

REGULATION OF ANAEROBIC DIGESTION OF WASTE

**1. Introduction**

The type of waste fed and the capacity of the facility to process material, influence how anaerobic digestion (AD) facilities are regulated. The attached flowchart allows regulators and operators to determine the type of authorisation required for the AD facility and how the resulting waste or product streams should be regulated.

**2. Facilities processing animal waste with a treatment capacity of more than 10 tonnes per day.**

Any facility processing animal waste with a capacity of more than 10 tonnes per day, will require a part A permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2012 ('the PPC(IE) Regulations'). Paragraph (c) of section 6.8 to the PPC (IE) Regulations includes the following definition:

'Disposing of or recycling animal carcasses or animal waste otherwise than by incineration falling under section 5.1 of the Part of this Schedule at plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or, in aggregate, of both.'

In this context, animal waste is any waste consisting of animal matter that has not been processed into food for human consumption. Animal manure and slurry is excluded from the definition of animal waste.

(Note that category 1 animal by products cannot be composted or transformed in a biogas plant.)

**3. Facilities processing wastes, other than animal waste, with a capacity of more than 100 tonnes per day.**

Facilities processing wastes with a capacity of more than 100 tonnes per day will require a PPC permit.

If the digestate meets the AD digestate quality protocol, it would not be considered a waste and subsequent spreading to land would not require a Waste Management Licensing exemption. If the digestate does not meet the quality protocol, then apart from cases described in paragraph 5 below a Waste Management Licensing exemption will be required in order to spread it to land.

**4. Facilities processing wastes, other than animal waste, with a capacity of less than 100 tonnes per day.**

Facilities processing wastes with a capacity of less than 100 tonnes per day will require a Waste Management Licence (WML), unless the anaerobic digestion is carried on as part of an activity requiring a PPC permit.

If the digestate meets the AD digestate quality protocol, it would not be considered a waste and subsequent spreading to land would not require a Waste Management Licensing exemption. If the digestate does not meet the quality protocol, then, apart from cases described in paragraph 5 a Waste Management Licensing exemption will be required in order to spread it to land.

## 5. Animal manure and slurries and non-waste materials.

If the only feedstock to the plant is agricultural manure and slurry alone or manure and slurry along with non-waste materials, NIEA considers that spreading the resulting digestate to land should not be subject to a greater degree of regulation than untreated manure and slurry. NIEA has therefore taken a regulatory position in line with that adopted by the Environment Agency that, such operations should be considered to be recovery and the resulting digestate should not be considered as a waste.

### Supplementary Information

#### NIEA definition of Animal Waste for the purposes of Anaerobic Digestion

For the purposes of PPC section 6.8A(b)

- The NIEA define “animal waste” to be Category 3 animal by-products waste and Category 2 animal by-products consisting of digestive tract content separated from the digestive tract, milk and colostrum.
- Animal manure and slurry is excluded from the definition of animal waste.
- Category 1 animal by-products cannot be composted or transformed in a biogas plant.

# Regulation Of The Anaerobic Digestion Of Waste

