considered during a permit determination.

Q2.15.0.1

2.8. The EA and the applicant remain in discussions regarding the content of the side legal agreement. At this time no issues have arisen that suggest that in principle an agreement cannot be made. The EA is unable to confirm whether or not this agreement will be finalised prior to the examination concluding.