



7th January
2021

REA Digestate Working Group meeting



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Decarbonising the economy

Meeting Housekeeping

- All please join as *muted & without video* (though you can unmute yourself when you wish to talk)
- Please note where the *chat or questions box* should you have any questions

The session will be recorded for accurate note taking.

Participants will receive a copy of the slides and recording will be available upon request.

Thank you



Agenda

1. Welcome and introductions (Mark Christensen, DG Chair, Reliagen Holdings Ltd)
2. REA's updates on recent meeting with Defra (Clean Air Quality) – re ammonia emissions (Kiara Zennaro, REA)
3. Members' discussion on REA's response to BEIS consultation on digestate management under the future Green Gas Support Scheme (Kiara Zennaro, REA & all)
4. Members' discussion on REA's response to Defra's consultation on the Farming Rules for Water review (Jenny Grant, REA & all)
5. Quality Protocol review reminder (Jenny Grant, REA)
6. Impact of EoW status on applicability of REACH (Emily Nichols, REA)
7. Update from REAL's Market Development Working Group & Research Hub (Georgia Phetmanh & Olivia Furssedonn, REAL)
8. [ISWA Soils project](#): benefits of organics to the soil (Mark Christensen)
9. Close (Mark Christensen)



2- Updates on meeting with Defra

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- 5th January: REA met with policy leads on low-emission spreading techniques and covers for stores in Defra's team - Agriculture, Air Quality and Industrial Emissions.
- Defra reiterated measures set out in the Clean Air strategy to mitigate ammonia emissions from farming:
 - Actions to reduce emissions from urea-based fertilisers. Current consultation closing on **26th January**
 - Consulting in **Autumn 2021** on:
 - ✓ Requirement for rapid incorporation of all solid fertilisers (within 24 hours)
 - ✓ Requirement to adopt low-emission spreading techniques for slurries and digestates by 2025. May be phased in earlier for digestates and large volumes of slurries.
 - ✓ Requirement to cover stores by 2027. May be phased in earlier for digestates and large volumes of slurries.
- Work on design livestock standards led by EA
- Slurry investment scheme, from 2022. Should include grants and low-interest loans to help farmers to invest in store covers and low-emission spreading techniques. Digestate should be covered.
- Ongoing work with the Nutrient Management Expert Group
- Collating evidence on the impact of ammonia emissions and ammonia emission levels tracking

3- BEIS consultation

- 21st December: BEIS issued [consultation](#) on digestate management under the GGSS, to control ammonia emissions
 - Ammonia is an air pollutant
 - UK has legally binding targets to reduce ammonia emissions and a target to reduce nitrogen deposition in England
 - Digestate is a potential source of ammonia emissions, mostly from storage and spreading
 - The document includes proposals to mitigate emissions from AD plants registered on the GGSS, without impacting on scheme deployment or pose a risk to investment
- Deadline: **15th January 2021**



3 - Proposal 1

Controlling emissions from storage

- The GGSS will make it clear that all new participants using waste feedstocks on the scheme will be required to obtain the requisite waste permit and ensure they have covered digestate storage.
 - BEIS noted that the EA is updating all environmental standard permits to require all new storage tanks and lagoons to have covers.
 - Also note that all plants on the Scheme will need a waste permit as BEIS is likely to maintain (or increase) the current minimum threshold for wastes/residues

Initial comments

- Proposals sound reasonable
- BEIS should also make reference to bespoke permits and EA's appropriate measures guidance – all new plants will need to comply with appropriate measures from start of operation and guidance due to be published some time this year
- It is critical that Defra and EA clarify the rules for covering stores – ie what is acceptable - as a matter of some urgency so that developers can invest in the right infrastructure



3 - Proposal 2

Controlling emissions form digestate spreading

- GGSS will require participants to adhere to either of the following from the start of the scheme:
 - ✓ Digestate is spread using low emission spreading as defined in the Code of Good Agricultural Practice for reducing ammonia emissions.
 - ✓ Where the participant contracts another person to spread the digestate, that person complies with the National Association of Agricultural Contractors (NAAC) standards (or equivalent).
 - ✓ Plan to commission a study looking into long-term feasibility and cost of ammonia mitigation technologies to be published in time for a mid-scheme review
- Do you support this measure?
- Do we need more clarity on what records / evidence will need to be provided to demonstrate this?
- What proportion of contractors is certified under NAAC scheme?
- Are there any other requirements you think would be useful or serve as better alternatives to mitigate ammonia emissions?

4 – Farming Rules for Water review

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- Objectives of review
 - Examine performance since implementation
 - Awareness and comprehension by agriculture sector
 - Identify objectives intended to be achieved and assess the extent to which these are being achieved
 - Assess if objectives remain appropriate
 - Assess effectiveness of restrictions in reducing or preventing water pollution caused by agricultural sources
 - Take into account available scientific and technical data
- Publish report by 2nd April 2021
- Review to consider:
 - Effectiveness of the outcome based regulatory model
 - Areas of overlap with Nitrates and SSAFO
 - 25 year Environment plan and future opportunities for reform of regulatory regime
- Informal steering group within Defra and potential for formal public consultation



4- Defra Questions

1. Do the rules pose any barriers to your work and if so, what are they?
2. Are you aware of how the rules affect you?
3. Have there been any unintended effects of the rules on your work? If so, can you give examples?
4. Are the rules effective in their aim to provide a minimum baseline for land managers?
5. Any other comments?



4- Defra Questions

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Summary of draft response

- Interpretation – inconsistent creating unlevel playing field and confusion.
- Enforcement of rules is inconsistent leading to difficulties in justifying investments.
- Value of organic matter not recognised.
- Awareness of requirements is variable and not well known by farmers.
- Storage – more storage needed to comply with requirements.
- Impact of spreading in spring could cause other issues.
- Conflict and co-ordination with other regulations
- AHDB impact assessment

Comments and additions welcome



5 – Quality Protocols Review

- EA published response to the review of the QPs
- QPs need revising – compost, anaerobic digestate and poultry litter.
- Task and finish group to be set up by 30th May or support for QP will be withdrawn.
- Industry expected to pay for revision (approx. £20K per QP)
- ADQP issues may need addressing
 - Plastics limit
 - Risk assessment
 - Suitable comparator
 - Waste status of manure based digestates
- **Industry wide meeting with EA to discuss on 20th January – please [join us](#).**



6 - REACH and EoW interaction

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1. Exemptions from REACH registration* include:

- Annex V, point 12: 'Compost, biogas and digestate.'
- 'Whereas' text para 1: 'digestate that is either not waste or has ceased to be waste should also be listed in that Annex'

* Regulation (EU) 2019/1691 amending Annex V to Regulation (EC) No 1907/2006.

2. REAL's BCS position on waste-derived digestates that cease to be waste, in England, Wales and Northern Ireland*:

- ADQP includes 'separated fibre that needs no further treatment' (REA interpretation: aerobic maturation of SF is included because that is allowed under PAS 110)
- ADQP excludes 'dried digestate / dry separated fibre' or any other further treatment of digestate

* PDF doc 'news_1108_BCS_December_Update' 11 Dec 2019

3. EA review of ADQP: REA requested further processed digestates & derivatives be considered and included in revised ADQP



6 - REACH and EoW interaction

1 Our interpretation of Section 3 of Defra's Guidance on the legal definition of waste and its application, August 2012

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E.g. ammonium sulphate stripped from digestates made from waste or non-waste inputs may be:

- a) produced with intention of using or marketing it, in which case the ammonium sulphate may be a PRODUCT*
- b) not intentionally produced so is RESIDUE which is;
 - i. discarded, in which case it is a WASTE, or
 - ii. used, in which case it is a BY-PRODUCT*

* Case-specific EoW application needed as not covered under an industry-wide EoW position for digestate-derived ammonium sulphate products¹

- If the regulator's case specific opinion is that it's product or by-product, it seems unlikely to count as '**digestate**' (that is not waste or has ceased to be waste) under REACH, in which case the producer would have to register it
- Many registrations for ammonium sulphate on the ECHA database but no detail about what they've been produced from and how



Update on REAL's Market Development Working Group

Georgia Phetmanh

REAL

2020

- ▶ The MDWG met for the third time in January to work through the EA's QP Review Call for Evidence questions and the QP review survey responses.
- ▶ A survey had been circulated to gather views from BCS (and CCS) participants on potential additions to the ADQP (and CQP) in relation to waste inputs and new market sectors, and whether any evidence exists to support these.
- ▶ This work informed REAL's QP Review Call for Evidence submission. The survey responses were summarised and included in the Call for Evidence template.
- ▶ Interim telecons were held to discuss and then plan for holding a QP review workshop as the fourth meeting, whilst waiting for the QP review outcomes.
- ▶ Joint QP review workshop scheduled for 20th January 2021. Final MDWG telecon in 2020 was held to discuss other potential workstreams to focus on.

2021

- ▶ Will be deciding where to focus efforts this year. On other workstreams, e.g. exploring how to improve access to market for digestate, or the QP reviews.
- ▶ There might be an opportunity for the MDWG to contribute to technical working groups set up for the QP revision process.
- ▶ We are considering how the MDWG and potentially other REAL groups (e.g. forums) could contribute to the revision process of the ADQP (and CQP).
- ▶ REAL has a direct interest in the successful outcome of the process as owner of the end of waste certification schemes for both digestate and compost.
- ▶ We will be discussing the details of the revision process and REAL's intention for involvement in the process with the EA.

Thank you

Kiara@r-e-a.net

jenny@r-e-a.net

emily@r-e-a.net

