



Standard Rules for the Environmental Permitting Regulations – Consultation No.12

Summary of consultation responses
and decisions

July 2015

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Published by:

Environment Agency
Horizon House, Deanery Road
Bristol BS1 5AH
Tel: 0117 934 4000
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

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1 Introduction

The Environmental Permitting (England and Wales) Regulations 2010 (“EP Regulations”) allow us to offer standard permits, to reduce the administrative burden on business while maintaining environmental standards. They are based on sets of standard rules that we can apply widely. The rules are developed using assessments of the environmental risk posed by the activity.

Through the twelfth consultation, live from 28 November 2014 to 6 March 2015, we made proposals for amendments and new standard rules together with their associated risk assessments in relation to: asbestos waste transfer operations; a Fire Prevention Plan for sites storing combustible wastes; civic amenity sites and metal recycling facilities; amendments required by the introduction of the Industrial Emissions Directive (IED); and changes to metal recycling and waste electrical and electronic equipment (WEEE) treatment activities.

The consultation invited views on whether we have correctly identified the risks associated with each activity and whether the new sets of rules are appropriate to manage the environmental risks.

2 How we ran the consultation

The Standard Rules Consultation No 12 ran from 28 November 2014 to 6 March 2015. We sought the views of operators, trade associations and businesses, other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues.

We invited comments on five sets of proposals:

- 1 Industrial Emissions Directive (IED) amendments affecting 12 rule sets.
- 2 A new condition specifically requiring a Fire Prevention Plan for existing sites storing combustible waste material together with 21 replacement standard rules covering the same activities for new applications and additional amendments covering permitted storage periods and maximum storage limits for waste wood.
- 3 An increase in the number of household waste packaging codes for civic amenity sites and metal recycling facilities.
- 4 Asbestos waste transfer operations.
- 5 A new standard rule allowing metal recycling and WEEE treatment activities to take place at the same site, IED and other minor amendments affecting 6 rule sets covering Metal Recycling, Vehicle Storage, Depollution, Dismantling and Waste Electrical and Electronic Equipment activities.

The process was mainly an e-consultation although hard copies were made available to those who requested.

The responses and our actions are set out for each of the five sets of proposals.

3 IED

3.1 Summary of the key findings and the actions we will take

Thirteen responses were received; six from trade bodies, three from companies, two from the emergency services and one from a local authority. One submission had no contact details. Most of these responses were made by correspondence and addressed the three questions in a general way.

The majority of the comments however, related to points outside the scope of this consultation; revisiting, for example, the subject of prior consultations or commenting on the content of current standard rules permits.

Our proposals reflect changes required to meet legislative requirements of the IED; respondents recognised that, and raised no objections in that respect.

We intended therefore, to implement the proposals as set out in the consultation.

Respondents have pointed out what they perceive to be a bias in our provisions for activities processing Incinerator Bottom Ash and Pulverised Fuel Ash, favouring Incinerator Bottom Ash. This is a result of an historic position rather than of any proposal for this consultation. We are, however, prepared to address this point by future consultation, if Industry believes that the point is important, and are willing to work with us on resolution.

We will also address through a future consultation a request to include waste code 150110 to the waste types permitted for storage and transfer under both SR2008 No24 and No25, with the caveat that this be limited to the lead foils arising from dental care only.

3.2 Responses to questions and our response to these

Q1. Do you agree with the proposed changes we have set out in this consultation?

Five respondents were generally supportive of the proposals, one respondent was unable to support the proposals and two other respondents made no specific comment.

Regarding Accountability for Regulator Impact

One respondent commented that they would be unable to support the proposed changes as it is unclear if the ARI (Accountability for Regulator Impact) assessment has been undertaken. The respondent commented that the key impact of the change as applicable to them, appears to be the inclusion of energy efficiency, raw material efficiency and the periodic monitoring of groundwater and soil conditions. However, these aspects are already included in the existing rules sets and the requirements and their regulatory impact have been consulted on previously. This consultation has not introduced any changes to these existing requirements.

Q2. Are there any barriers to complying with the standard rules?

No specific comments were received on this question.

Q3. Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions.

Regarding habitats distance criteria for composting activities:

One respondent disagreed with the requirement that composting activities *shall not be carried out within:*

50 metres of a site that has relevant species or habitats protected under the Biodiversity Action Plan that the Environment Agency considers at risk to this activity; 50 metres of a Local Wildlife Site (LWS), Ancient woodland or Scheduled Ancient Monument. Our requirements regarding habitats protection, and a 50m exclusion zone for composting activities were introduced following a previous consultation (SR No7) and our response was published in Nov 2011. This consultation has not introduced any new changes.

Regarding inconsistency between rules sets for ashes and soil substitutes:

Two respondents expressed concerns that the proposals would generate a bias in favour of the processing of Incinerator Bottom Ash (IBA) over that of Pulverised Fuel Ash (PFA) or Furnace Bottom Ash (FBA) because the proposed standard rules permits allow for the treatment of IBA under either SR2012 No13 (which allows the treatment in excess of 75 tonnes per day) or SR2010 No12, whereas ashes from power stations (PFA or FBA) are only acceptable for treatment under SR2010 No12 (or a bespoke permit). Both consider that the inclusion of this new limit on the daily capacity of sites operating under SR2010 No12 will place those sites at an unfair commercial disadvantage when compared to sites treating IBA under SR2012 No13.

The same respondents also expressed concerns regarding the criteria for excluding permitted activities from certain locations, stating that the proposed criteria in SR2012 No13 are less restrictive than those in the Regulatory Position Statement (RPS) for ash and the permit for manufacture of soils and aggregates (SR2010 No12), which is also part of this consultation. Both also stated concerns over allowed waste codes further adding to the bias in favour of IBA.

We are proposing to revise SR2010 No12 to reflect capacity limits introduced by the IED, limiting application of the rule-set to a Waste Operation. This rule set did not previously apply to installation activities and this change preserves that situation.

The rules have been limited to waste code 19 12 12 since our review of waste treatment exemptions in 2010, and this simply reflects the need at that time. We are happy to work with Industry if we are approached to develop an Installation-facing Standard Rules Permit to include Pulverised Fuel Ash and Furnace Bottom Ash.

Similarly, SR2012No13 has been amended to reflect the changes introduced by the IED. The permit only refers to IBA because that was reflective of the needs in 2012 when the permit was first developed. We are willing to consider a specific Standard Rules Permit to cover Pulverised Fuel Ash etc. if there is sufficient demand, and Industry are prepared to contribute to its development.

We are also willing to consider review Standard Rule Permits in the light of the IBA Quality Protocol Generic Risk Assessment, subject to the time scales of publication of the final Quality Protocol.

Regarding a revision to capacity limit for SR2012 No 13

One respondent supported the proposals for SR 2012 No 13 and requested that the annual limit for the treatment for recovery of Incinerator Bottom Ash be raised from 75,000 tonnes per annum to 200,000 tonnes per annum, arguing that the environmental risks presented by the higher treatment capacity were not significantly greater than the risks presented by the lower treatment capacity. The limit on treatment capacity for Incinerator Bottom Ash did not form part of this consultation and we do not propose to changes to the existing limit of 75,000 tonnes per annum. However, we are prepared to work with industry to review evidence in support of a revision of the capacity limit, to be the subject of a future consultation.

Regarding some inconsistencies across the rule sets for composting and anaerobic digestion:

One respondent commented on some inconsistencies such as titles, introductory notes, general formatting and slight differences in terminology and interpretation. We are grateful for these comments and will address these issues as part of this exercise. For the sake of consistency, this will also include minor revisions to SR2012 No 9 and SR2012 No10, which were not part of the consultation.

Regarding the definition of 'drying' and its environmental impacts:

One respondent pointed out that although digestate can be dried, using heat, to facilitate its use as a fertiliser or to make a solid fuel, that this latter operation is a scheduled activity under Section 5.5 A(1)(a) of the Environmental permitting Regulations and so is not allowed under a waste operation permit. We are grateful for these comments and will add some text in SR2012 No 12 and 10 to clarify this.

It has also been noted that, although digestate drying can give rise to ammonia or odour emissions, which would need to be treated through an abatement system, there is no provision in the standard rules for point source emissions from such an abatement system. We are therefore proposing to amend table 3.1 in all the anaerobic digestions SRs to allow point source emissions from stacks or vents from biofilters and/or scrubbing systems. Control over ammonia and odour emissions is also covered already under 3.2 (Emissions of substances not controlled by emission limits) and 3.3 (Odour).

Regarding clarifications on technical requirements for composting:

One respondent stated that in order to make a proper response they would require clarification on a number of points. Two of these points relate to us adding a definition of the term 'maturation' in the interpretation section. We have clarified this directly with the respondent. The other points do not relate to any changes being proposed as part of this current consultation.

- The definition of 'maturation' – relevant to standard rules for SR2012No.4 and SR 2012 No 8 and whether or not maturation would be a mandatory process stage. We can confirm that maturation is not a mandatory requirement.
- The apparent requirement for a bi-annual bio-filter condition report even where an alternative abatement technology is used. Where an alternative abatement to bio-filters is agreed, any reporting requirements on the condition of that alternative abatement are part of that agreement. The wording of the bio-filter reporting requirement was not one of the proposals in this consultation but we welcome the comment and will make the wording clearer.

- Definition of the terms sanitisation, stabilisation and maturation, and whether these are mandatory process stages. These are defined within the 'Interpretation' section of the permits. Maturation is not a mandatory requirement to meet the permit conditions; sanitisation and stabilisation are mandatory requirements.
- Design criteria for covered containment / covered lagoons. Wherever possible in permit conditions we specify the standards or outcome to be achieved rather than the means to achieve them. This allows for innovation and gives operators the flexibility to use different techniques and change ways of operating in line with technological advances. Although not specified in the conditions, we will often have underpinning guidance on available techniques. In this case, there are a number of different ways to cover a container or lagoon, so we do not specify how in the standard rules but only require that they be fit for purpose. Whilst we do not have any specific guidance on digestate lagoon covers, we do have for slurry lagoons: How to comply with your environmental permit for intensive farming. Appendix 9: producing a proposal for covering slurry stores: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297090/geho0110brsf-e-e.pdf which contains useful information about types, costs and other things to consider, much of which will be relevant here.
- Inconsistent use of EWC codes between SR2012No.12 and the PAS110:2014 Quality Protocol (EWCs within Section 03 01 and 19 05 are not included within this SR Permit but are listed as acceptable within PAS110:2014 QP). Some of these waste types would be suitable for a post-digestion composting process, as might happen with dry AD. However these rules do not specifically address composting and separate rules are available for composting

Regarding inclusion of additional waste types for SR2008 No24 and No25

One respondent requested that we add waste code 150110 to the waste types permitted for storage and transfer under both rule-sets, with the caveat that this be limited to the lead foils arising from dental care only. We agree that this seems to be an appropriate suggestion, and we will pursue this point through a future consultation.

4 Fire Prevention Plan

4.1 Summary of the key findings and the actions we will take

There have been a number of high profile waste fires which have had a significant impact on the local community and environment and resulted in large clean-up costs. We consulted on changes to our standard rules permits and bespoke permits to reduce fire risk. These changes are aimed at preventing fires and if a fire starts, minimise its impact.

All responses to this part of the consultation supported the proposal for a fire prevention plan and a new condition will be inserted into 21 standard rules sets dealing with combustible wastes to bring in this requirement. This will be introduced as follows:

- New standard rules permits will require a fire prevention plan approved by us, before the permit can be issued.
- Existing standard rules permits will require a fire prevention plan approved by us as part of a phased implementation programme or immediately following a fire.

Respondents raised several issues associated with implementation of the Fire Prevention Plan requirement, and the actions we will take in response to these are set out below.

We will also introduce the limits proposed in the consultation on the use of the standard rules permit dealing with the treatment of wood waste by:

- Restricting the standard rules permit to sites located more than 200m of a workplace or residential dwelling; and
- Reducing the total tonnage of waste that can be accepted at the site to less than 5,000 tonnes a year.

Five of the 21 rule sets will include a three month storage limit for combustible waste. A number of respondents did not support these proposals and raised a number of points associated with them. These points and the actions we will take in response to them is provided below.

Fire Prevention Plans

All 14 respondents agreed the need for a fire prevention plan.

Regarding guidance on fire prevention plans

6 respondees considered our guidance, which sets out the minimum standards for operators to meet, was too prescriptive; in particular, stack dimensions and separation distances.

We are confident that the minimum standards in our regulatory guidance coupled with the conditions within the standard rules permit are practicable and will afford an appropriate and improved level of protection for local communities and the environment.

The stack sizes have been derived from our experience of recent incidents involving a variety of combustible wastes. The stack sizes (assuming that the material is fully alight) should be capable of being controlled and extinguished within approx 3-4 hours and can be readily managed by the Fire and Rescue Service. Whilst a fire will still have the potential to impact on public health and critical infrastructure, the guidance will control and reduce the scale of any fire such that it becomes a lower risk to the local community.

There is a direct relationship between stack size and the separation distance required between stacks, to prevent fire spread. In certain circumstances the required separation distances to guarantee the prevention of fire spread are likely to be significantly greater than 6 metres (as required in the guidance). In the guidance we have balanced the need to reduce the scale of any fire by controlling fire spread, whilst recognising that the footprint of sites may not be able to accommodate much greater separation distances. We have achieved this through the combination of the 6 metre separation distance between stacks and the provision of a quarantine/emergency area.

Our guidance does allow deviation but operators must satisfy us that their approach gives equivalent or better protection than if they had applied our minimum standards.

Regarding approval of fire prevention plans

6 respondents considered that the Fire and Rescue Service should approve fire prevention plans. One of these advocated a multi-agency approach for approval, to include the Health and Safety Executive.

We recognise that the Fire and Rescue Service have a key role to play in assessing site access requirements, fire fighting and safety measures under the Regulatory Reform (Fire Safety) Order. We routinely consult with the Fire and Rescue Service.

However, the Environment Agency is responsible for protecting the surrounding environment and local community from the impact of waste activities carried out under a permit. This includes minimising the nature and scale of incidents, including fires.

The Environment Agency cannot delegate that responsibility to others. We will continue to consult with the appropriate bodies including the Fire and Rescue Service and Public Health England when assessing whether plans are satisfactory.

Limits on waste wood treatment permits

Our proposals to –

- limit the use of the standard rules permit for waste wood treatment to sites located more than 200m from a dwelling or work place and,
- reduce the throughput of wood to 5,000 tonnes per year,

were questioned by three respondents.

Members of the public living and working in close proximity to a waste wood storage site will be most affected by the constituents of smoke in the event of a fire. Sites within 200m of a dwelling or work place will have to apply for a bespoke permit. The additional charge for a bespoke permit will allow us to scrutinise site specific issues set

out in the application and if a permit is granted, to recover our costs in respect of an increased level of compliance checking to reduce risk of fire.

We agree with the comments from two respondents that the total quantity of wood stored on site at any one time will help limit the potential impact of a fire and limiting the throughput minimises the potential occurrence of a fire.

Our evidence from recent fires and compliance effort indicates that an annual limit of 5,000 tonnes throughput of waste wood is appropriate for regulatory control under standard rules permits.

Therefore, we will proceed with the proposals to restrict the use of standard rules permits to sites operating below 5000 tonnes per annum throughput of waste wood and greater than 200m from dwellings or work places. We will define these terms in the rules. Operators wishing to process in excess of these tonnages or closer than 200m from a dwelling can apply for a bespoke permit.

Limits on storage period of combustible waste

5 respondents wanted longer storage periods for combustible wastes than the 3 months proposed. One of them suggested 6 months.

Self-combustion is controlled by managing a number of inter-related factors, one of which is storage time. Limiting storage times alone will not completely remove the risk of fire and so it is our intention that this is carried out in conjunction with requirements to monitor and control moisture content and temperature within the waste mass. We believe that the combination of measures will reduce the likelihood of self-combustion and will proceed with the proposal to limit the storage of combustible wastes in the rules to 3 months.

4.2 Responses to questions and our response to these

Fourteen responses were received; six from trade bodies, three from companies, two from the emergency services, one from a local authority and a response from Public Health England. One submission had no contact details.

Q1. Do you recognise the need to control fire risk at sites dealing with combustible waste by the production of a fire prevention plan approved by the Environment Agency?

All 14 responses agreed the need for a fire prevention plan. Several respondents raised queries or provided comments on the detail of fire prevention plans.

Regarding fire prevention guidance

Five of the six trade bodies and one company considered that our guidance which sets out minimum standards to be met was too prescriptive - in particular, stack dimensions and separation distances. One respondent identified that concrete walling of the correct type, thickness and height will provide fire breaks as an alternative to separation distances.

Our guidance does allow deviation from our minimum standards but operators must demonstrate that their proposed plan gives equivalent or superior protection to that

given by adoption of the minimum standards. We will set out how we will assess fire prevention plans that deviate from the minimum standards.

One respondent suggested that our guidance should reference or consider using the standards from the Waste Industry Safety and Health Forum (WISH) guidance. We recognise that WISH guidance may be a useful source of information to operators; however it provides general advice and high level framework, which goes beyond what is required to comply with a permit. We will continue to work with WISH and keep our guidance under review in the light of scientific evidence and the results of the proposed fire tests.

Regarding approval of fire prevention plans

All trade bodies considered that the Fire and Rescue Service should approve fire prevention plans. One trade body advocated a multi-agency approach for approval, to include the Health and Safety Executive.

One respondent also raised the following additional points:

- Other than for small simple sites, a competent Fire Risk Assessor should be used to produce a fire prevention plan.
- The Fire and Rescue Service should be consulted as statutory consultees under the Regulatory Reform (Fire Safety) Order. Joint visits will increase effectiveness of regulatory interventions on problematic sites.

We recognise that the Fire and Rescue Service have a key role to play in assessing site access requirements, fire fighting and safety measures. We already consult the Fire and Rescue Service in addition to Public Health England during our permitting process.

We have a responsibility for ensuring steps are taken to prevent accidents including fires and minimise impact on the environment and local community. It is important to understand that our regulatory role and that of the Fire and Rescue Service are different.

Regarding the timescales for requiring a fire prevention plan at existing sites

One respondent requested further clarification on our proposal that for existing sites, a fire protection plan is required “following any fire on site or if required by the Environment Agency”. We will notify site operators about when they are required to provide a fire prevention plan and do this as part of a phased implementation programme. However, if an existing site does not already have a fire prevention plan and a fire were to occur, then we would require a fire prevention plan immediately following the fire.

Q2. For sites without a building storing or treating combustible waste, is the three months residence time on site an effective fire prevention measure?

5 of the 14 respondents did not support the three month residence time, advocating a more risk based approach. 3 respondents supported the limit as an approach for reducing risk of self-combustion.

One respondent commented that they have attended a number of fires on waste sites where the cause has been identified as self heating through chemical oxidation and on

this basis it is likely that a 3 month residence limit may be helpful in reducing the likelihood of ignition. However, their view was that empirical evidence to support this particular period is limited and it is recommended that the operator should conduct a risk assessment based on the actual material stored as other/additional measures may be more effective.

This approach was also reflected in a number of other responses.

We recognise that different waste types, whether they are processed or unprocessed, baled or loose etc will impact on the risk of self combustion. However, as a minimum standard and to limit the occurrence of fires we will introduce a 3 month restriction on residence times for combustible wastes stored in the open. Operators should apply for a bespoke permit if storage times of up to six months are required.

Our evidence from recent fires indicates that the risk of self combustion is significantly lower for waste stored for less than 3 months.

Q 3: For sites treating waste wood for recovery – do you recognise the need for the reduction in waste tonnage limits (maximum of 5000 tonne per year) and the introduction of minimum distance limits to safeguard human receptors (including a minimum of 200m from workplace or residential dwellings)?

4 respondents did not support the tonnage and distance restrictions to the standard rules permits. Most waste sites are within 200m of a work place and so will have to opt for a bespoke permit. Also, they thought that the storage limit would not necessarily reduce the risk of fire. 4 supported the restrictions.

Members of the public living and working in close proximity to a waste wood storage site are likely to be most affected by the combustion products emitted during a fire and we have carried out air quality impact assessments based on likely exposures and behaviour patterns which support the 200m limit.

The annual tonnage of waste that can be accepted at a site under this standard rules permit is set at 5000 tonnes in order to both minimise the risk of self-combustion and to limit the consequences of a fire should it occur.

We agree with the comments received from two respondents that the total quantity of wood stored on site at any one time limits the potential impact of an incident on site and limiting the throughput minimizes the potential occurrence of such an incident. For example, assuming an annual restriction of 5,000 tonnes per year, then if a site stored a maximum tonnage of wood on site, within the proposed conditions of the permit, the maximum duration of this storage would be for 3 months (one quarter of a year). Whereas, assuming all other factors were constant, if a site were allowed to store 5,000 tonnes of wood at any one time, then it could store 20,000 tonnes during the 12 month period and therefore the probability of an incident would increase four-fold.

The restriction of a maximum of 5,000 tonnes stored per year reflects the regulatory effort required by us to check compliance on the site.

Q 4: Have we correctly identified all the risks for this activity – as described in the generic risk assessment?

One respondent raised the additional risk to site workers and fire-fighters attending the site to tackle a fire. Further risks are generated by the fire itself and also risks of collapse if stacks are oversized, poorly managed or sited. Additional points were made regarding the early identification of a fire and raising the alarm. These issues are included in our guidance and must be addressed in the fire protection plan. Whilst we recognise the importance of the health and safety of site workers and emergency responders this does not fall within our regulatory role.

Q5. Further views and comments

One respondent considered that storing combustible materials for export will not be financially viable for some operators with the new restrictions in place. This includes, but is not limited to, the restrictions on tonnages, storage arrangements on site as well as distances from any human receptor. The material is often not sufficiently valuable to allow operators to incur such costs.

By handling combustible materials, there will always be the risk of fire. Recent fires have demonstrated that we must do more to both prevent and minimise the impact of such incidents on the local community and surrounding environment and protection must be a priority. The restrictions on the use of our standard rules permits reflect our attempts to control these risks and our regulatory effort.

4 respondents indicated that we should take a more flexible approach to fire prevention plans. Standard rules permits offer a fixed set of rules which if complied with allow us to process the application quickly and more cheaply because we have no decisions to make on site-specific permit conditions. It allows us to define the risk boundary which includes restrictions on size, location and operational controls. An operator who cannot meet the requirements of the standard rules must apply for a bespoke permit and provide us with additional information. Where sites require a site specific assessment, standard rules permits should not be used. We recognise that sites that deviate from our minimum standards in their fire prevention plans can still use our standard rules permits. Plans that deviate from our standards require increased scrutiny and regulatory effort. We may therefore consult in the future on restricting the use of standard rules permits to sites that comply with the minimum standards set out in our fire prevention guidance.

One respondent commented that they recognised the wider need for us to review all of our standard rules permits in view of the drive to reduce both the impact and occurrence of fire. This includes combustible wastes stored within buildings.

We agree that there is still work to be done to assess the suitability and controls in place across standard rules permits. We will be carrying out a strategic review of how waste activities are managed and controlled as part of our ongoing commitment to the Waste Crime Action Plan. We will consider both the appropriateness of waste exemptions and also whether certain existing activities can be adequately controlled through the use of standard rules permits. We plan to consult on our strategic review in the autumn.

5 Household Waste Packaging Codes

5.1 Summary of findings and the actions we will take

There are waste coding issues with some of our current set of standard rules permits in relation to the acceptance of household waste packaging. Non-hazardous packaging waste is coded under Chapter 15 01 01 to 15 01 09 of the European List of Wastes and these types of waste are commonly accepted by civic amenity sites and material recycling facilities. However, the Standard Rules sets under which those sites are permitted do not currently include the relevant Chapter 15 waste codes.

The risk of packaging waste to the environment is substantially the same as non-packaging waste of the same type which is included in the current standard rules sets. Therefore, we proposed amending the above Standard Rules sets to include the Chapter 15 codes without the need to review the original risk assessment for these sets of rules.

Two responses were received, one from a company and the other from a Local Authority.

Both respondents agreed the need for additional waste codes to accurately reflect wastes accepted on site and that the environmental risk is substantially the same. One respondent highlighted that one of the draft permits had removed specific waste codes which were present in the current published version of SR2008 No13.

We will proceed to introduce the proposed changes to the new rule sets.

5.2 Responses to questions and our response to these

Q1. Do you agree with the proposed new waste codes that we have set out in section 3 of this consultation?

All responses agreed with the proposed changes. One respondent said that as EWC codes are assigned by waste source the risk associated with the EWC 15 codes waste are the same as those already being received on such sites covered by the standard rules permits, but just from a different source thus they should be able to be accepted at these sites.

We welcome support for the proposed changes.

Q2. Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions.

One respondent noted that some EWC codes had been removed and that this was not stated in the consultation. The current version of SR2008No13 (v5) has 15 02 02*, 15 02 03, 16 0107*, 16 01 14* and 16 01 15 that are not included in the list for SR2008No13 in this consultation. They requested these remain. We can confirm that

the waste codes removed from the consultation version of SR2008No13 was done in error and they will appear in the final version for publication.

6 Asbestos waste transfer stations

6.1 Summary of findings and the actions we will take

Our proposals were broadly well received and as such we will undertake the actions proposed in the consultation, which were to:

- Allow filtered drainage surface water
- Remove the D14 operation code from the permit
- Allow larger asbestos waste items to be received wrapped

6.2 Responses to questions and our response to these

SR2008 No9 currently requires that all surface water from the operational area is drained to sewer or tankered away. We propose to allow drainage to surface water drains via a filtration system which in the unlikely event of a spillage would retain asbestos fibres

Q1. Do you agree with these proposals to allow filtered drainage?

Five out of 6 respondents agreed, one did not know

SR2008 No9 currently includes the disposal operation D14, which was included to cover the transfer from vans to skips. We have concluded that this activity is included within the definition of D15. We propose to remove D14 from the permit to prevent confusion.

Q2. Do you agree with removing D14 from the permit?

Five out of 6 respondents agreed, one did not know but made no comment

The Standard Rules Permit 2009 currently requires that all asbestos wastes are received in double bags. We propose to amend this to allow larger pieces of asbestos to be accepted sealed in plastic by being double wrapped and taped.

Q3. Do you agree with allowing larger items to be received double wrapped and sealed?

All six respondents agreed

Q4. Have we correctly identified all the risks for this activity, as described in the generic risk assessment?

All six respondents agreed

7 Metal recycling and WEEE treatment

7.1 Summary of findings and the actions we will take

We received comments from three consultees - one trade body, one company and one local authority. They were broadly supportive of the changes being proposed and in addition made further some further suggestions. We will proceed with the changes we proposed in the consultation and will also adopt minor points of clarification raised by consultees in their responses. In addition, we will correct an error in the definition of 'controlled substances' in the rules sets so that it includes any such substances contained in equipment e.g. waste refrigerators.

Some of the suggestions made by consultees will need to be consulted on formally before we can consider adopting them and we will consider these for a subsequent consultation exercise.

Additional comments were made by the trade body that were outside the scope of this consultation and related to more general issues associated with standard rules and bespoke permits. We have responded to these separately.

7.2 Responses to questions and our response to these

Q1. SR2008 No 23 Will allowing equipment containing ODS (Ozone Depleting Substances) to be accepted for storage, even though it cannot be treated, give greater flexibility to sites operating under these standard rules?

Only two consultees responded. One agreed with the question. The second respondent felt that other organisations that run such facilities are best placed to answer this question, but assumed that allowing the storage of equipment containing ODS would be of benefit to facilities to enable them to sort the equipment prior to delivering to the ODS treatment facilities.

Q2. SR2011 No 3 and SR2012 No14 Do you support this proposal and will providing alternative drainage options for vehicles that have not been depolluted benefit operators by increasing the number of sites capable of operating under these standard rules?

Three consultees responded to this question and supported the proposal.

Regarding 'other operational areas'

One respondee supported the proposal but questioned what was meant by 'other operational areas'. 'Other operational areas' is used to distinguish between the undepolluted vehicle storage area and other areas of the site where an impermeable pavement is required.

The trade body were supportive of the proposal but did not think it would lead to a significant increase in the number of sites becoming eligible for standard rules. This is because the modest cost saving of moving to standard rules would be offset by the costs of changing the drainage infrastructure and/or they would still be ruled out because of the proximity of sensitive receptors.

Q3. SR2012 No14 Do you agree that as these standard rules are primarily for recovery operations, the restriction on storage of hazardous waste for disposal is precautionary and won't have much practical effect?

Three consultees responded to this question. Two supported it and one was undecided as it felt that other organisations that run such facilities are best placed to answer this question.

Q4. SR2015 No.3 Do you support the principle of combining standard rules in the metals recycling sector and do you think more operators will be able to benefit from standard rules as a result?

Three consultees responded to this question and supported the proposal although one of these respondents was not convinced that this will lead to more operators benefiting from SRP because of other limitations relating to surface water drainage & proximity to 'sensitive sites/ receptors'.

Regarding the justification for the subsistence fee:

One consultee agreed with the proposal but queried the justification for the subsistence fee. The subsistence charge is higher than for either of the two individual rule sets. This recognises our compliance effort will be greater than for either individual rule set. However, it has been set at a level which is significantly lower than if both rule sets were attached to a permit.

Regarding potential for other permits to be combined:

One consultee suggested that SR2008 No3 and SR2008 No13 permits would also be suitable for combining following a suitable logic. So far combined rule sets have only been developed in the metals recycling sector because it is recognised many operators undertake activities falling under different rules eg for end of life vehicles (ELVs) or WEEE plus metals recycling. In other cases where operators wish to undertake multiple activities they can still apply for two or more rule sets under a single permit.

Q5. Have we correctly identified all the risks for these activities, as described in the generic risk assessments?

Three consultees responded to the question and two raised queries

Regarding the storage of tyres:

One consultee queried the justification for the 25 tonne limit on tyre storage in some rules sets when it is 50 tonnes in others. The risks of storing tyres are considered medium in both cases. These limits are in existing permits and have been consulted on previously. They are not affected by the current proposals. The 50 tonne limit applies

to sites permitted to handle 75,000 tonnes waste a year. The 25 tonne limit was felt more appropriate for small sites handling up to 5000 tonnes/year.

Regarding the storage of batteries in SR2011No3, SR2008No20, SR2012No14.

One consultee noted that lead-acid vehicle batteries, if stored within an acid-resistant container inside a building, should not be required to be stored in a container with a lid. We agree with this and will make the necessary changes before publication.

Q6. Do you agree with the proposed changes we have set out in this consultation?

Three responses were received to this question. One respondent was in general agreement, one did not feel they were best placed to comment and the other described them as 'a step in the right direction'.

Regarding the potential benefits of these proposals:

One respondent commented that it would have been useful for the Environment Agency to share, as part of this consultation, data about the potential impacts upon authorised treatment facilities (ATFs) of the proposed changes, as it is to be expected that the Environment Agency will have 'scoped out' the potential benefits of the proposed changes prior to commencing the work, so as to be sure that it was worth undertaking in the first place. However, we do not have this data. The changes were proposed to avoid any conflict with the way we permit water discharge activities and to avoid a few operators being required to apply for a bespoke permit.

Q7. Please tell us if you have any other views or comments on these proposed revisions that have not been covered by previous questions.

Two of the three respondents to this question raised further comments on the proposed revisions. One of these two respondents also made additional comments that did not relate specifically to this consultation and we will reply to them separately on the points they raised.

Regarding consistency of discharge to surface water requirements with other permits:

One respondent asked why the restrictions regarding discharging to surface water were not reflected in SR2008 No.20 as they are in SR2011 No.3 & SR2012 No.14 and whether consideration had been given to changing the restrictions on discharging to surface water for other standard rules permits e.g. metal recycling permit SR2011 No.2 as they are in SR2011 No.3 and SR2012 No. 14. Our response is that the changes were proposed to avoid any conflict with the way we permit water discharge activities and to avoid a few operators being forced unnecessarily down the bespoke permit route. The issue only arose in relation to storage of vehicles. The changes are not reflected in SR2008No20 because of the greater risk associated with sites handling up to 75,000 tonnes of ELV/year.

Regarding requirements for weatherproof storage of WEEE

The same respondent commented that in SR2008 No.23 and SR2015 No.3 the definition of 'where appropriate' in respect of weatherproof covering is extended over and above the requirements of the directive to include 'or where hazardous WEEE is stored'. They said that this final aspect of the statement should be removed to avoid misinterpretation of the directive requirements. Our response is that we consider making it an absolute requirement is necessary to ensure the risk is sufficiently well

managed to allow the use of standard rules. In any case, the Best Available Treatment Recovery and Recycling Techniques (BATRRRT) guidance for WEEE says that areas that are likely to require weatherproof covering include those storing or treating hazardous WEEE.

Regarding justification for differences in activities, limits and waste types between rules sets:

The same respondent noted that the limits of activities are different in this SR2011 No.3 (ELV ATF 5kte) to SR2008 No.20 (ELV ATF 75kte) in that SR2011 No.3 does not include grading, shearing or crushing, the tyre limit is 25 tonnes rather than 50 tonnes and some waste types are excluded 160117, 160118, 160121*, 160122 etc. The respondent said that this does not seem to be justified by the Risk Assessment so justification is sought. Our response is to confirm that these items are unchanged by the proposals in this consultation, but we can confirm that: the original rationale was that small scale vehicle dismantlers do not undertake these activities which is why they were not included; the tyre quantities issue is covered in Q5 above and that although the waste types are identical on SR2008No21 and SR2011No3 we will consider adding the waste types proposed at the next review.

Regarding inconsistency in the Introductory Notes

One respondent noted that whilst all three standard rules sets that cover end-of-life vehicle authorised treatment facilities (ELV ATFs) are very similar there is inconsistency in the Introductory Note texts. The 2008 rule sets include reference to the conservation site distances which have not been included in more recent rule sets. The introductory note has no legal standing, it is just a brief description of the activity. The rules themselves specify the conservation site distances for all 3 site types. The introductory notes for SR2011No3 and SR2012No14 both make reference to the alternative drainage arrangements covered in Q2 above. This is not applicable to SR2008No20.

Regarding the manual removal of glass

One respondent commented that the requirement for glass to be removed from ELVs is taken from the ELV Directive and doesn't reflect the current agreement with Government that it can be removed after the vehicle has been shredded. We have consulted Government on this and they have confirmed that it is accepted by the European Commission that glass can be removed after shredding of the vehicle. We will make the necessary amendment to the standard rules before publication.

Regarding changes to the list of wastes accepted

One respondent commented that the list of wastes accepted, as detailed in Table 2.2 of the ELV ATF standard rules, appears random in nature. They believe that ATFs would not accept some of the wastes listed but conversely, some vehicle waste types that are routinely purchased by ATFs are entirely missing. The respondent has made some suggested changes to the list of wastes but as these were not included in the proposals we would need to consult on them before we were able to introduce them. However, we believe there is merit in the suggestion and will consider these changes next time the standard rules are reviewed.

Regarding wastes accepted and generated on sites

The respondent also commented that there is frequent confusion about what can be 'accepted' and that which is 'generated on site' as part of vehicle processing. They believe it would be useful for the SRP to contain a full list of relevant EWC Codes for the wastes expected to be accepted, arise and be dispatched from site. We can confirm that the wastes that can be accepted are already set out in the standard rules

but that wastes that arise and are dispatched from site are not normally included in a permit. However, we can provide separate guidance on this.

Regarding the capacity limits for ATF standard rules sets

The respondent also questioned the basis upon which the two particular SRP ATF bands (<5kta & <75kta) have been selected, given that data provided by the Department for Business, Innovation and Skills suggests there are currently only 6 ATFs that issue more than 10,000 CODs (Certificates of Destruction) and the vast majority issue less than 5,000 CODs. They also understand that some of the larger ATFs carry out COD administration centrally and so CODs are not necessarily allocated against the 'processing' site. This would seem to undermine the need for having 2 separate ATF SRPs (at least set at these thresholds). Our response is that these bands were not considered as part of this consultation so remain unchanged. In addition, there are similar numbers of SR2008No20 and SR2011No3 in existence which indicates that there is a demand for both.

Regarding subsistence fees for ATF standard rules

The respondent believes that the subsistence fees for the 2 ATF SRPs was the same and queried whether this is equitable with the different risks associated with a SRP ATF processing 300 ELVs pa compared with an ATF processing 10,000 ELVs pa. We can confirm that the subsistence fee for SR2008N020 is significantly higher than that for SR2011No3.

8 Next Steps

Responses from this consultation will be used to inform the drafting of the final versions of new and amended standard rules and generic risk assessments that were proposed in the consultation.

The new and amended standard rules will be published on the gov.uk website in Autumn 2015.

Individuals who wish to follow up their responses, or points made within this document, in more detail are welcome to contact us:

Environment Agency
Horizon House
Deanery Road
Bristol BS1 5AH

email: enquiries@environment-agency.gov.uk

Appendix A

List of respondents:

IED

Anglian Water
National Farmers Union
Energy UK
Ihee Ejim (individual)
Tamar Energy
Leicestershire County Council
EDF Energy
SRCL Ltd
Environmental Services Association
Chartered Institution of Wastes Management (CIWM)

Fire Prevention Plan

Public Health England
Fire & Rescue Service
Associated British Ports – two submissions
Environmental Services Association
Confederation of Paper Industries
Wood Recyclers Association
London Fire Brigade
Elite Precast Concrete Ltd
Leicestershire County Council
Tyres Recycling Association
Boomeco Ltd
Stobart Biomass Products Ltd

Household Waste Packaging Codes

SITA UK LTD
Leicestershire County Council

Asbestos Waste Transfer Operations

Jane Ludgate (consultant)
AIB Solutions Ltd
Leicestershire County Council
AMS2000 & Nick Ferris Skip Hire Ltd
Asbestos Waste Solutions
Jeff Letch

Metals Recycling and WEEE Treatment

Leicestershire County Council
Motor Vehicle Dismantlers Association
A company who requested anonymity

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