



Operators Forum Meeting Minutes

Wednesday 13 June 2018

Local Generation, Wisbech Road, Westry, March, Cambridgeshire, PE15 0BA

Chair: Gaynor Hartnell

Attending:

Justyna Staff	REAL
Georgia Phetmanh	REAL
Gabor Hasznos	REAL
Jo Chapman	BCS Operators' Representative
Jonathon Kendall	Severn Trent
Iain Elliott	Duranta Energy
Jamie Brennan	Local Generation
Nicola Frost	Andigestion
Paul Chatterton	Merrivale Energy

1. Welcome and introductions

GH welcomed everyone to the fourth meeting of the BCS Operators Forum. The meeting started with a quick roundtable introduction and was attended by JC, the BCS Operators' Representative, and GH, the new Technical Manager at REAL for the BCS and CCS.

Before the meeting began, discussion took place on the experience of one operator (attendee) who would like to supply *biofertiliser* to the growing media / horticulture market but this market is not specified in the ADQP. The plant is processing energy crops, crop residues, and chicken manures so the initial enquiry was on whether their digestate would be regarded as waste or non-waste.

GP explained that the ADQP and regulatory position states that if a plant is only processing agricultural manures / slurries and non-waste feedstocks then the digestate would not be considered waste if used as a fertiliser (as manures and slurries would be used normally). However, the digestate would be considered waste if supplied to the growing media / horticulture market. The Environment Agency has referred this operator to the Definition of Waste Panel and JC explained to everyone how the End of Waste Panel worked previously. The operator will now seek an end of waste position / opinion from the Agency for their digestate.

JS presented our plan to split the scheme requirements in two to allow operators to apply for PAS 110 certification *only*; if they don't require or desire end-of-waste status for their digestate. This would help to place BCS as a quality assurance scheme rather than just an 'end-of-waste' scheme.

2. Notes from previous meeting

GH and GP ran through the summary notes and actions from the last Operators' Forum meeting and the majority of actions had been addressed. The summary notes can be found [here](#).

- **Action:** REAL to consider creating a more representative/realistic checklist/step-by-step guide for applicants [to assist operators applying for certification to BCS]

We had published a detailed guidance document for applicants on the BCS website [here](#).

- **Action:** REAL to discuss [the issues raised around the reputation of product digestate and spreading product digestate] with farm assurance schemes at the Oversight Panel meeting

REAL had discussed the concerns held by the Environment Agency on the spreading activities of product digestate at the last Oversight Panel meeting. There had been an increasing number of incidences reported related to environmental pollution and problems associated with storage and spreading of digestate. Also, Defra is concerned about rising ammonia emissions from the AD industry, primarily from the storage and spreading of digestate.

The Panel had suggested that we engage with NAAC and consider only allowing BCS operators to contract with certified / approved / assured spreaders. REAL met with NAAC to discuss their certification scheme for agricultural contractors and the issues associated with the spreading of digestate by third party contractors. GP presented that a requirement or recommendation will be added to the BCS Scheme Rules for AD operators contracting with third party spreading contractors to only contract with certified /assured /approved contractors. This sparked a big discussion around regulation, reputation, and responsibility, with operators expressing their views on this proposal.

Operators at the meeting presented different scenarios on their involvement with spreading. Some had collaborative relationships with farmers and were spreading on their own holding, and others employed third party contractors to spread on different fields. One operator contracts with a third party contractor, so has duty of care, and they have their own spreading equipment so view it as their responsibility to ensure digestate is spread properly. They want to safeguard their own brand so consider it their responsibility to ensure third party contractors are working well.

Another operator had built strong relationships with the farmers spreading the digestate and argued that, as a producer, they are doing all they can to produce a good quality product but it is not their responsibility to check how the product is used or applied. Operators argued that they already give fertiliser recommendations and information to spreaders / farmers as required by the scheme. They already have long-term contracts in place so a requirement to contract with NAAC spreaders would be challenging. Some operators viewed this suggested change as an unfair and unnecessary burden. They expressed that the costs would be too high. Also, there are already many regulatory restrictions in place and new water regulations are coming in which will make the 'window' even smaller. They don't want to be 'squeezed' with new requirements.

Overall, operators shared that it wouldn't be fair on them, as with any product it is the end user who decides how to use it. Operators work hard to make a good quality product and providing they give all the relevant information, guidance, and assurance, it is left to the customer (e.g. contractor or farmer) to apply it correctly and utilise the information appropriately.

Though, JS pointed out that if the system is abused then the EA / Defra will consider this as an issue with the scheme. There is concern over the reputation of product digestate. Justyna explained that we would not want to lose the ADQP with all digestate reverting to waste and spread under waste regulatory controls. REAL would like to consider how to address this issue but the solution might not be straightforward. Operators argued it was unfair that the poor practices and spreading activities of others means they have to suffer and questioned how we could present positive stories to the EA / Defra. It was suggested that Andigestion could write an article that we could share. REAL will also consider drafting a proposal paper and organising a user group to discuss these issues.

- *Action: REAL to continue working with laboratories on [WRAP] report recommendations and discuss the physical contaminants test during the meeting of the Technical Working Group*

REAL has been working with the laboratories to address some of the recommendations and issues raised. However, this work is ongoing and may require contribution from the Research Hub.

- *Action: REAL to consider further guidance on technical requirements and more comms [if BSI PAS 110 is not revised following a review in 2018]*

REAL is planning to initiate a review of PAS 110 at the end of 2018. REAL's Research Hub was launched in March 2018 and will fund / support research projects that could be relevant.

- *Action: REAL to consider [how to address the issue of biodegradable packaging not breaking down in the AD process but picked up by PC tests) during Technical Working Group meeting*

REAL explained that the biodegradable packaging issue was discussed at the last Oversight Panel meeting and it was agreed that revision to the standard with different limits isn't possible at the moment because we don't have a test method capable of differentiating.

We also discussed whether it would be beneficial if there were different limits and the consensus was that it wouldn't because the 'biodegradable' plastic would still be visible in the field. One operator asked if they were to drill the biodegradable plastics into the soil, would this solve this potential problem. We hadn't considered this before and with the low emission spreading equipment potentially becoming a requirement in the future, this could work. However, it is still not possible for the laboratories to differentiate. REAL could consider producing a guidance document for the identification of biodegradable materials until another solution presents itself.

- *Action: REAL to raise [extrapolation of the nitrogen sliding scale for physical contaminants] at the Oversight Panel meeting and potentially allow extrapolation*

REAL discussed this at the meeting and it is being considered during the review of PAS 110.

- *Action: consider adding this information and requirements [on drying digestate] into the next revision of PAS110*

Drying digestate requirements will be considered during the review but we discussed the sampling point with the CBs if drying and separating. The sample must be taken when the digestate is in its final form as a product. REAL will consider this during the review of PAS 110 at the end of the year.

- *Action: REAL to discuss [biochar] with CBs during next monthly catch up conference call*

The query on biochar was a general enquiry and the CBs were not sure whether biochar would be classed as a feedstock or additive. We don't need to drive forward yet but REAL will find out more.

3. Scheme update

GP presented figures on the status and growth of the Scheme. There were 73 plants certified under BCS, processing nearly 4 million tonnes of feedstock annually. Out of the 73 certified plants, 54 were producing certified whole digestate, 25 were producing separated liquor, and 11 certified separated fibre. Since the beginning of the year, there were four new applicants that successfully achieved certification. One certificate was suspended following a complaint about odour – it was discovered that some of the critical limits, specifically the minimum retention time, hadn't been adhered to in the production of digestate that caused the odour complaint.

GP and GH presented the latest Scheme developments.

The first BCS biannual newsletter had been issued to promote the scheme, share regulatory / policy updates, and share the consultations REAL had responded to.

REAL had carried out a cost comparison analysis to compare the average costs for renewal of BCS certification with the average costs for deployment of waste digestate on an annual basis. One operator pointed out that this does not include administrative costs and was interested in seeing all the factors considered in the published document, which was shared at the meeting. Another operator expressed the view that the scheme covers itself.

The PAS 110 Analysis Request Form was issued to be used when sending samples for certification purposes. The BCS database is underway for collecting PAS 110 test results and certification data.

The appointed laboratories had been audited and audit reports were received – the auditor commented 'high level of compliance with BCS lab T&Cs' and 'managerial and technical staff displayed a high level of technical competence'.

Both laboratories now use the Kjeldahl method for total N testing. The total N results might be higher now as the volume going through the apparatus has changed; however, the test is more accurate. Operators expressed that they only care about how the crop performs.

A complaint form has been provided on the BCS website for any complaints about the laboratories. REAL explained that unless a formal complaint is raised through the laboratory complaint procedures then we can't investigate with the independent laboratory auditor. We will need to be informed of the complaint formally. JC will ask an operator to write up a recent complaint against one of the appointed laboratories so that we can investigate it further.

REAL had updated its privacy policy and informed attendees of the information we hold and the purpose for which we hold it. GP informed everyone that in the future, we will collect PAS 110 test reports which might have the name of the site person / sampler on the laboratory report. Operators expressed that the individual would need to give consent for this and the individual might change as operators nominate different individuals on site for sending samples. We explained that we recognise this as 'legitimate interest' and will not be processing this personal data in any way and it will only be stored in our database on the test reports. REAL will need to add this rule to our Scheme

Rules as we don't have a contractual relationship with operators. Operators sign declaration forms with their certification bodies and the declaration forms include this information. REAL will check with the laboratories whether they comply with GDPR as for PAS 110 compliance purposes they need to keep records of the person who sends the sample.

4. Future scheme developments

REAL is in the process of setting up specific accreditation with the United Kingdom Accreditation Service (UKAS) so that the certification bodies can be accredited to provide BCS certification services. Revision of the BCS Scheme Rules is currently taking place and comments from UKAS are being addressed. There will be a review of PAS 110 in winter and UKAS' comments will also be taken into account. GP explained that a 'review' is different from a 'revision' and a review might not result in revision. If a revision to the standard was initiated then the revision process would be led by BSI and it would be organised in a similar way to the PAS 100 revision process; workshops will be held with BCS operators to discuss the upcoming PAS 110 review, and if a revision is initiated then workshop(s) will be set up to discuss what operators think should be revised.

REAL's Research Hub is being set up this year. JS and GH explained that there is currently no public body that provides new research and evidence for the industry. Standards and test methods need to be reviewed and updated on a regular basis to reflect scientific developments. REAL explained that the benefit of the HUB will be the increased amount of evidence available for the industry to develop. Operators expressed that they would like to understand the benefits further and the potential projects that could be supported. They would like to see transparency with the decision making and would like to understand how the split would work because the CCS is a larger scheme. They would like justification on how the funds are spent and they would like the projects to be shared. They enquired whether we could invite proposals and REAL confirmed that we can. Operators were generally happy with the fees presented and suggested that we could use the funds to support evidence gathering for future markets for the use of digestate e.g. in forestry.

GP shared that REAL is setting up a market development working group to maintain and / or develop market confidence in waste-derived products. The aims of this group would be to promote the schemes and the use of *biofertiliser* and *quality compost*. Also, the objectives would be to liaise with the markets and possibly explore new markets for certified digestate and compost. Operators questioned whether there had been a loss of market confidence in digestate and GP shared that she is not aware of any incidences, however, WRAP no longer has the resources to do this work so we need to take action in its place otherwise there is risk that we could lose market confidence.

5. Update from last Oversight Panel meeting

The BCS Operators' Representative provided an overview of the discussions from the last Oversight Panel meeting with the subject of spreading product digestate discussed there and the suggestion to engage with NAAC was raised. The minutes from this meeting in 2017 can be found [here](#).

6. Issues raised with BCS Operators' Representative

A number of questions and issues were raised with the BCS Operators' Representative prior to the meeting. These were presented at the Forum on their behalf as they were not able to attend.

- *One operator would like to make final whole digestate or separated solid digestate into pellets to be used as a fuel in domestic heating appliances. Could the scope of the standard be extended for this end use?*

We explained that unfortunately, this is not a designated market in the Anaerobic Digestate Quality Protocol so the digestate would be considered a waste if applied. The QP is owned by the EA so this would be their decision. Evidence might be needed to support the addition of this market to the QP and end use/application but we don't yet know when the next review or revision of the ADQP will take place. Operators suggested that this end use could be domestic or commercial.

- *One operator would like to process final whole digestate through a dryer and then a crusher (which will reduce the particle size of any plastics present potentially to less than 2mm) and then produce final pellets which could be used as an agricultural fertiliser. Would the practice of crushing the material to achieve compliance with the standard be acceptable?*

We questioned this practice of crushing which might enable the operator to pass the plastic limit in PAS 110 with contaminated digestate.

At what point would the producer need to sample his final material?

The sample always needs to be taken when the product is in its final form so theoretically it should be taken after the digestate has been crushed.

The digestate is proposed to be moved from the plant where it is produced to another plant in the same operator's portfolio for the drying/crushing/pelletizing operation to take place.

REAL needed to discuss this with the appointed certification bodies before providing an answer.

One operator enquired about separated liquor that has been passed through a 2mm (or less) screen that is exempt from the physical contaminants test. She questioned whether this created an opportunity for operators to circumvent the physical contaminants standards. The response was that in this instance, the need for all digestate to be passed through a 2mm screen would be a critical control point on the HACCP, and the state of repair and effectiveness of the screen would therefore be monitored accordingly. The process would need to be maintained within the critical limits set. The PAS auditor would be likely to pick up on this as an issue if the screen were not listed as a CCP in the HACCP. The operator was satisfied with this explanation.

- *One operator had experienced issues with the laboratories' sample analysis results and quality control practices. The operator had asked the laboratory to check their results again because they weren't confident in the results they had been provided with. After chasing the laboratory, extra checks were carried out and new results were generated.*

The operator will complete the new complaint form and this can be investigated with the laboratory and independent laboratory auditor. REAL will liaise with the relevant parties to investigate.

- *One operator questioned whether they have been carrying out more sampling than is necessary due to differing sample points for PAS 110 and ABPR requirements, and wished to clarify the requirements. The E. coli sample for ABPR was taken after pasteurisation and the ABPR salmonella sample was taken after separation when their PAS 110 samples were taken.*

REAL needed to clarify the details of this practice after the meeting before providing a response and possibly facilitate a discussion with the appointed certification bodies.

- *One operator asked if there is likely to be a consideration of the list of wastes accepted under the standard as part of the next review.*

It was explained that the list of wastes sit in the QP and not PAS 110. This revision process would be done through the Environment Agency but we could contribute by providing evidence when the next review or revision takes place. Operators expressed that input restrictions deter operators from seeking certification because they would lose business. It was suggested that we could assess non-standard wastes using the Jacob's Framework and possibly use this tool to show the Agency.

- *The ADBA best practice scheme has now been launched. Has any progress been made with regard to the recognition of operators already registered with the BCS under this scheme?*

REAL informed operators that they had a meeting booked in with ADBA. Operators at the Forum weren't sure what the benefits of the scheme were and thought it was all still unclear. We were meeting to discuss whether audits could take place on the same day but the BCS audit will not take into account whether the operator is ADCS certified. The ADCS audit will look at whether the operator has a PAS 110 certificate but there isn't a lot of overlap.

- *Where digestate producers engage a single contractor to manage all of their digestate spreading, is a single notification of the characteristics of the digestate and requirements for its use given to this one contractor sufficient to meet the standard (given that the contractor will then be supplying the digestate to numerous other farms – but will be likely to be carrying out all of the applications to land)?*

It was discussed whether templates should be provided for delivery notes. Should we produce a declaration form for contractors to sign and understand the risks when spreading?

7. Open discussion

One operator asked whether any progress had been made with the Soil Association and acceptance of PAS 110 certified digestate on organic farms. Operators receive lots of enquiries from organic farmers but can't supply to them. REAL explained that this is something we would hope to tackle with the market development working group. Another operator asked whether there is recognition for BSI PAS 110 to become a British Standard – REAL will look into this. Operators expressed that it would be good to hold the next Forum during the Scheme Rules consultation or just before the end.

Close

Summary of key actions:

- REAL to consider drafting proposal paper and organising a user group to discuss spreading issues
- Andigestion to consider writing an article that REAL can share with the EA/Defra
- REAL to consider producing a guidance document on certified biodegradable products
- REAL to add to BCS Scheme Rules the rule on keeping personal data from test reports
- REAL to check with laboratories whether they comply with GDPR
- REAL to consider checking Jacob's Framework for assessing non-standard wastes for ADQP
- REAL to discuss with the CBs the practice of drying and crushing digestate
- REAL to consider templates for delivery notes and declaration form for contractors to sign
- REAL to consider dates for the next Forum during Scheme Rules consultation
- REAL to explore whether PAS 110 could become a British Standard