

[redacted] (DEFRA)

Sent: 07 November 2013 11:01
Subject: RE: [redacted] End of Waste Application

Hi [redacted]

That's extremely helpful, thank you.

Kind regards,

[redacted].

From: [redacted]
Sent: 07 November 2013 10:17
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] End of Waste Application

[redacted],

In addition to the email I sent yesterday, I now have some comments from the EA on the representations they have received from [redacted].

After the contact we had with [redacted] in late May, the EA received another submission from [redacted] on 13th July. This was considered at the next panel meeting, on the 15th August, and a response was sent from the National Definition of Waste panel to the local EA body on the 16th August, although [redacted] might not have received it from there for a couple of days. There were a number of gaps in the submission from the EA's point of view, including characterisation of the products of combustion but also a lack of samples, a lack of comparison to the virgin material (coal) and a problem with the characterisation of waste wood, which is a very varied waste stream that the EA have struggled to introduce end of waste criteria for. To help with the latter issue, the EA directed [redacted] towards the Wood Recycling Association, who may have had the expertise to assist [redacted].

On the 12th September, the EA received another submission, which was reviewed at the 25th September Panel meeting. This submission had covered some of the outstanding evidence the EA asked for in the previous response, but still had gaps regarding the VOC and PAH emissions from incineration, worries over the variety of treatments the waste wood may have been subjected to before [redacted] accepted it and what this could mean during incineration, and still a low number of samples for the EA to examine. The Panel responded once again on the 9th October, highlighting the above gaps.

[redacted] made another submission on the 24th October, in the first email of the chain you forwarded to me. The EA are currently considering this, and will discuss their response at the next panel meeting on 21st November.

The EA acknowledge it is taking some time to settle the application, but feel that they have been prompt in responding to submissions, as [redacted] have been in presenting new evidence. However, they feel that the intended market for [redacted] products- being incinerated in domestic fires- means that there is a heightened need to ensure that the material does not present an increased human health risk when compared to the virgin material, especially as domestic fires will not attain the optimum temperature for incinerating the material and as such there may be more or different emissions to an industrial process. They also feel that the two waste streams involved- wood and carpets- are difficult to characterise and are wary of applying end of waste criteria without proper investigation, as this would set a precedent to other waste handlers who are eager to see end of waste criteria introduced on these streams. Wood end of waste criteria in particular have been the subject of investigation for a number of years by the EA, demonstrating the complicated nature of such decisions.

I would also once again highlight that it is for the EA to decide if they have enough evidence to ascertain that the material is eligible for end of waste criteria. Until they are satisfied that they have such data, they cannot grant end of waste status. The impression I get in this case is that the combination of two varied waste materials being incinerated at relatively low temperatures has made it difficult for all concerned to prove adherence to the technical and environmental requirements of end of waste criteria.

I hope this is helpful.

Regards,

[redacted]

From: [redacted]
Sent: 06 November 2013 17:47
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] End of Waste Application

[redacted]

I'm still waiting on one or two comments, but here's what I have so far.

[redacted] first contacted the SoS via [redacted] in May. This letter alleged that the EA were being so slow in handling an application for end of waste status for a baled mixture of carpet and waste wood. [redacted] had suggested as a consequence the company was in danger of going out of business. [redacted] letter acknowledged that [redacted] were operating in contravention of their permit, but blamed the EA's inaction for this. The EA contribution at that time highlighted that they had asked [redacted] for more information- data on emissions from incineration- to help determine the end of waste application, and had tried to take a regulatory approach to the permit violations at both [redacted] sites that was proportionate to the low environmental risk posed. The SoS' reply to [redacted] indicated that he was satisfied that the EA had taken a proportionate approach to dealing with this case, and highlighted the extra information that the EA required to make a decision on the end of waste application.

Under Article 6 of the Waste Framework Directive (2008/98/EC), any material being granted end of waste status must, amongst other requirements, be proven to meet technical standards applying to the use it is destined for, and must not harm the environment more than an equivalent virgin product. It is for the EA to decide if this is proven to be the case, and I believe this is why they requested information on the emissions from burning the material for which [redacted] is seeking end of waste status. Should the emissions not meet the requirements of relevant European emissions legislation, or should it cause more environmental harm than an equivalent fuel, it will not fulfil the criteria for end of waste status. If it does not meet end-of-waste criteria, the material may still be used but would remain a waste and its subsequent use would be subject to waste controls. These decisions are operational matters for the EA.

[redacted] have challenged the EA to justify why they asked for the emissions data. It appears this challenge was submitted to the EA's National 'Definition of Waste Panel' on the morning of its 24/10 meeting- the first email in the chain you forwarded to me. The EA has said that it will take them some time to assess the case and the need for emissions data, and as such they could not consider [redacted] representations at the 24/10 meeting but have instead scheduled it to be dealt with at the 21/11 meeting. The EA lead official on end of waste is going through their contact with [redacted] to see if they were challenged on this earlier than 24/10, and will let me know tomorrow if this is the case. If there is no evidence of an earlier challenge to the EA, I think it is hard to expect the EA to have acted any quicker than they are currently doing.

It is important to note that, whilst end of waste criteria are encouraged as a useful way of promoting the recovery of waste in a manner which maximises the value of the material- and indeed, a viable market is one of the criteria for applying end of waste status- the EA must be satisfied that the material also meets the environmental protection criteria in order to grant end-of-waste status. Not doing this would leave the UK open to proceedings from the

European Union for breaching Directive 2008/98/EC. As such, the EA are working at the moment to ascertain if they can proceed without the emissions data. If not, there may be an option for the EA to assist [redacted] in setting up a trial to gather such data.

The other contact Defra has had about the company was in an October named day PQ from [redacted] asking the SoS what representations he had received over the issue, and what he had done about these. Dan Rogerson answered this question, noting the above mentioned contact from [redacted] and the SoS' response. EA briefing to answer this PQ indicated that waste was being stored in the open air, contrary to the requirements of [redacted] permit and a fire had broken out at the main [redacted] site which had left it highly unlikely that it will reopen as a waste facility. [redacted] sent you this briefing shortly after you contacted me.

Hope this answers some questions, and I will get back to you tomorrow with an update from the EA regarding the earlier contact.

Regards,
[redacted]

From: [redacted]
Sent: 06 November 2013 11:52
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] End of Waste Application

Hi,

Brilliant, thanks.

[redacted]

From: [redacted]
Sent: 06 November 2013 11:51
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] End of Waste Application

Hi [redacted]

I'm still waiting for the EA to get back to me with one or two points, but hopefully I will be able to come back with a detailed answer this afternoon.

Thanks,
[redacted]

From: [redacted]
Sent: 06 November 2013 11:45
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted] End of Waste Application

Morning [redacted]

Any news on this?

Thanks,

[redacted]

From: [redacted]
Sent: 04 November 2013 16:01
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted] End of Waste Application

[redacted], You may wish to know that [redacted] tabled a PQ last week about this site. Please see attached. I have discussed this with [redacted] and agreed that he contact EA to find out the latest information about their EoW application. You will note from the EA site briefing (see attached) that there was a significant fire at this site in September 2013 and the EA's view is that "It is highly unlikely that the site will reopen as a waste facility."

[redacted]

From: [redacted]
Sent: 04 November 2013 15:49
To: [redacted]
Subject: FW: [redacted] End of Waste Application

Are these people aware of the PQ and the problems on this site?

[redacted]

From: [redacted]
Sent: 04 November 2013 14:40
To: [redacted]
Cc: [redacted]
Subject: FW: [redacted] End of Waste Application

Hi [redacted]

As discussed, here is the email thread forwarded to us by [redacted]

Could you have a look into the case for me and see if you can find out what's going on?

Thanks,

[redacted]

From: [redacted]
Sent: 03 November 2013 22:58
To: [redacted]
Subject: Fw: [redacted] End of Waste Application

Hi [redacted]

When you have a moment, could you get an update for me from the EA as to why this case seems to have become so protracted?

Many thanks,

[redacted]

From: [redacted]
To: [redacted] (Defra)
Sent: Thu Oct 31 09:33:57 2013
Subject: FW: [redacted] End of Waste Application

Dear [redacted]

My apologies for continuing to bother you on this, but I am increasingly concerned that EA are not interested in helping [redacted] & [redacted] make progress on getting this carpet recycling business up and running. See below from EA an extraordinary email setting out their inability to get on with testing needed.

All assistance gratefully received to help create many new jobs and future benefits from waste recycling alongside new product provision. Perhaps EA could employ people to work on economic development projects such as these which can be justified to the Treasury for that reason?

Thank you as ever

[redacted]

From: [redacted]
Sent: 31 October 2013 09:31
To: [redacted]
Subject: RE: [redacted] End of Waste Application

Dear [redacted]

No of course you aren't blocking my inbox. [redacted] email is an extraordinary admission that they are not on top of their work load and that business development is being stifled as a result of that. Very worrying at many levels.

It does seem ludicrous that it is not possible (other than with the overworked EA staff) to do this testing work and that you are therefore at the mercy of their work programme.

Lets keep at them – I will forward this correspondence to Owen Paterson's office.

As ever
[redacted].

From: [redacted]
Sent: 31 October 2013 09:19
To: [redacted]
Subject: Fw: [redacted] End of Waste Application

Dear [redacted]

We got a response from [redacted].

The problem we have they have asked a question that we cannot supply an answer for which is the test results for VOC'S and PAH figures these can only be worked out on a mass balance. as there is not a testing house that will under take this type of work, only on an industrial scale which would mean testing 1000's of tons in an industrial burner over a period of months.

We will just have to wait for them to see if they are prepared to do the mass balance which we have done, this shows it is 300 times cleaner than coal

I hope I am not blocking up your in box

Regards

[redacted]
[redacted]

----- Original Message -----

From: [redacted]
To: [redacted]
Cc: [redacted]
Sent: Wednesday, October 30, 2013 8:48 AM

Subject: RE: [redacted] End of Waste Application

[redacted]

I have contacted the panel and I appreciate the urgency of your request however your query requires considered technical and legal discussion that cannot necessarily be provided outside of the regular meetings. As you haven't provided emission data you are asking us to take a view on end of waste that isn't supported by any actual emissions data, this makes end of waste assessment for no worse environmental effect very difficult. The worst case for this, if we get it wrong, is that we could be infracted by Europe for undermining the waste incineration directive.

The Agency is seeing a continuing reduction in resource, this means despite our best efforts things may take longer. As such our combustion technical expert who supports the panel already has a good deal of work to do for the panel in addition to his actual day to day activities. The service we provide in relation to EoW is not funded work whilst the work of our technical experts relates to other funded work which they must do.

Any positive view that the approach of not providing emission data based on the case you make will need to be ratified by the relevant panel members. If you wish to receive a full and helpful response that that is comprehensive and isn't rushed you will need to wait until time is available for all concerned to formulate a considered response.

In addition the issue of the waste wood still needs to be dealt with so the panel is still unable to provide a view on end of waste overall until this data is supplied as promised in your letter.

Therefore we would not want to come to a view on purely technical grounds or to ask for additional work or information that other panel members then add to following full panel discussion. I am sure you would agree that it is much better to deal with the extra information once and by all the representative panel requirements.

I have been assured that we will make our best efforts to ensure we respond promptly after the next panel meeting provided all the relevant information has been provided to us a week before the next panel meeting. I am hopeful that a response would be forthcoming and a letter drafted within days of the next meeting but that will be dependent on availability of all staff contributing to the decision.

Regards [redacted]

From: [redacted]

Sent: 24 October 2013 14:31

To: [redacted]

Cc: [redacted]

Subject: RE: [redacted] End of Waste Application

[redacted]

Thanks for the advice we will submit the additional information regarding wood waste by the 14th November.

It is imperative to [redacted] that the End of Waste application is dealt with as quickly as possible. Given the circumstances I feel it is unreasonable for the EA to be unable to respond to my letter in less than six weeks or more as you have indicated. If the technical specialists require time to provide a detailed response then could this process not commence now? Their response will determine if further work needs to be completed or not with regard to the products of incomplete combustion. It is essential therefore to get this feedback sooner rather than later to be able to proceed in dealing with this issue.

I appreciate your assistance with this matter and look forward to hearing from you with regard to the technical specialists.

Kind regards

[redacted]

From: [redacted]

Sent: 24 October 2013 13:45

To: [redacted]

Subject: RE: [redacted] End of Waste Application

[redacted]

As you are aware papers for the end of waste panel meeting need to be submitted a week before the panels meeting for consideration unfortunately this was received too late to be reviewed at today's meeting. The next meeting is scheduled for the 21 November. The additional information will be reviewed then. I strongly recommend that all the additional relevant information referred to is received before 14 November for further consideration. The panel will then formulate a response to your letter. However given you have asked for a detailed response it is anticipated this will take a couple of weeks as these will need to be picked up by the relevant technical specialist.

Thanks [redacted]

From: [redacted]

Sent: 24 October 2013 08:03

To: [redacted]

Cc: [redacted]

Subject: [redacted] End of Waste Application

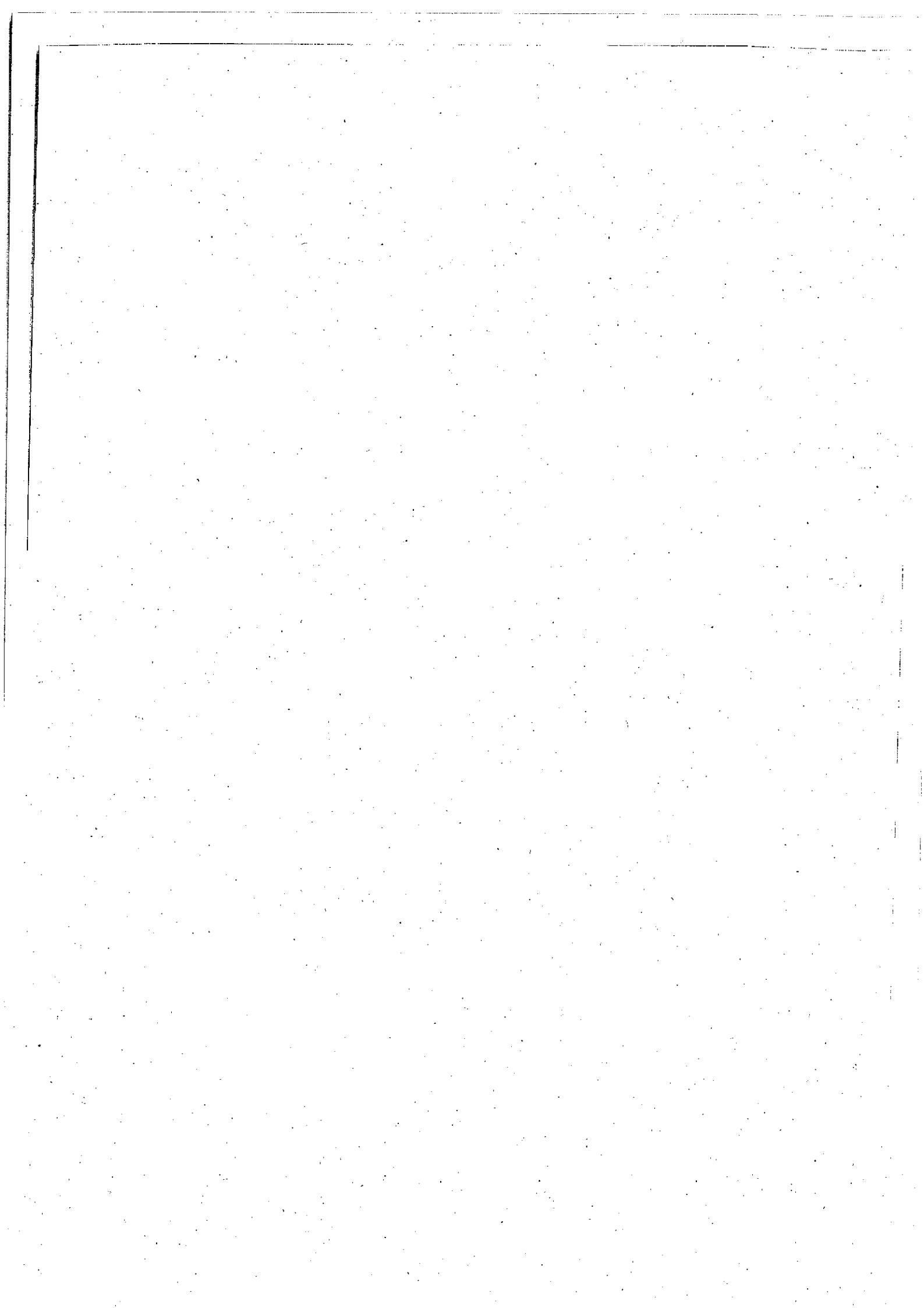
Dear [redacted]

Please see letter attached with regard to the End of Waste Application for [redacted].

If you have any queries please do not hesitate to contact me.

Kind regards

[redacted]



[redacted] (DEFRA)

Sent: 06 November 2013 16:36
Subject: RE: [redacted] End of Waste Application

[redacted]

I have someone working on this but it will be tomorrow morning before I can confirm what exactly the exchange was in May. Hope that is OK.

[redacted]

From: [redacted]
Sent: 06 November 2013 15:14
To: [redacted]
Subject: [redacted] End of Waste Application

Hi [redacted],

Have you managed to pull together anything on this case? We're being asked to report something later this afternoon, but I can always say that you're working on it if necessary.

Thanks,
[redacted]

From: [redacted]
Sent: 05 November 2013 16:33
To: [redacted]
Subject: RE: [redacted] End of Waste Application

[redacted],

Just tried to call but no answer. Could you give me a call when free to discuss this? My number is [redacted].

[redacted]

From: [redacted]
Sent: 04 November 2013 15:21
To: [redacted]
Subject: [redacted] End of Waste Application

[redacted],

Can you shed any light on this case for me? [redacted] contacted us via a local Parliamentary candidate in May to complain about the lack of movement on their EoW application for combustible briquettes made from waste carpet. As you may know, [redacted] have been in contact with [redacted] who is pushing the issue with Ministers here. The EA contribution at the time said that there was information outstanding that was required to help process the application. [redacted] claim that this information is test results for VOCs and PAH figures, which it is not possible for them to provide without burning tonnes of the material over a period of months. Is this accurate? If they are unable to provide such information, I imagine it would be very hard to satisfy the requirement to prove no adverse environmental impact and therefore grant the EoW status?

I was also under the impression that the company had been forced to suspend operations after a fire at their main site, is this not the case?

Many thanks,

[redacted]

[redacted] (DEFRA)

Sent: 25 November 2013 13:48
Subject: FW: [redacted] briefing email

Importance: High

[redacted],

Further to our discussion, please find below an update relating to the [redacted] EoW application following our panel meeting last Thursday.

Regards
[redacted].

What is the material and how will it be used:

[redacted] are proposing to manufacture small briquettes out of shredded waste carpet (manmade carpets and carpet backing) and waste wood mixed together with paraffin wax. They intend to market this material in Ireland as a replacement for coal. It is intended that the material will be sold into the domestic market for use in peoples' homes in open fires.

Issues with use:

The use of this material will effectively be in an uncontrolled manner with a very large variation in the way it is burnt. There is likely to be direct exposure of people to the smoke either through smoke within their own home or, potentially, outside in built up areas. As the way in which it is burnt is uncontrolled, with a strong likelihood of insufficient oxygen, the emissions may well include very polluting and potentially harmful Volatile Organic Compounds (VOCs), Poly Aromatic Hydrocarbons (PAHs) and dioxins.

Latest position

The panel last discussed the submission on the 21 November. The panel cannot reach a view on whether the material has achieved end of waste until we are able to compare the environmental impacts of burning the waste derived material against the impact of coal. This is especially important as there is no abatement or clean up of emissions and, because of the way it is burnt, it is likely that many compounds will be created through the burning process that are not present in the original briquette. We are making enquiries as to who may be able to carry out relevant emissions testing and will respond to the company next week.

