

[redacted] (DEFRA)

Sent: 30 October 2013 14:59
Subject: RE: Named-day PQ 1202 (Fire at recycling site) - Due date: close Wednesday 30 October

Hi [redacted],

I've attached a background note on how we regulate this site, and the context for this incident. I hope that helps. Any questions, let me know.

[redacted]

From: [redacted]
Sent: 30 October 2013 10:44
To: [redacted]
Cc: [redacted]
Subject: Named-day PQ 1202 (Fire at recycling site) - Due date: close Wednesday 30 October

Hi [redacted]

Thanks for confirming that you'll help with this PQ.

[redacted] ([redacted]): To ask the Secretary of State for Environment, Food and Rural Affairs, what representations were received by Ministers in his Department relating to the regulation by the Environment Agency of the storage of carpets at [redacted]; and whether any action was taken in response to such representations.

The deadline is close today as it is a Named Day PQ. As agreed:

- the Environment Agency will aim to provide a background briefing by **3pm today**;
- I will send the draft answer & background note to [redacted] as soon as possible thereafter for amendment;
- [redacted] will be available to clear the answer;
- the cleared answer should be returned to me by the end of today if possible or, at worst, first thing tomorrow morning.

Guidance on how to draft a PQ can be found from page three onwards. The answer is likely to be along the lines of: "Ministers have received no such representations", subject to confirmation from [redacted] & Lord de Mauley's office that this is actually true. The background note is to aid clearance by the Minister & won't be published.

Please call me if I can provide any further information.

Many thanks.

[redacted]

Briefing



Environment
Agency

[redacted] at [redacted]

Regulation

[redacted] operates a waste site at [redacted] premises under a Standard Rules Environmental Permit. The permit allows the storage and processing of up to 75,000 tonnes of household, commercial and industrial waste per year. The Environment Agency granted the permit in June 2011.

The site receives waste carpet which is shredded and sold for use in equestrian surfacing. The shredded carpet is baled and stored pending receipt of customer orders. The permit requires all waste to be stored within a building. [redacted] were also investigating and pursuing a new method of utilising the waste by blending shredded carpet with wood chip and paraffin wax to produce combustible briquettes. No briquettes had been produced or stored at this site.

In 2013 [redacted] accepted more waste carpet at this site than the infrastructure could accommodate. As a result, baled waste carpet was stored outside contrary to the requirements of the permit. The Environment Agency advised [redacted] of this breach of permit conditions and requested an action plan to clear the excess waste.

[redacted] submitted their action plan on the 11 July 2013. The Environment Agency considered the plan to be acceptable and agreed a final clearance date for the site of 30 September 2013. The Environment Agency advised that they would consider enforcement action if [redacted] failed to achieve this.

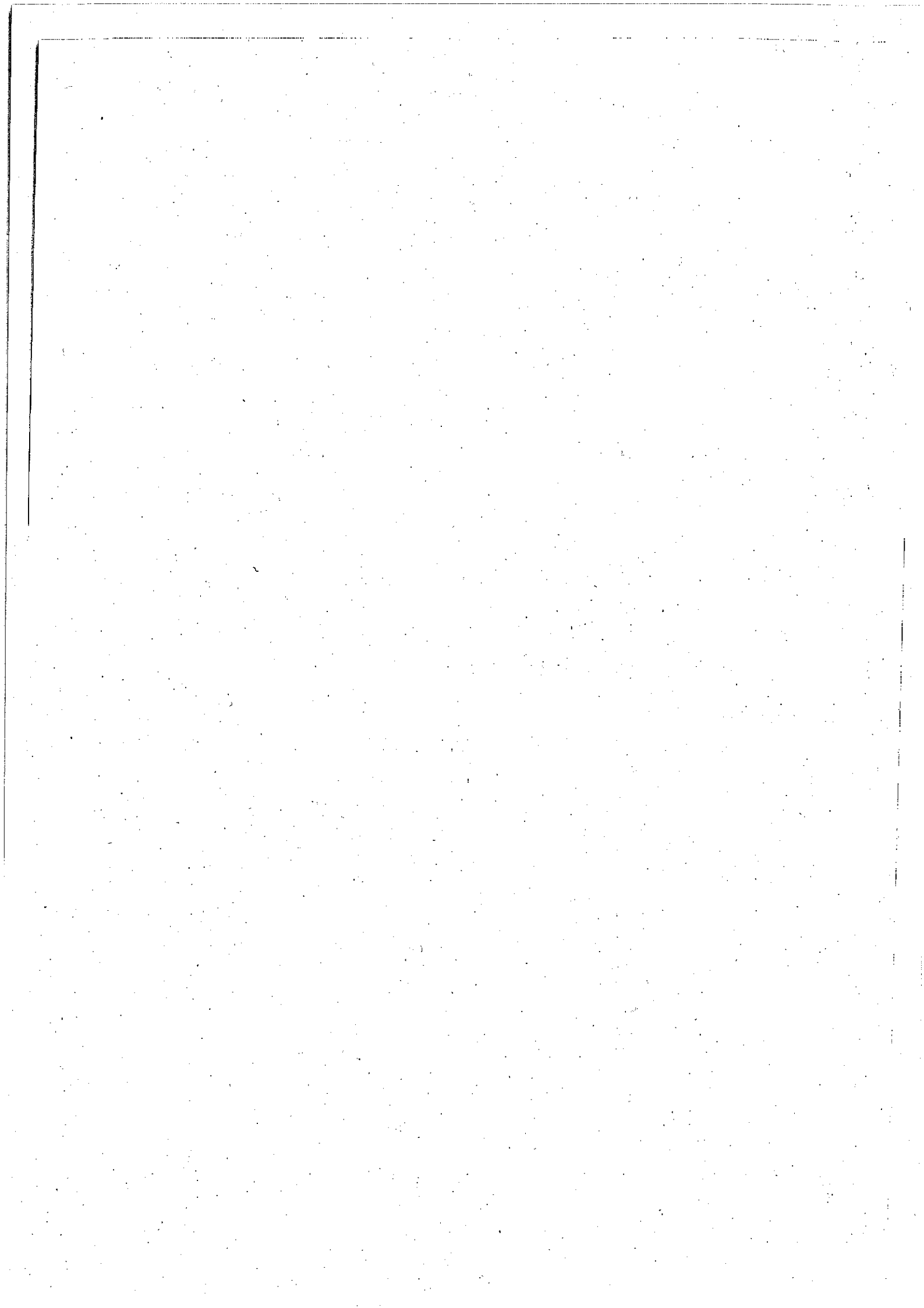
Incident Response

There was a significant fire at this site on Tuesday 3 September 2013.

Following the fire, Northumberland County Council is leading a multi-agency group to manage the situation and to keep people informed. The group includes the Environment Agency, Northumberland Fire and Rescue and Public Health England. The Environment Agency's role is to advise on the impact of fire fighting run off on surface and ground waters and the potential impact on the drinking water supply. They also provide ongoing waste management advice. Joint weekly updates are sent out to residents, local GPs and other interested parties including councillors and the local MP.

Residual waste continues to smoulder at the site under the supervision of Northumberland Fire and Rescue. It is highly unlikely that the site will re-open as a waste facility. The Environment Agency will be working with the operator and land owner to ensure that all wastes are safely removed from site.

30 October 2013



[redacted] (DEFRA)

Sent: 31 October 2013 10:37
Subject: EoW std briefing

Importance: High

[redacted], Does this reflect your std briefing on EoW. I would like to include this in a named day PQ that is due to go out shortly so would be grateful for a quick response.

Thanks

[redacted]

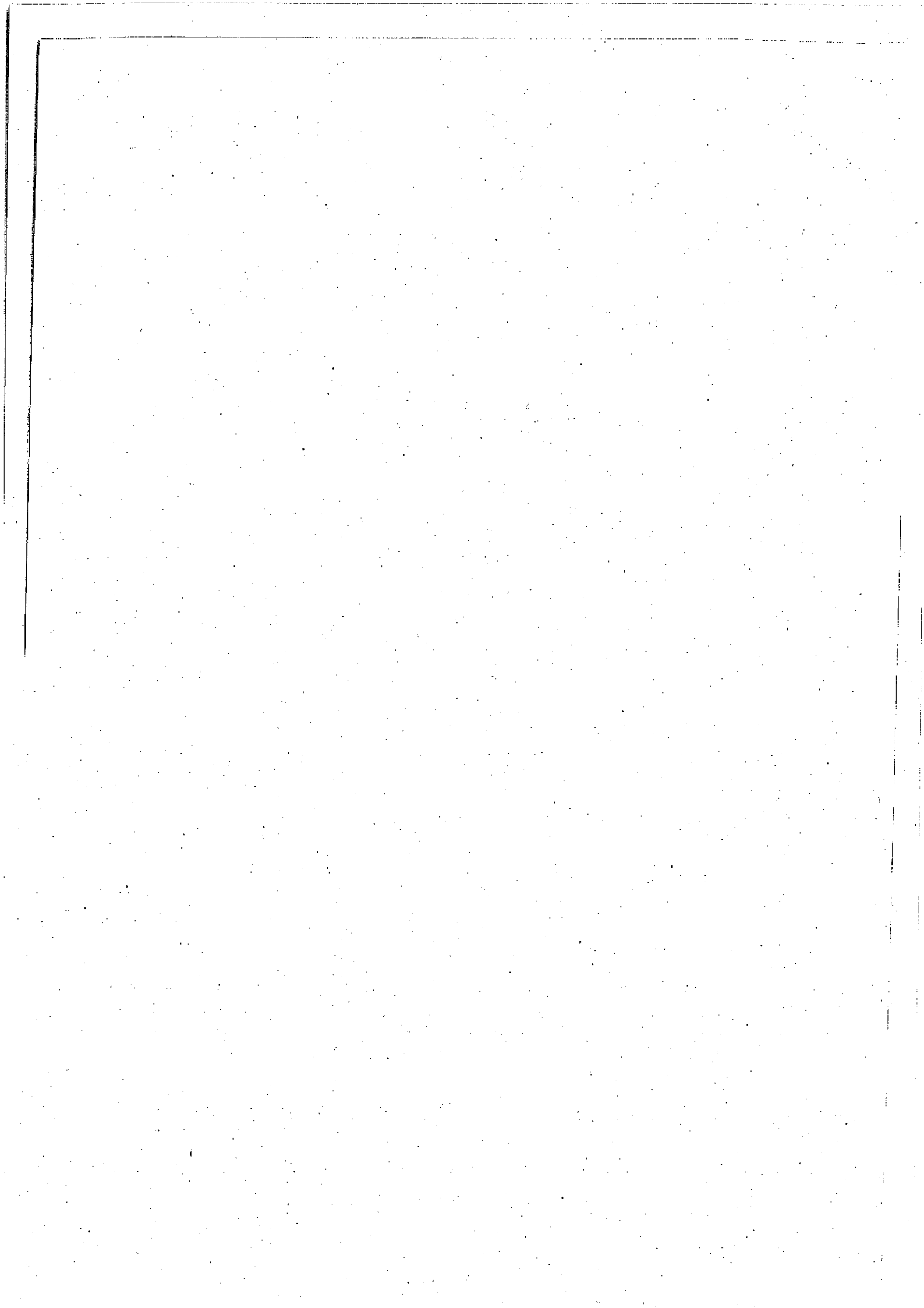
Background on End of Waste

Article 6 of the Waste framework Directive FD establishes End of Waste. Waste can undergo specific treatments for its recovery and recycling such that it ceases to be waste and can be subsequently used as a product free of waste controls. This process must fulfil four criteria:

1. The product/substance coming out of the process is a commonly used for specific purposes
2. There is a market and demand for such substance or product
3. It meets legal and technical requirements for specific purposes and standards applicable to products
4. Its use won't lead to overall adverse environmental or human health impacts

Government supports the principle of setting End of Waste criteria as a deregulatory measure that maximises the value of waste and ensures that new good quality materials – free from waste controls – meet the standards of their equivalent virgin materials and can circulate freely. Crucially, those criteria are designed to ensure that their recycling or recovery process is safe and does not harm the environment and animal/human health.

[redacted]



[redacted] (DEFRA)

Sent:

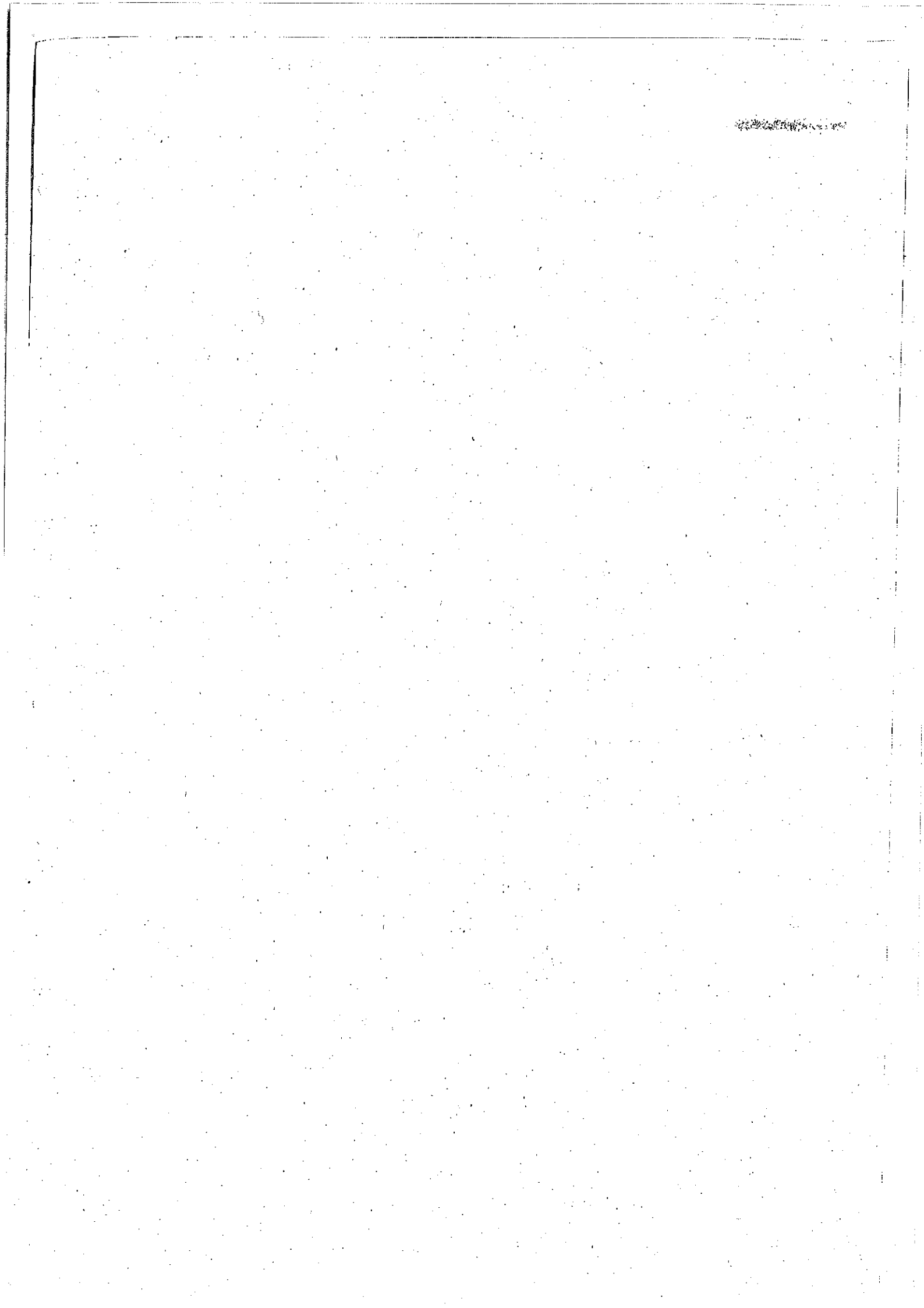
30 October 2013 12:07

Subject:

Dan Rogerson meeting with [redacted] today at 12:30

[redacted], We spoke and you mentioned that the Minister is meeting [redacted] this afternoon. As requested please see attached standard briefing on environmental permitting and exemptions. I have also attached EA site briefing provided in July and the original letter from [redacted].

[redacted]



[redacted] (DEFRA)

Sent:

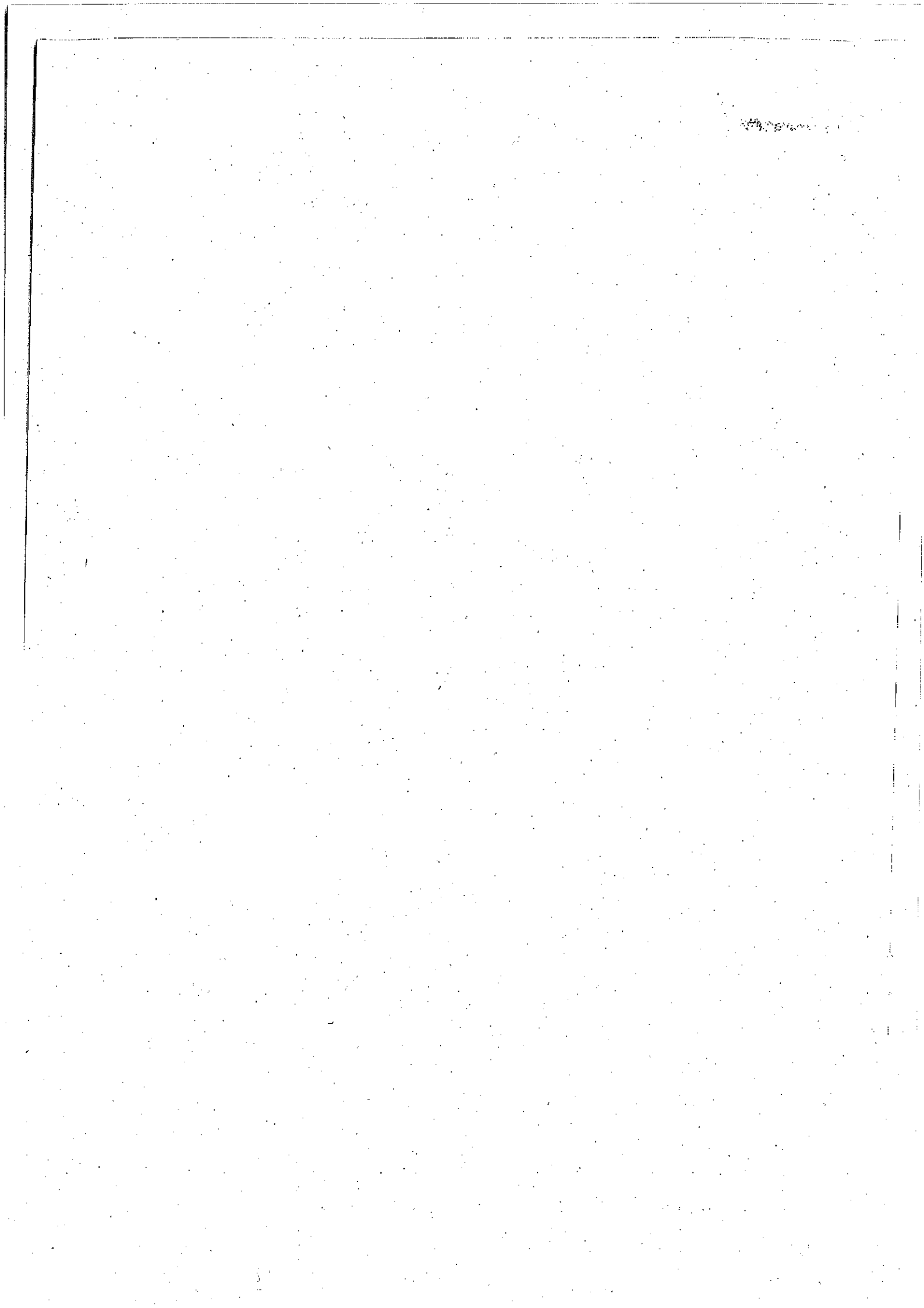
31 October 2013 12:48

Subject:

Named day PQ 1202 - EA regulation storage of carpets

Please find attached the reply for named day PQ 1202, with thanks to [redacted] for her help.

[redacted]



DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

PARLIAMENTARY QUESTION

Named Day

Date:

[redacted] ([redacted]): To ask the Secretary of State for Environment, Food and Rural Affairs, what representations were received by Ministers in his Department relating to the regulation by the Environment Agency of the storage of carpets at [redacted]; and whether any action was taken in response to such representations. [173495]

Dan Rogerson

The Secretary of State received a representation in June this year from a prospective parliamentary candidate on behalf of [redacted], [redacted], about an application to the Environment Agency for end-of-waste status for combustible briquettes produced from a blend of waste carpet and wood. The Secretary of State replied by letter on 5 August indicating that the operator would need to provide the Environment Agency with further information.

BACKGROUND NOTE – NOT TO BE PUBLISHED IN HANSARD

This answer was cleared by [redacted].

The Hansard deadline is **INSERT DATE HERE (PQ Processing Team to add)**.

Handling: The answer to the PQ is about representation the Department has received on behalf of [redacted] about its application to the Environment Agency for end-of-waste status for combustible briquettes produced from a blend of waste carpet and wood. The Environment Agency was seeking further information in support of this application.

The Environment Agency inspected the site this summer and found it to be in breach of the conditions of its environmental permit by storing excess amounts of waste carpet and failing to store the waste in a building.

However, a fire broke out at this site in September. The Environment Agency has agreed a plan with the operator to remove the waste from the site and is working with the Northumberland Fire and Rescue and Public Health England to ensure that they protect human health and the environment.

Key messages

- The fire that broke out at the site in September is still smouldering under the supervision of Northumberland Fire and Rescue. It will be a matter for the Environment Agency and the Fire Brigade to determine if and when the site will continue to operate.
- It would be for the Environment Agency's to determine whether it has sufficient information to assess the application submitted by [redacted] for **end-of-waste** status for the production of combustible briquettes from a blend of waste carpet and wood.
- The Government supports the principle of setting End of Waste criteria as a deregulatory measure that maximises the value of waste and promotes the production of fully recycled materials which can then be used free of waste controls.
- The Environment Agency regulates waste management operations, including those seeking to achieve end-of waste status through an environmental permit to ensure that the processes used do not harm the environment and animal/human health.
- [redacted] is in breach of the conditions of its environmental permit by storing excess amounts of waste carpet and failing to store the waste in a building. The Environment Agency advised [redacted] of this breach of permit conditions and requested an action plan to clear the excess waste.
- Where flagrant breaches of the legislation are identified, the Environment Agency will exercise its powers and take appropriate formal enforcement action including suspension and revocation of permits or prosecution, in accordance with its published enforcement and sanctions guidance.

Site Briefing: [redacted]

[redacted] operates a waste site at [redacted] premises under a Standard Rules Environmental Permit. The permit allows the storage and processing of up to 75,000 tonnes of household, commercial and industrial waste a year. The Environment Agency granted the permit in June 2011.

The site receives waste carpet, which is shredded and sold for use in equestrian surfacing. The shredded carpet is baled and stored pending receipt of customer orders. The permit requires all waste to be stored in a building. [redacted] was also investigating and pursuing a new method of using the waste by blending shredded carpet with wood chip and paraffin wax to produce combustible briquettes. No briquettes had been produced or stored at this site.

In 2013 [redacted] accepted more waste carpet at this site than the infrastructure could accommodate. As a result baled waste carpet was stored outside, contrary to the requirements of the permit. The Environment Agency advised [redacted] of this breach of permit conditions and requested an action plan to clear the excess waste.

[redacted] submitted its action plan on the 11 July 2013. The Environment Agency considered the plan to be acceptable and agreed a final clearance date for the site of 30 September 2013. The Environment Agency advised that it would consider enforcement action if [redacted] failed to achieve this.

Incident Response

There was a significant fire at this site on Tuesday 3 September 2013.

Following the fire, Northumberland County Council is leading a multi-agency group to manage the situation and to keep people informed. The group includes the Environment Agency, Northumberland Fire and Rescue and Public Health England. The Environment Agency's role is to advise on the impact of fire-fighting run-off on surface and ground waters and the potential impact on the drinking water supply. It also provides ongoing waste management advice. Joint weekly updates are sent out to residents, local GPs and other interested parties including councillors and the local MP.

It is highly unlikely that the site will reopen as a waste facility. The Environment Agency will continue to work with the operator and land owner to ensure that all wastes are safely removed from site.

Representation Correspondence: Email from [redacted]

[redacted] a Conservative Parliamentary Candidate for [redacted] wrote to the Secretary of State in June enclosing an email from [redacted] who owns [redacted] at [redacted]. [redacted] main concern was about an end-of-waste application to produce combustible briquettes from a blend of waste carpet and wood. The Secretary of State responded on 5 August explaining the approach the Agency had taken in regulating this site and what [redacted] would need to do to attain end-of-waste status for combustible briquettes. The text of the Secretary of State's reply to [redacted] is below.

The text of Secretary of State's reply to [redacted] of 5 August

Thank you for your email of 30 May on behalf of [redacted] about a waste site permitted by the Environment Agency (EA) to sort, shred and bale household, commercial and industrial waste at [redacted].

The treatment of waste is subject to a system of environmental permitting, under the Environmental Permitting (England and Wales) Regulations 2010, the principal aim of which is to protect human health and the environment. The EA may impose conditions on the operator to prevent and/or monitor the impact these materials. The EA carries out appropriate periodic inspections of permitted waste sites.

[redacted] has an environmental permit for the waste management operation at [redacted] that allows the sorting, shredding and baling of up to 75,000 tonnes per annum of waste and includes the treatment of carpet which is carried out to produce a waste material for use in equestrian surfaces. One of the requirements of the permit is that carpet waste is stored within a building. [redacted] has failed to comply with this requirement by receiving more waste than the site infrastructure can accommodate. Notwithstanding the fact that equestrian surface material remains a waste, the EA has taken a proportionate approach to regulation to allow the material to be subsequently used without being subject to further waste controls.

I understand that [redacted] operate a second site at [redacted]. This site operates under a registered exemption from the need for an environmental permit (known as S2) that only allows the storage of up to a 1000 tonnes of textiles waste in a secure place. There are currently 4000 tonnes of carpet being stored at the above site and this breaches the terms of the exemption.

In this case the EA has also confirmed that it will not take enforcement action for not complying with the storage limits for this exemption, providing the activity does not pollute the environment or harm human health.

Legislation provides that if following treatment, a waste can be recovered to the point where it can be used in the same way as a non-waste waste product it may cease to be waste. In order to do this the treatment and the product must meet certain 'end-of-waste criteria'. I am aware that earlier this year, [redacted] submitted an end-of-waste application to produce combustible briquettes from a blend of waste carpet and wood. In order to assess this application, the EA has asked for

additional information that the operator has not yet provided. Once this information is received, the EA's national Definition of Waste Panel will assess the application. I understand the EA and [redacted] have agreed the timescales for this application to be considered.

I hope that [redacted] will work with EA to attain end-of-waste criteria for combustible briquettes but also ensure he complies with the necessary permits and registered exemptions so that he can continue to contribute to environmentally sound waste recycling and recovery. I've been assured by the EA that it will be happy to meet to discuss further any of these issues.

Please encourage [redacted] to work closely with the EA. Do not hesitate to come back to me if the problems are not solved.

Background on Environmental Permitting

The recovery and disposal of waste requires a permit under EU legislation with the principal objective of preventing harm to human health and the environment. This legislation also allows Member States to provide for exemptions from the need for a permit, provided that general rules are laid down for each type of exempt activity and the operation is registered with the relevant registration authority.

In England applications for environmental permits for waste operations are determined by the Environment Agency. Environmental permits authorise the activities and the types and quantities of waste that may be handled. The Environment Agency may impose conditions on the operator, including mitigation of fire risk.

The Environment Agency is also charged with carrying out inspection of permitted facilities and has a range of enforcement powers to ensure compliance with permits or in the event of harm being caused to health or the environment. It adopts a risk-based approach to the nature and frequency of inspections, which are determined by the risk posed by the activities and the operator's record of compliance.

The Environment Agency has powers to act against regulated businesses that fail to comply with the rules and waste criminals who operate outside the legal system altogether. As the principal regulator for waste management, it carries out appropriate periodic inspections of permitted and exempt sites and monitors operators' compliance with the conditions of the permit or rules laid down for exemption waste operations.

Background on End of Waste

Article 6 of the Waste framework Directive (WFD) establishes End of Waste. Waste can undergo specific treatments for its recovery and recycling such that it ceases to be waste and can be subsequently used as a product free of waste controls. This process must fulfil four criteria:

1. The product/substance coming out of the process is a commonly used for specific purposes
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Government supports the principle of setting End of Waste criteria as a deregulatory measure that maximises the value of waste and ensures that new good quality materials – free from waste controls – meet the standards of their equivalent virgin materials and can circulate freely. Crucially, those criteria are designed to ensure that their recycling or recovery process is safe and does not harm the environment and animal/human health.