

BCS SCHEME RULES V.6 CONSULTATION RESPONSES - FEBRUARY 2021

Clause, page, table, annex	Comment	REAL Comment (justification for change)	Proposed change	Accepted / Rejected
4.2.1	We had a discussion on this clause earlier this year relating to the storage of digestate from different certified processes in a shared lagoon at a site remote from both AD sites. There was a lack of clarity if this is permitted or if this clause prevents it. It was going to be discussed by the CBs I think. Might be worth clarifying that this clause relates to keeping digestate separate from other wastes at the site of production or otherwise depending on what was agreed. As it is written it is open to interpretation! We can re-forward the chain of emails if needed for your info.	This was discussed with the CBs and later taken to the TAC for further advice. Following the TAC meeting, a proposal was discussed with all four regulators but consensus has not yet been reached. After further consideration, we have decided to leave the clause unchanged but add a section to the BCS Position document for interpretation of the requirements in this respect.	Add new section to BCS Position on Technical Requirements to clarify this and circulate to TAC for final comments	Accepted
4.2.6	Currently states "Only operators producing digestates that are not subject to waste regulatory controls may apply for certification in this category". In order that this ensures clarity between waste derived and crop derived digestates, I propose this reads "Only operators producing digestates from feedstocks that are not subject to waste regulatory controls may apply for certification in this category". Must ensure that waste derived digestates are not able to be certified under QA only.	The option of the 'Quality Assurance' certification category was only available to producers of digestate not subject to waste regulatory controls. However, following discussions with TAC members, and subsequently with the environmental regulators, a decision was taken to remove this certification category for now.	Remove the 'Quality Assurance' category from the rules and continue discussions outside the revision process	N/A
4.4.1	Does this account for Scottish sites not requiring compliance with QP?	This accounts for Scottish sites. Additional text should be added here.	Add 'SEPA's position'	Accepted
6.1.1	Refers to animal health and should be APHA.	Noted	Change to 'Animal & Plant Health Agency'	Accepted
9.1.5	Why the need to include Certification Body contact details? Don't think these are usually included by operators.	Agree these are not necessary.	Change to 'name of certification body'	Accepted
13.2.1 and 13.2.2	13.2.1 States sample results are supplied to REAL "whenever requested" but 13.2.2 states that labs supply results to REAL for all samples. Can this be clarified?	Clause 13.2.1 is outdated. All test results generated for certification purposes are now uploaded to a central database owned by REAL.	Change to reflect the wording in clause 13.2.2	Accepted
13.2	I would like to see more on the procedure when there is a test failure. There is a whole section on complaints but nothing on the responsibilities for notifying and investigating test failures.	The requirements for dealing with a test failure are specified in PAS 110, including the requirements to notify the regulator. However, there is scope for a range of timescales in which the regulator could be notified. The requirements around this could be tightened.	Add a new section to the BCS Position on Technical Requirements document	Accepted
14.1.2	Where an operator receives a complaint they should notify the CB as soon as possible and then once the investigation has been carried out. This will ensure that these are not 'brushed under the carpet' until the yearly audit.	Agree as this will improve robustness of the scheme.	Add a clause to require the operator to notify their certification body of a product complaint	Accepted
14.1.10 Note	In (d) remove "but the complainant has alleged that". It should not be the decision of the complainant since they may not be aware of the environmental impacts of the digestate issue.	Agree	Remove suggested wording	Accepted
14.1.11	Can this time period be shortened? Regulators need to know as soon as possible in order to act quickly where environmental harm has or could occur.	Agree the current time period should be shorter.	Change to within 3 working days to notify the regulator	Accepted
14.1.19	Update Animal Health to APHA	Noted	Change to 'Animal & Plant Health Agency'	Accepted