



## **The Green Gas Support Scheme: Stakeholder Bulletin Consultation – Digestate management**

### **Response form**

The stakeholder bulletin is available at: [www.gov.uk/government/consultations/green-gas-support-scheme-ggss-digestate-management](https://www.gov.uk/government/consultations/green-gas-support-scheme-ggss-digestate-management)

The closing date for responses is 15 January 2021

Please return completed forms to:

Email: [greengassupport@beis.gov.uk](mailto:greengassupport@beis.gov.uk)

### **Personal / Confidential information**

Please be aware that we intend to publish a summary of all responses to this stakeholder bulletin, alongside responses to the Future Support for Low Carbon Heat consultation which concern the Green Gas Support Scheme.

Information provided in response to this stakeholder bulletin, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the stakeholder bulletin document for further information.

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I want my response to be treated as confidential ☐

Comments: [Click here to enter text.](#)

No comment

## About You

Name: Dr Kiara Zennaro, Head of Biogas ([kiara@r-e-a.net](mailto:kiara@r-e-a.net))

Organisation (if applicable): Association for Renewable Energy and Clean Technology (REA)

Address: Brettenham House, 2-19 Lancaster Place, London WC2E 7EN

	<b>Respondent type</b>
<input checked="" type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

## Questions

### Question 1: Do you support the measures proposed for low emissions spreading? Yes/no

☒ Yes

☐ No

Comments: [Click here to enter text.](#)

#### Proposal 1 (digestate storage)

Overall, industry is supportive of proposal 1, as it effectively replicates what is already required under the RHI legislation (ie requirement for a plant to hold an environmental permit before it is commissioned).

Nearly all plants supported under the Green Gas Support Scheme are likely to include a proportion of wastes (given there are likely to be similar feedstock restrictions to those specified under the RHI), therefore they will require waste permits to operate.

It is crucial that this requirement only applies to new plants funded under the Scheme. Given the challenges associated with retrofitting fixed covers to existing stores (e.g. lagoons and above ground tanks), which Defra and the environmental regulator are fully aware of following extensive discussions with industry, **it is important that BEIS makes it clear that this requirement applies to new plants.**

As BEIS noted in the consultation, the EA is in the process of reviewing all standard permits to require all new and existing storage tanks and lagoons to have covers. All new plants (whether under standard or bespoke permits) will need to implement the relevant appropriate measures set out by the Environment Agency in its [guidance](#), which should be in place later in the year. New plants will need to have these measures in place before waste treatment operation starts.

**We would recommend that BEIS does not explicitly state in the regulation that 'plants need to ensure they have covered storage of digestate'.** This is because:

- There is no need to specify this in addition to stating that plants must hold the relevant waste permit. As stated above, the EA's new standard permits will require covered storage for relevant digestates. Bespoke permits will also require plants to adopt the best available techniques set out in the EA's guidance on appropriate measures. This guidance is expected to be introduced later this year and will include Best Available Techniques to mitigate ammonia emissions from storage. Although the [draft guidance](#) that the EA consulted on last summer had some ambiguities and inconsistencies on the meaning and requirements associated with covering stores, the EA is currently in the process of amending and clarifying it in response to industry's feedback. It is expected that the guidance will require all stores to be covered, but the exact type of cover or the use of alternative mitigation techniques will be based on a site specific risk assessment. Sites will need to demonstrate how they are minimising emissions if they are not using a cover, guaranteeing the same level of environmental protection.

Introducing a blanket requirement to cover all digestate stores may end up being rigid, prescriptive and not in line with the environmental regulator's approach.

- The use of the term 'digestate' introduces ambiguity, is open to different interpretations and could inadvertently introduce unnecessary restrictions. For example, this term is normally used not only to include whole digestate, but also the liquid and solid fractions produced by separating whole digestate as well as other products made from digestate (e.g. digestate that

has undergone further treatment after separation, such as drying and pelletisation, or that has been stripped of its ammonia content etc.). We understand there is significantly less concern on the ammonia emissions from solid digestate and we believe there are currently no plans from Defra to introduce a requirement to cover solid digestates. Similarly, treatment steps such as ammonia stripping, which are already adopted in the UK, or others which may become available in the future, may remove the need for covering digestates.

The technique or type of cover adopted at one site to mitigate ammonia emissions from storage is entirely site specific and should be based on a site-specific risk assessment which takes into account any nearby 'sensitive receptors'. What is Best Available Technique and sufficiently effective for one site may not be appropriate for another site. As said above, the introduction of a blanket requirement to cover all digestate stores under the GGSS could end up being very prescriptive, would stifle innovation and would not be flexible enough to allow alternative solutions such as ammonia stripping to be adopted by plants, subject to site specific risk assessment approach.

In summary, whilst we understand the need for BEIS to ensure plants under the Scheme mitigate ammonia emissions from the storage of digestate, it is important that it does not introduce a regime in addition to what is already in place or will be soon in place through waste regulatory controls. An additional regime may result in Ofgem duplicating what is already being checked and enforced by the environmental regulator. BEIS should aim at simply reinforcing regulatory regimes that are or will be in place and feeding into the review of these regimes if appropriate.

**Specifying that all new plants supported under the Scheme treating waste must hold a waste permit should be sufficient to meet BEIS objective that ammonia emissions from digestate stores are mitigated with best available techniques, whilst being aligned to the environmental regulator's approach.**

If BEIS decide to explicitly state that sites under the scheme must have covered storage, then the wording used must ensure there are not unintended consequences resulting in the scheme being prescriptive for no additional environmental benefit. It would be useful for BEIS to clarify whether their intention is to capture whole and liquor digestates only, as low emission spreading for solid (fibre) digestates would mean rapid incorporation – something that's impossible to do on land where a crop is already established.

## **Proposal 2 (digestate spreading)**

BEIS has stated in the consultation that 93% of the AD industry is already using low-emission spreading equipment. It would be useful to understand whether the volumes of digestate spread by the remainder 7% of the sector that is not using this equipment are significant. This would help understand how large is the issue we are trying to address.

### Operators spreading digestate without using third party contractors

For participants that don't use external contractors, the proposal that digestate is spread using low emissions spreading equipment as set out in the Code of Good Agricultural Practice to mitigate ammonia emissions seems reasonable. It should not be difficult for an operator that is spreading its own digestate to show a record or an invoice evidencing the purchase or hire of such equipment.

### Participants using contractors

For operators that use external contractors, BEIS should note that there is a significant proportion of contractors that are not currently assured under NAAC Assured Land-Based Contractor Scheme yet follow best practice protocols which could be more appropriate than the NAAC scheme. This includes documentation such as a quality management system, an environmental management system, a health and safety policy, and supply contracts. We understand the NAAC scheme does not include requirements specific to digestate spreading equipment and is more to do with good professional practice.

It would be over-prescriptive to require those contractors to join the NAAC and also not result in any additional benefit to the environment. This would not improve their environmental standards and would place an unnecessary burden and additional costs.

Since best practice for spreading digestate is set out in the COGAP, **we strongly recommend that the wording used by BEIS in the legislation with regard to contractors is aligned to those used for participants that don't use contractors ie BEIS should require that contractors follow COGAP for mitigating ammonia emissions.**

We also strongly recommend that **BEIS is clear on what evidence is required from the participant to meet this requirement (ie what level of documentation should be required) and does not leave this open to Ofgem's interpretation. We would suggest that the following documentation should suffice to demonstrate to Ofgem that this requirement has been met:**

- 1) An initial declaration from the contractor to the participant stating they will follow COGAP for spreading digestate (or copy of the contractual obligation between the GGSS participant and the contractor); and**
- 2) An annual declaration from the contractor confirming that digestate has been spread according to COGAP (or equivalent records).**

The legislation must be worded carefully so that the GGSS participant is not having their support payments reduced if the digestate has not been spread by the contractor in line with their contractual obligation or above declaration.

The AD operator should not be deemed responsible for how the digestate has been applied or what equipment has been used, provided the contractor has agreed to terms and conditions for the spreading and application of that digestate, according to good practice and in line with the relevant regulations.

If this is not made clear by BEIS in legislation, this could introduce significant risks for the project as the GGSS participant could lose their GGSS support payment because of the contractor's activities and it would be difficult for participants to fully back this off to their contractor (ie, we expect it will be difficult to obtain sufficiently robust indemnities backed by a sufficiently creditworthy contractor).

In summary, any requirement introduced by BEIS on the spreading of digestate should ensure that the GGSS subsidies are not jeopardised if the contractor breaches its contractual obligation or declaration, which is largely beyond the participant's control.

#### Ambiguity of term 'digestate'

In addition, we note that the same concern we raised above on the use of the term 'digestate' also applies here. It creates ambiguity, is open to different interpretations and could inadvertently

introduce unnecessary restrictions. The use of low emission spreading equipment is normally associated with liquid digestates and this requirement should not be placed on solid digestates.

#### Policy should allow innovation

As highlighted above for storage, it is important that the policy allows for future innovative solutions to be used as alternatives to mitigate ammonia emissions if this can be demonstrated via a site risk assessment approach / technical evidence.

As noted by BEIS, Defra is planning to introduce further guidance and rules on the use of low emission equipment in the future and this might not digestates which have been further processed in ways that ensure they will not emit ammonia when being spread. An example is separated fibre digestate which has subsequently been dried and pelletised. BEIS should ensure that GGSS rules don't end up inadvertently stifling advances in further processing of digestates.

#### Current regulatory regimes

It would be useful to look at all the existing regulatory regimes and understand to what extent this requirement is already covered. As highlighted above, BEIS should avoid introducing an additional regime which would see Ofgem duplicate the role of the environmental regulator, if this is unnecessary.

In addition, there is now a window of opportunity for BEIS to feed into discussions with the EA on the Quality Protocol review and the EA's guidance on landspreading (also being reviewed), along with ongoing discussions around the extent to which UK legislation should mirror the recent EU Fertilising Products Regulation.

We have highlighted below the current regimes applying to digestates with different status:

##### 1. Digestates with product' or 'End of Waste' status

Under the Quality Protocol (QP) for anaerobic digestate, digestate supply must be accompanied by the appropriate supply documentation. This must include the terms and conditions for its use, as per the requirements in Appendixes G and H of the QP. The digestate is normally supplied with a contract of supply/dispatch information that includes all the terms and conditions for its use.

Appendix H states: 'Spreading techniques and subsequent soil management that will minimise ammonia emissions should be adopted.' Given the Quality Protocol is currently being reviewed by the environmental regulator, there is an opportunity to ensure this wording is changed to create consistency across regulatory and voluntary regimes around digestate spreading.

##### 2. Digestate with 'waste' status

Digestate with waste status will need to be spread under waste regulatory controls ie landspreading permits and deployments. The requirements on how operators need to comply with their landspreading permits are set out in the EA Guidance TGN EPR 8.01 'How to comply with your landspreading permit'. The wording in the guidance in relation to spreading is vague, however there is a new guidance the EA has been working on that has not been published yet. There is therefore a chance to influence what goes in the guidance and maybe make it clearer.

### 3. Agricultural digestates

As long as these digestates are applied to agricultural land in the same way slurries/manures would be applied, the application of these digestates currently falls outside waste regulatory controls.

#### **Joined-up work is required amongst regulators and Government departments to ensure consistent standards are adopted across the sector**

As highlighted in the past, based on our member specialists in this area, the simplest way to ensure all livestock slurries and liquid digestates are applied in a way that minimises ammonia emissions is to ensure a baseline standard for the operation of spreading equipment by farmers, contractors and operators. For example, the scope of the NRoSO Scheme (National Register of Sprayer Operators) for spraying pesticides could be easily extended to include a qualification to cover the application of livestock slurries, manures, and all organic materials in liquid forms including liquid digestates. We understand from our member agronomists that most farmers are farm assured (e.g. under a dairy or a cropping farm assurance scheme) and these schemes normally require the farmer to keep a record that pesticides are only spread by an NRoSO certified spreader operator. This record is provided by the spraying operator to the farmer. If the scope of this scheme were to be extended to include a further qualification to cover the application of livestock slurries, manures, and all liquid organic materials including liquid digestates, a record could be provided by a qualified spreader operator to the farmer in the same way and this would be checked under the relevant farm assurance scheme.

The information supplied by the producer of digestate when this is supplied should include a statement to the effect that liquid digestate needs to be spread using an NRoSO Scheme qualified spreading operator.”

#### **We recommend that going forward industry, BEIS, Defra and the environmental regulators work closely to adopt a consistent and robust approach to landspreading that achieves high standards without posing excessive burden and costs.**

#### **Question 2: Are there any further requirements that you think would be useful in this space, or would serve as better alternatives to mitigate ammonia pollution?**

Comments: As highlighted above, the policy should not be prescriptive and allow for alternatives to be adopted if they can prove an equivalent or higher level of ammonia control. We welcome BEIS' plan to support a feasibility study looking at the feasibility and costs of ammonia mitigation technologies and we would be happy to assist with that and facilitate engagement with our members that are specialist on this topic.

There are likely to be synergies worth exploring between BEIS's prospective feasibility study and Renewable Energy Assurance Limited's Research Hub project titled '*To develop a 'data pack' on the properties, characteristics, and content of digestate that will provide context for the development of new uses of outputs from Anaerobic Digesters*'. Scheduled to run from February to July this year, REAL's project has three key parts, the first being the analysis of data on key digestate characteristics (including N, P and K) and their compilation into a Data Pack for use by REAL's Biofertiliser Certification Scheme participants and key stakeholders. It's second part will look into 'the landscape for digestate-derived products and other alternative digestate uses, including Rapid Evidence assessment of technologies for further processing digestates and assessment of Technology Readiness Levels of a number of these technologies. Waste regulatory controls on digestates will be considered in addition to End of Waste rules and stakeholders will be surveyed with a focus on understanding AD operators' awareness of or interest in implementing the

digestate valorisation options the project identifies or whether they have already implemented any such options. The third part of the project will develop a 'roadmap to market' which will overlay the identified treatment/valorisation options onto the UK regulatory and financial landscape to understand which options are most commercially promising. This is REA's condensed version of REAL's project outline and we recommend that BEIS contacts REAL to find out more.



Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐