

## Regulatory position statement 128

### The short term storage of refuse derived fuel at a dockside

If you comply with the requirements below, we will allow the short term storage of refuse derived fuel (EWC 19 12 10) at a dockside pending its loading or unloading for export or import for recovery in energy from waste (EfW) facilities, without the need for a permit. This will allow time for an appropriate regulatory solution to be developed. This position does not apply to intermediate storage sites or other transit points linked to a dockside; these remain subject to existing permit controls.

#### Background

Refuse derived fuel (RDF) can vary considerably in composition and physical characteristics and as a result there is a need to ensure that the controls placed upon its storage, pending export or import are sufficient to minimise environmental risks.

The Environmental Permitting (England and Wales) Regulations 2010 (EPR) allow for the storage of certain wastes at a dockside prior to export or import to take place under an exemption. We adopted a low risk waste position (LWR431) in 2011 to allow the storage of RDF. It applied similar criteria to those specified in current exemptions. However we have withdrawn LWR431 following evidence of poor operating standards, inadequate containment, storage of inappropriate types of waste in excessive quantities and local amenity problems such as odour, pests and flies. This regulatory position statement (RPS) statement replaces LWR431. In the longer term, we will be requiring all sites storing this material to be covered by a permit.

#### Our approach

Provided that area teams are satisfied that the operator meets the following requirements, we will not pursue an application for an environmental permit where:

- The local area Environment Management team has been informed in writing of how the persons responsible for the storage area propose to comply with the requirements of this RPS.
- The waste conforms to the classification EWC 19 12 10 - Combustible Waste - Refuse Derived Fuel<sup>1</sup>. The waste has to meet the calorific, moisture content and other properties specified by the receiving EfW facility. Wastes which require further processing (sorting or

<sup>1</sup> This RPS does not apply to waste arising from the treatment of clinical waste at an authorised site, unless that treatment site has complied with and fully implemented section 2.2 of the EPR 5.07 with respect to both waste acceptance and pre-acceptance requirements.

separation) prior to incineration such as 19 12 12 (other wastes from mechanical treatment) cannot be stored under this position.

- The total amount of RDF (EWC 19 12 10) stored at any one time does not exceed 10,000 tonnes.
- The RDF is stored at the location for no longer than 3 months and is stored in a secure place<sup>2</sup>.
- A written system for RDF storage is in place to ensure that a strict rotation system exists so that the oldest waste is shipped first and no waste is stored longer than 3 months. This system should include clear spatial separation of RDF of different storage age.
- Any RDF stored at the dockside for export should have been previously stored for no more than 4 weeks after prior processing.
- A written system is in place to prevent, detect, contain and mitigate fires. This will include ensuring sufficient access for Fire and Rescue Service vehicles.
- Where the site is within a Groundwater Protection Zone 1 or 2, the RDF shall be stored:
  - In fully wrapped bales that prevent the ingress of water, odour release and access by pests, on an impermeable surface with a sealed drainage system, or indoors, or;
  - Inside a secure and sealed container on an impermeable surface with a sealed drainage system; or.
  - If not fully wrapped or containerised, inside a building that prevents the ingress of water, odour release and access by pests.
- Where the site is not within a Groundwater Source Protection Zone 1 or 2, the RDF shall be stored:
  - In fully wrapped bales that prevent the ingress of water, odour release and access by pests, on hardstanding; or.
  - Inside a secure and sealed container; or
  - If not fully wrapped or containerised, inside a building that prevents the ingress of water, odour release and access by pests.

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<sup>2</sup> A place is secure in relation to waste kept in it if -

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and
- (b) members of the public are unable to gain access to the waste

<sup>3</sup> You should consult your local Fire prevention Officer.

- You meet the relevant objectives of the Waste Framework Directive;
  - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
    - (i) without risk to water, air, soil, plants or animals;
    - (ii) without causing a nuisance through noise or odours; and
    - (iii) without adversely affecting the countryside or places of special interest.'
- The RDF is destined for an EfW plant that is compliant with the Waste Incineration Directive within the EU, or if outside the EU then proof is provided that the plant complies with standards equivalent to WID<sup>4</sup>. Proof of destination and standards of plant will be required as part of the submission to the area Environment Management team.
- RDF destined for an EfW plant in the EU must meet the requirements of Directive 2008/98/EC revised Waste Framework Directive - Annex II "Recovery Operations" R1 - Use principally as a fuel or other means to generate energy.
- This position will NOT apply when:
  - The RDF is stored within a building and is within 200 metres of a European Site, Ramsar site or Site of Special Scientific Interest.
  - The RDF storage is outside a building (even if it is securely baled or containerised) and is within 500 metres of a European Site, Ramsar Site or Site of Special Scientific Interest<sup>5</sup>.

In these cases the activity will require a permit.

For the purposes of this RPS:

A "dockside" is an area adjacent to where the ship is or will be docked. This RPS does not apply to any other intermediate storage sites or other transit points linked to a dock/dockside.

"Pending" means the last point in the shipment process before entering the exporting ship, or immediately after leaving the importing ship. It is the final point of transit following which the RDF is loaded or the point at dockside directly after the ship has been unloaded.

## Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of, please see our [Enforcement and Sanctions](#) statement.

**The date for removal of this Regulatory Position Statement is set at 30th April 2015.**

<sup>4</sup> The export of domestically derived RDF to non-OECD countries is prohibited.

<sup>5</sup> You can find out information on habitats by calling us on 0370 8506506, or by visiting one of these websites: [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or in Wales, [www.ccw.gov.uk](http://www.ccw.gov.uk).

**After this date, if you were operating under this RPS we will need you to prove one of the following:**

- you have an appropriate permit in place;
- you have applied for an appropriate permit, either a Standard Rules permit or a bespoke permit;
- you have cleared the site of any waste previously covered by this RPS.

If you continue to take waste after this date without one of the above in place we will consider it to be an illegal activity and take the appropriate enforcement action against you.

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This document is out of date and was withdrawn 11/05/2015

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