

Response ID ANON-AAD1-5N7F-Q

Submitted to **Appropriate Measures for Permitted Facilities that take Non-Hazardous and Inert Waste**

Submitted on 2020-11-18 11:04:28

Questions on appropriate measures for permitted facilities that take non-hazardous or inert waste

Section 1: About you

1 Please tell us if you are responding as an individual or on behalf of an organisation or group. To help us analyse the responses we receive we'd like to understand more about you and type of business you own, operate or represent. Please select one answer only from the following options:

Responding on behalf of an organisation or group

2 The Environment Agency would like to keep you informed about the outcomes of the consultation. If you would like to receive an email acknowledging your response and be notified that the summary of responses has been published please give us your email address below. By providing us with your email address you consent for us to email you about the consultation. We will keep your details until we have notified you of the response document publication. We will not share your details with any other third party without your explicit consent unless required to by law. You can withdraw your consent to receive these emails at any time by contacting us at:

Email:

jenny@r-e-a.net

3 Can we publish parts of your response that are not personally identifiable?

Yes

If you do not want us to publish your response, you need to tell us why.:

4 If you operate a permitted waste facility (or facilities), please tell us what kind it is (they are). As this guidance will apply to a wide range of types of waste facility, it will be helpful to understand the types of facilities operated by respondents. You can provide permit reference numbers if you wish.

Your text:

We represent members who operate permitted waste facilities.

Management System

1 The draft guidance (sections 27 to 44) sets out the standards we expect of management systems. What are or would be the practical and financial implications of meeting these standards?

Your Response:

For small facilities the management system requirements may be overly onerous both practically and financially.

2 Please describe any alternative approaches or additions to these standards that we should consider.

Your Response:

3 Please identify any parts of these standards that you feel are unnecessary and explain why.

Your Response:

Para 33. You review the development of cleaner technologies and their applicability to site operations.

This requirement is poorly defined and unlikely to be implementable. It is not clear how a site is expected to be able to prove it has reviewed all new technology developments and what would count as applicable. This requirement should only be included in as much as is already required within the documentation identified as required in para 39.

4 How do you think meeting these standards would benefit your business, the environment or human health?

Your Response:

For some sites, there will be a significant financial impact of meeting the standards which may make the business no longer viable and able to continue trading. This potentially could have an adverse impact on the environment with waste having to go for disposal rather than recycling, or being transported greater distances to alternative facilities.

Accident management plan

1 The draft guidance (sections 50 to 72) sets out the standards we expect of accident management plans. What are or would be the practical and financial implications of meeting these standards?

Your Response:

2 Please describe any alternative approaches or additions to these standards that we should consider.

Your Response:

The requirement for containment and storage of firefighting water needs to be risk based to the size of the operation.

The need to carry out emergency drills and exercises comes with their own risks and for some sites may be unnecessary and of little value. Well designed plans should be sufficient.

3 Please identify any parts of these standards that you feel are unnecessary and explain why.

Your Response:

4 How do you think meeting these standards would benefit your business, the environment or human health?

Your Response:

Contingency plan

1 The draft guidance (sections 73 to 81) sets out the standards we expect of contingency plans. What are or would be the practical and financial implications of meeting these standards?

Your Response:

2 Please describe any alternative approaches or additions to these standards that we should consider.

Your Response:

3 Please identify any parts of these standards that you feel are unnecessary and explain why.

Your Response:

Para 257 - You must monitor fugitive emissions of dust and particulates if they are likely to cause pollution at sensitive receptors, or if this has been substantiated.....You should use a particulate limit of 75 µg/m³ to 100 µg/m³ (over a 5 minute average) for PM₁₀ as an initial trigger for action, and reduce this after the system has been in place for some time.

There could be concern about this last sentence, "in place for some time" is poorly defined and leaves sites open to risk if their definition of "some time" is not the same as the EA's. Could this be better defined? – i.e. 'if there are no issues identified over a 6 month period' this can be reduced.

4 Contingency plan. How do you think meeting these standards would benefit your business, the environment or human health?

Your Response:

Enclosed building

1 The draft guidance (sections 177-187) requires that waste treatment activities that have or are likely to pollute sensitive receptors, must be undertaken within an enclosed building. Unless the operator can demonstrate that their alternative measures are equally as effective or better. Further requirements include containment with extraction to abatement and that non-treatment activities like loading and unloading are both undertaken in enclosed buildings, if they produce significant emissions that cannot be controlled by alternative measures. What are or would be the practical and financial implications of meeting these requirements?

Your Response:

There would be both practical and financial implications of enclosing all waste treatment activities in a building. This should be on a risk assessment basis only and where the nature of the waste, or the processing or the site location do not justify the need for a building then this should not be required. We feel this should not be the default position, but one of a range of options that could be considered by operators in managing the emissions from their process.

The practical issues of installing a building on an existing site include the need for planning permission and the ability for the site to continue to operate during any construction. There can be a long lead time for planning permission and need to co-ordinate with the permit application. This could lead to 2-3 year timescales which would render many projects no longer feasible.

The financial implications of installing a building are also considerable. It is unlikely that the additional costs can be passed back to the waste producer in the short term so would be borne by the operators. For many this will not be sustainable and likely that some sites will cease operations.

2 Please describe any alternative approaches or additions to these requirements that we should consider.

Your Response:

Many different techniques can be used by facilities to manage emissions before the need for a building should be considered.

3 Please identify any parts of these requirements that you feel are unnecessary and explain why.

Your Response:

Para 184 – The need for air extraction should only be where the risk and impact of emissions justifies the need for air extraction.

Para 186 – Door opening and fugitive emissions. The requirements may be overly onerous for small facilities or those who can demonstrate they have low risk and low impacts of any emissions. We support the risk based approach.

Para 187 – There should not be mandatory requirements for acoustic seals etc but these should be considered as part of the noise and vibration management plan and only required when justified by the risk.

Para 188 – The need for abatement should be based on a risk assessment.

Para 201 – A leak detection and repair programme may not be needed in all circumstances. An emissions and pollution inventory, Odour Management Plan and the provision of information on preventative maintenance will provide enough information on emissions and the control of them especially where the site operates as an installation.

4 How do you think undertaking waste handling activities within an enclosed building would benefit your business, the environment or human health?

Your Response:

Waste pre-acceptance, acceptance and tracking

1 The draft guidance (sections 86 to 130) sets out standards for waste pre-acceptance and acceptance procedures. In particular, it requires that loads which have not been through pre-acceptance or properly characterised are rejected, except in an emergency or if the facility is a household waste recycling facility. Further, it requires a computerised system to manage waste pre-acceptance, acceptance, inventory and capacity. What are or would be the practical and financial implications of meeting these standards?

Your Response:

As before - For some sites there will be a significant financial impact of meeting the standards which may make the business no longer viable and able to continue trading. This potentially could have an adverse impact on the environment with waste having to go for disposal rather than recycling, or being transported greater distances to alternative facilities.

2 Please describe any alternative approaches or additions to these standards that we should consider.

Your Response:

Computerised waste tracking is over the top for some small-scale sites. Accurate, genuine, legible, retrievable records should be sufficient.

Why must it be 'a computerized tracking system' to hold up to date information about the available capacity of the waste quarantine, reception, general and bulk storage areas? Clarification of what is actually meant by a computerised tracking system is needed as many sites carry out the tracking manually and record electronically. We suggest that accurate records held electronically will be adequate.

3 Please identify any parts of these standards that you feel are unnecessary and explain why.

Your Response:

Para 87 - The age of the waste is not relevant for all waste types – only those likely to change over time.

Para 98 – Shouldn't exclude not pre-booked wastes but should be based on a risk assessment and as long as appropriate and in accordance with the waste acceptable procedures.

Para 91&120 - 'Sample analysis carried out by labs who are UKAS or MCERT' - We would better if the requirement could be for a low frequency of obligatory tests e.g. once a year in an accredited lab as more than this will be costly for the sector.

Para 107, 151, 233 - The requirement for impermeable surfacing and self-contained drainage should be based on a risk assessment given the types of materials accepted, other techniques and site location. In some cases hardstanding surfaces may be acceptable.

Para 111 – We suggest the removal of the 5 day limit and leave the last sentence which adequately covers it. Waste not causing any emissions or pollutions may be stored for longer prior to transfer off site.

Para 138 – Cleaning of bays, this is ok but not all waste will be a source of odour and vermin so cleaning should be done on as required basis depending on the risks.

4 How do you think meeting these standards would benefit your business, the environment or human health?

Your Response:

Emissions inventory and monitoring

1 The draft guidance (sections 254 to 259) includes a requirement for an inventory of point source emissions to air and water, and that monitoring is undertaken to demonstrate the effectiveness of abatement of point source emissions. Further, it requires that monitoring should be undertaken where fugitive dust/particulate pollution at sensitive receptors is likely or has occurred. What are or would be the practical and financial implications of meeting these standards?

Your Response:

With regards to an inventory, a sensible frequency needs to be agreed with the EA for monitoring, recording and evaluating the need for corrective actions or change to management procedures re waste water and gas substances.

2 Please describe any alternative approaches or additions to these standards that we should consider.

Your Response:

Retro-fitting secondary containment potentially creates a risk of pollution. A suitable monitoring programme would address any concerns for existing facilities.

3 Please identify any parts of these standards that are unnecessary and explain why.

Your Response:

The requirement for daily monitoring should be restricted to every working day, not requiring monitoring during days that staff are not present on site.

Para 260 – The need for monitoring and review the annual quantity of water, energy and raw materials and residues and waste water produced should be required for installations only as this is overly onerous for other sites.

4 How do you think meeting these standards would benefit your business, the environment or human health?

Your Response:

Additional questions

1 Are there any omissions from the draft guidance that you have not already described? If so, please suggest how the guidance should be changed to address them.

Your Response:

2 Are there any requirements in the draft guidance that you feel are unnecessary, and that you have not already discussed? If so, please identify them and explain why they are unnecessary.

Your Response:

Para 168 – Abatement of air from liquid waste tanks should only be required where the risk assessment for odour or emissions demonstrates that this is required.

3 Please provide any other comments you wish to make about the draft guidance.

Your Response:

Our members are generally supportive of risk based measures to improve operations and operate in a way without causing any environmental harm. However, questions and concerns have been raised about when it will apply, consistency, the cost of complying with the requirements and the EA resources to deal with assessing compliance.

We support the risk based approach where size, operations, location and impacts are taken into account when assessing what measures are appropriate.

For existing operational sites where improvements are necessary, including large structural changes, most changes will need structural engineer reports and may require a planning application. The timeframe for this may take longer than August 2022. In addition, existing sites will also have to try and operate whilst improvements are made. Existing sites should have longer to comply with the requirements as long as they can actively show that they are going through the motions of making the improvements. We urge the EA to consider allowing sites to work towards site improvements over a 5 to 10 year period or introducing a clear phased approach for sites to comply with.

The cost of making the required improvements is a concern and will affect the speed in which changes can be made. Large capital equipment like covering a reception bay, or installing a building could run into thousands and be unaffordable to small sites. It will be difficult to pass on the cost to existing contracts, where gate fees are fixed for a set period and there is no chance to increase gate fee income to help fund the changes. As contracts are renewed, the cost of improvements can be factored in, but this takes time.

It is imperative that the measures are applied consistently across the industry, but it is very important that this is proportionate to the risk posed by the activity. Some small sites are concerned about the cost of demonstrating to the EA why some of the suggested measures are not appropriate for their site.

Concerns have also been raised about the resources within the EA for assessing and agreeing appropriate measures with sites. If the appropriate measures are to be implemented fairly, then the EA needs to be properly resourced to process queries and have discussions with operators. It would be good to understand more about how national and local EA will oversee and implement the requirements. Members have also raised concerns about the interpretation on the ground of the risk based approach by regulatory officers compared to the intentions by the policy team. The risk based approach needs to be pushed downstream to officers on ground.