



Operators Forum Meeting Minutes

Wednesday 31 October 2018

Severn Trent Green Power Ltd (Derby), Megaloughton Lane, Spondon, Derby, DE21 7BR

Attending:

Georgia Phetmanh	REAL
Olivia Fursedonn	RECC
Jo Chapman	BCS Operators' Representative
Jonathon Kendall	Severn Trent
Angela Cronje	Earnside Energy Ltd
Tom Brown	Andigestion
Emma Long	Severn Trent

1. Welcome and introductions

GP welcomed everyone to the fifth meeting of the BCS Operators' Forum. The meeting started with a quick roundtable introduction and was attended by JC, the BCS Operators' Representative.

The attendees held a variety of roles in the Anaerobic Digestion (AD) industry. One individual had been working for 21 years in AD and five years in food waste and another was a Compliance Officer who is responsible for maintaining PAS 110 and ISO accreditation. One individual was an independent consultant attending the Forum on behalf of one of their clients.

2. Notes from previous meeting

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 drafting proposal paper and organising a user group to discuss spreading issues [related to the reputation of the scheme and the Agency's concerns]

GP explained that REAL had discussed this issue following the last Forum and at the Oversight Panel; Defra is looking to NAAC's scheme as are other organisations like BAS and QMS. REAL submitted a response to Defra's Clean Air Strategy consultation with proposals for how REAL/industry could contribute to tackling the rise in ammonia emissions but we had not yet received a response.

In the meantime, we had added two proposal clauses to the Scheme Rules consultation doc for contracting with third-party contractors, which require or recommend that operators contract with independently certified contractors for spreading if they are contracting out the spreading activity.

We had received some consultation feedback which will be reviewed carefully. GP informed that we could set up a user group next year if this is considered to be beneficial.

- **Action:** *Andigestion to consider writing an article that REAL can share with the EA/Defra*

This action had not yet been taken forward but will be discussed further at Andigestion.

- **Action:** *REAL to consider producing a guidance document on certified biodegradable products*

This action was still under consideration, taking into account the developments of REAL's Compostable Packaging Certification Scheme (CPCS), in regard to the identification of certified products in the UK. We administer the CPCS alongside the Biofertiliser and Compost Schemes.

- **Action:** *REAL to add to BCS Scheme Rules the rule on keeping personal data from test reports*

This had been added to the draft version/consultation doc of the Scheme Rules as Clause 11.1.6. REAL would collect in the database the personal data recorded on the sample analysis request form in the PAS 110 test reports uploaded by the laboratories but would not, in any way, utilise this data.

- **Action:** *REAL to check with laboratories whether they comply with GDPR*

We contacted the laboratories to check that they are complying with GDPR. The laboratories currently do not upload PAS 110 test reports to our database but this will be done soon.

- **Action:** *consider checking Jacob's Framework for assessing non-standard wastes for ADQP*

GP provided context to this action with regard to the discussions that took place at the previous Oversight Panel meeting. The Agency suggested that we could use the Framework to suggest specific waste streams for the review of the ADQP. We will seek to find out when the ADQP will be reviewed.

- **Action:** *REAL to discuss with the CBs the practice of drying and crushing digestate*

This query related to whether an operator could process whole digestate through a dryer and then a crusher, which could reduce the particle size of any plastics present (potentially to less than 2mm). The Certification Bodies and REAL considered that they should not be allowed but there are no rules preventing them from doing so. REAL and the EA will discuss this following the next meeting.

- **Action:** *REAL to consider templates for delivery notes and declaration form for contractors to sign*

The Scheme's clarification of these requirements will be added to the technical guidance/position paper. This will be issued with the new version of the Scheme Rules once finalised.

- **Action:** *REAL to consider dates for the next Forum during Scheme Rules consultation*

We held the meeting during the scheme rules consultation period, due to end on 2nd November.

- **Action:** *REAL to explore whether PAS 110 could become a British Standard*

GP explained that we would like to discuss the review of PAS 110 during the meeting; is there a need to revise PAS 110? Do we have the evidence? Should we postpone a revision? Do we need only a review to update details e.g. legislation? Should we look to a British Standard instead of a PAS?

3. Scheme update

a) Scheme numbers

GP presented figures on the status and growth of the Scheme. There were 80 plants certified under BCS, processing over 4 million tonnes of feedstock annually. GP informed that, based on NNFFC data, roughly half the total number of waste-fed plants in the UK are certified.

Operators questioned why more waste-fed plants have not joined the scheme. It was suggested that we explore the NNFFC dataset further to look at agricultural waste-fed plants, especially considering that the BCS quality assurance scheme will be launched soon. Operators queried whether farmers could use this certification for the Red Tractor scheme.

There was discussion around the PAS 110 PTEs limits, which could cause issues for energy crop fed AD plants if these operators were interested in certification. There was also a separate discussion about the risks posed by and regulation of PTEs in landspreading and potential issues in the future with regard to commercial AD plants taking sewage sludge as a feedstock.

59 plants were producing certified whole digestate, 27 were producing separated liquor, and 14 certified separated fibre. Since the beginning of the year, there were nine applicants that had achieved certification. One certificate had been suspended and no plants had left the scheme.

b) Scheme developments

GP presented the latest Scheme developments, including updates on the Scheme Rules revision and development of the REAL Certification Schemes' Research Hub.

The PAS 110 Analysis Request Form had been issued to be used when sending samples for certification purposes and the Laboratory Complaint Form had been provided on the BCS website for any complaints about the laboratories. REAL had not received any formal complaints to date.

The laboratories had been audited and the auditor had provided very positive feedback in their audit reports. Both laboratories now use the Kjeldahl method for total N testing. It was explained that the total N results might be higher now as the volume going through the apparatus has changed; however, the test using the Kjeldahl method is more accurate.

REAL had published the first Annual Report for BCS providing data on the amount of waste processed per country and the percentage of plants producing different fractions of certified digestates. REAL had also published an update to the 2017 cost comparison analyses to compare the average costs for renewal of certification with the average costs for deployment of waste digestate on an annual basis, since the changes to the Environment Agency charging scheme in 2018.

REAL had also shared the BCS summer newsletter, informing of scheme news and policy updates.

REAL is in the process of setting up specific accreditation with the United Kingdom Accreditation Service (UKAS) so that the certification bodies can achieve specific accreditation to provide BCS certification services. Revision of the BCS Scheme Rules is currently taking place and comments from UKAS are being addressed. The revised draft version 5 was out for consultation until Friday 2nd November and the key changes/proposals presented in the draft were:

- Scope of certification for 'BCS Quality Assurance' (BCS QA)
- Proposals for contracting with third party spreading contractors
- Proposal for sample witnessing during the annual inspection
- Proposals for annual unannounced spot checks or risk-based spot checks
- Introduction of the Research Hub and Research Fees

With regard to the proposals for contracting with third party contractors, operators enquired whether individual farmers spreading digestate would have to be certified. Would everyone have to be certified or is this just circumstantial?

GP and JC explained that if this issue is not resolved and the Environment Agency's concerns are not alleviated then the Scheme will be vulnerable. An operator was only familiar with one complaint related to spreading digestate. JC suggested to GP that the wording of the proposal in the Scheme Rules consultation document be circulated to everyone from the last meeting to allow individuals to comment, encouraging them to respond to the consultation if they have strong views. Operators also suggested that more context be provided to the proposals with an explanation on when this requirement would apply. All scenarios need to be considered.

With regard to the proposal for unannounced spot checks, operators questioned what would be expected. If product quality is the only aspect assessed then would the inspector sit and wait with the operator whilst the product is being pasteurised? What would happen if the site manager is not available? Operators commented that the Animal Health unannounced spot checks are understandable but it is less clear with the PAS scheme what an inspector might be checking. Animal Health gives 3 days' notice but call in the morning. The PAS responsible person needs to be there as other staff members may not be able to find certain documents and this does not signify compliance. Unannounced visits are not always pragmatic. What would be the timeframe for unannounced spot checks? REAL will consider these issues during the Scheme Rules revision process.

As a separate update, GP informed attendees that REAL had set up its Market Development Working Group. The group will seek to fulfil these objectives; increase market confidence in *biofertiliser* and *quality compost*; promote the certification schemes and use of these products; liaise with the markets/end users/customers of these products; and potentially explore new markets for biofertiliser and quality compost. The first meeting is taking place in January 2019 and the Terms of Reference will be decided at this meeting, which will be independently chaired.

REAL had appointed Dr Thomas Aspray to act as Technical Advisor to the Biofertiliser and Compost Certification Schemes. The specific tasks he will be carrying out for the two certification schemes include; carrying out independent audits of the laboratories appointed to the schemes, reviewing various aspects of the laboratories' performance, overviewing the relevant scheme documentation, analysing data gathered across both schemes, and representing REAL at industry events.

The background to the development of the Research Hub, management and governance structures, and decision-making process were presented. GP explained that the benefits of the Hub will be an increased amount of evidence available for the industry to develop and ensure long term competitiveness and growth. There were questions on the mechanism for feeding in and GP explained that all operators on the schemes will be invited to vote on and prioritise research projects. Operators commented that every AD plant is different so the results of research projects

might be different for each plant. This should be taken into account when deciding which research projects should be funded.

4. Feedback from the last Oversight Panel meeting

JC provided feedback from the last Oversight Panel meeting and the summary notes/actions from this meeting can be found on our website [here](#).

JC informed that there was a lot of discussion around issues relating to the spreading of digestate. This was also mentioned at the 'Saving our Soils' event. There has been an increase in the number of environmental pollution incidents which is causing concern at the Environment Agency. There is a desire to protect the scheme because it is thought that the incidents relate mostly to the spreading of product digestate. There are no regulatory controls over this activity. Operators at the meeting enquired whether there is any evidence of the category of pollution. We understand that the Agency has the evidence but we do not know whether they collate figures and learning points. We could ask the EA to collect figures on incidents and the category to review the data so we can be assured these concerns have not arisen from feedback alone but are data evidence-based.

JC asked how the results of the Clean Air Strategy will be shared and information disseminated. How will we share the points enforced and how will the overarching set of recommendations be taken forward. REAL will consider this for scheme communications and future Forum meetings.

We discussed the collection of personal data in relation to GDPR. REAL was encouraged to let operators know that their information is being collected on the test reports and stored in the database. It is likely that many individuals will not know that their name is being stored and this is not within their remit. Whose responsibility is it to tell them this? Will the operators have the right to withdraw? Is it the producer's responsibility to agree this with the person taking the sample? GP will discuss this further internally before the Scheme Rules are issued but would inform operators that individual's names will be stored in the database when we collect test results.

JC informed everyone that we had discussed the potential to use Jacob's framework as a vehicle for assessing new waste types for consideration during the upcoming QP review. This would require amendment to the Quality Protocol and not PAS 100. The Agency is keener to assess specific waste streams and will be asking people what they would like added. We do not yet know when the process will begin and will need to wait for confirmation from the Agency.

We further discussed the landspreading issues, UKAS accreditation, and the Research Hub. We discussed whether we could use the Research Hub to extend markets and stressed that the Hub should be fair in terms of where money/resources are spent. There needs to be mechanisms in place to ensure everyone's interests are considered. We could open up a question to the Forum to enquire what would you like added to the QP or circulate an email. Industry needs to start bringing together wastes and we need to find out when the deadline for the QP review is. We need an indication from the Agency and then ask operators what they would like to see.

At the last Oversight Panel meeting, we also discussed a scenario in which an operator would like to dry and crush their digestate. The crushing step could potentially reduce the particle size of the contaminants to less than 2mm, which would not be reported when the digestate is tested. REAL and the certification bodies could not identify any requirements preventing them from doing this but

it did not seem right. The TAC agreed that this was against the ethos of PAS but the operator could be allowed to sample before the crushing to check compliance with the physical contaminant limits. This needed to be discussed and decided by the Environment Agency.

One operator pointed out that PAS 110 exempts operators from the physical contaminants test if they are using a 2mm screen. Should they be exempt? Considering that plastic contamination is of greater concern and there are potentially tighter regulations coming in, should this exemption be in place. Operators highlighted that a screen is not always enough to guarantee low plastic contamination. The screen is a critical control point and the digestate is tested for other characteristics so maybe it should not be exempt. Auditors have mentioned that some sites do it and other sites do not. Plastic/bio-bags can still slip through the screen. There was a suggestion to consider this exemption for the PAS 110 review and maybe the exemption should only apply for 1 mm screens. GP will record these comments for the upcoming PAS review.

The BCS Scheme Rules consultation document includes proposals for a requirement or recommendation applying to operators contracting with third-party spreading contracts to only contract with certified/approved/assured spreading contractors. Operators generally disagreed with these proposals. One attendee suggested an alternative approach would be to look at the wording in the CCS Scheme Rules regarding compost supply to topsoil manufacture. We need to consider where the responsibility lies. In the CCS Scheme Rules, there is a clause/requirement about where responsibility lies and where responsibility is handed over. This is fulfilled as part of Duty of Care when the waste is passed on but there is a grey area here. Could contractors supply a template or contract? If the contract is with one contractor then any contractor working on their behalf would also need to meet the requirements? Do you need to pick apart their management process? There might be a requirement for a Contract of Supply template and we could use similar wording for the BCS Scheme Rules. There are many scenarios and potential issues to consider.

With regard to the requirements added to PAS 100 and the BCS Scheme Rules consultation document, operators queried what is meant by the terms 'qualified' and 'competent'. What training is required by the schemes? Will the EA training for permit operators be considered? Farmers do not do training and which bodies give the qualifications. What are the minimum requirements for training and qualifications? How will compliance with these requirements be audited? GP will check with the PAS 100 Revision Project Team/Steering Group.

5. Review/revision of PAS 110

GP introduced the subject of the upcoming PAS 110 review and potential for revision. REAL will send a letter to BSI once a decision has been made. Until then, we need to explore whether we have the evidence and if not, should we postpone a revision? Do we just need a review to update details e.g. legislation? Should we keep this standard as is or British Standard? Operators suggested aspects of the standard they considered should be revised or should be reviewed.

With regard to digestate management, there are no additional production preparation requirements, including requirements when a drying step is part of the process. There should be monitoring around this. The minimum quality requirements are based on nitrogen content and if the results are over 9kg then you cannot use this table unless for fibre. The scale is based on dry matter

content. Many more operators are drying their digestate to cut costs on storage and spreading but this dried product does not fit with the standard. This will be considered during the review.

Other details we need to know are the timeframes for the Agency's upcoming review of the ADQP. Would it be risky to make changes to PAS 110 now before waiting for the outcome of the ADQP review? What if the QP were to open new markets, would we need to revise PAS 110 to match? Should we wait for the Research Hub to fund research to support changes to the standard and QP? There is a lot of uncertainty surrounding the QP and its use in the future.

We discussed whether PAS 110 should become a British Standard but we were not sure of the process or the advantage. Does the standard need to be revised to achieve this status?

Would we make similar changes as those that were made to PAS 100 e.g. introduce the Safety and Quality Control System? People would be bemused if the same changes were not made because they are seen as sister documents. Should we look at ADBA's best practice scheme to identify if anything operational is missing from PAS 110? It could be useful to marry these documents. GP informed that she recalls that potentially health & safety requirements were missing from PAS 110 but operators consider this too big for the PAS 110 QMS. This is already covered in ISO.

There is some confusion over the definition of what whole digestate is and what separated liquor is. There needs to be some clarification over what 'separation' is and what 'screening' is.

On the subject of additives, operators commented that the risks to quality from additives should be considered in the HACCP study and so relevant risks to quality and subsequent control measures identified. However, at what point do we draw the line in terms of what is added to digestate?

Close

Summary of key actions:

- REAL to consider gaining more insights into NNFC data
- REAL to provide clarification following meeting on proposals in the consultation document
- REAL to consider timeframes for 'unannounced spot checks' if requirements are added to Rules
- REAL to consider liaising with EA regarding data on digestate pollution incidents
- REAL to consider how Defra's Clean Air Strategy consultation outcomes will be disseminated
- REAL to consider how to inform operators that the samplers' personal data might be stored
- REAL to find out when the ADQP is likely to be reviewed
- REAL to record discussion on exemption for PC testing during review of PAS 110
- REAL to consider looking at CCS SR for the BCS SR re the Contract of Supply
- GP/JC to ask OF&G/EA for feedback on plastic contamination complaint at Oversight Panel
- REAL to consider guidance for clarification on separation and screening digestate
- REAL to consider whether there are any potential impacts on digestate quality as a result of using various product additives e.g. different anti-foaming agents