



Standard Rules for the Environmental Permitting Regulations – Consultation No.15

Summary of consultation responses
and decisions

March 2017

We are The Environment Agency. It's our job to look after your environment and make it a better place – for you, and for future generations.

Your environment is the air you breathe, the water you drink and the ground you walk on. Working with business, Government and society as a whole, we are making your environment cleaner and healthier.

The Environment Agency. Out there, making your environment a better place.

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

© Environment Agency

All rights reserved. This document may be reproduced with prior permission of the Environment Agency.

Further copies of this report are available from our publications catalogue: <http://publications.environment-agency.gov.uk> or our National Customer Contact Centre: T: 03708 506 506

E: enquiries@environment-agency.gov.uk.

Contents

1	Introduction	2
2	How we ran the consultation	3
3	The unintentional receipt of radioactive material and radioactive waste	4
3.1	Summary of the key findings and the actions we will take	4
3.1.1	Proposals we consulted on	4
3.1.2	Level of response	4
3.1.3	Key findings and the actions we will take	4
3.2	Responses to questions and our response to these	5
4	Next steps	8
	Appendix A List of respondents	9

1 Introduction

The Environmental Permitting (England and Wales) Regulations 2016 (“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 fifteenth consultation, live from 11 September 2017 to 1 December 2017, we proposed a new set of rules for the unintentional receipt of radioactive materials and radioactive waste. The proposed rules would apply where an operator inadvertently receives radioactive materials or radioactive waste and but is not permitted to accumulate or dispose of radioactive waste. It was also proposed to allow a single standard permit to cover a number of sites for this rule set.

The consultation invited views on whether the use of standard rules is the correct approach for this type of activity and if we have correctly identified and managed the risks associated with the activity.

2 How we ran the consultation

We invited comments on the proposal from operators, trade associations and businesses, other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues.

We ran an e-consultation and made hard copies available to those who requested. We also met several trade associations and their members to explain our proposals and to understand their views. This document summarises the responses to the consultation questions and any other key points raised. It sets out our responses to the points raised by consultees, the decisions we have made and the actions we will take as a consequence.

3 The unintentional receipt of radioactive material and radioactive waste

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

3.1.1 Proposals we consulted on

The consultation proposed a new rule set and generic risk assessment SR2017 No1.

The proposed rules would apply where an operator inadvertently receives radioactive materials or radioactive waste but is not permitted to accumulate or dispose of radioactive waste. Likely applicants include operators in the metal recycling sector, other sites handling non-radioactive wastes and the UK Border Force.

The proposed rules would allow:

- radioactive materials or radioactive waste detected by a radiation detection system to be accumulated
- it then to be disposed of by transfer to operators who are permitted to receive and dispose of radioactive wastes of that type and quantity

The consultation invited views on:

- our proposals
- whether we have correctly identified the risks associated with each activity
- whether the new sets of rules are appropriate to manage the environmental risks

3.1.2 Level of response

We received a total of 5 responses, which we have carefully considered. Of the 5 responses:

- 3 were from operators
- 1 was from a trade body
- 1 was from a government agency

3.1.3 Key findings and the actions we will take

All of the respondents agreed with our approach to use a standard rules set for the unintentional receipt of radioactive materials and radioactive waste. They were also all

supportive of the proposal for a single standard permit to cover a number of sites for this rule set.

We are satisfied that, with a single modification, the proposed standard rule and risk assessment is appropriate for this activity.

We will implement this new rule set. We plan to publish it on 16/03/2018.

3.2 Responses to questions and our response to these

Q1. Do you agree with our approach to use standard rules to cover the proposed activity (including the proposal to allow a single standard permit to cover a number of sites)?

There were 5 responses to this question and they all agreed with our proposed approach.

Respondents emphasised that the receipt of radioactive waste by their businesses was unintentional. However, they recognised the need for the regulation of their response to such events. They felt that a standard rules permit was likely to be the most efficient method to protect people and the environment.

Q2a. Do you understand the requirements of the proposed new standard rules?

There were 5 responses to this question and they all stated that yes they did understand the requirements. There were two more questions on:

- clarification of terms in the rules
- the position of operators who already held a permit to accumulate and dispose of radioactive waste

One respondent wanted to better understand how it could comply with the rules about using the best available techniques to accumulate and dispose of radioactive waste.

Whilst an operator cannot control the form in which any radioactive material or waste is received, it can arrange to accumulate it in a form that reduces the production of secondary waste that could be created by contamination.

Similarly, where an operator needs to dispose of radioactive waste it can, by appropriate containment, handling and packaging, reduce the volume of waste to be managed.

Operators should arrange for the transfer of waste for disposal as soon as reasonably practicable.

One respondent already held a bespoke permit allowing it to accumulate and dispose of waste. In these cases, the operator will be able to seek a variation to its extant permit. We will then consider how best to include the provisions of these standard rules in a new bespoke permit.

Q2b. Do you agree with the requirements of the proposed new standard rules?

There were 5 responses to this question and 3 of the respondents agreed with the requirements. One respondent wanted to understand its position as the current holder of a bespoke permit. This issue is explained in our response to Q2a.

This initiative was in part to deliver compliance with provisions of the Basis Standard Directive about metal recycling. One respondent wanted to understand if the rule set was relevant to its business, which is not in the metal recycling sector.

This rule set will be available as a permit to anyone who can complete the application process and can comply with the rules. This rule set will be available as a permit to anyone who can complete the application process and can comply with the rules. This respondent also noted that the rules did not cover material or wastes which arise if a radioactive item is melted or processed. That constraint does not apply to waste that is melted or processed elsewhere and before its unintentional receipt by an operator holding a permit including these rules.

Q3. Have we correctly identified all the risks for the activities, as described in the generic risk assessment provided with the consultation?

There were 5 responses to this question and 4 of the responses agreed that the risks were identified. The 4th asked if the risk to operators' employees should be put into the risk assessment.

This rules set risk assessment was included in the consultation. It confirms the rules do not cover all of the risks with managing radioactive material or waste received unintentionally. Some risks, for example those concerning occupational exposure to radiation and radioactivity, are regulated by the Health & Safety Executive.

Additional comments received not covered in the consultation

Several respondents were concerned that permit holders with this rules set could be thought to be intentionally receiving, accumulating and disposing of radioactive material and waste.

We will place applications for this standard rules permit with any other permits the operator holds on our public register. We do not advertise applications for standard rules permits – they have been subject to public consultation before implementation. We will confirm on our website, application forms, form guidance and standard rules permits that this process is for unintentional receipt.

One respondent felt that the application process should not be burdensome.

We will make sure our forms and form guidance are concise and straightforward to fill-in and submit. To apply and demonstrate compliance with the rules will require the operator to:

- have the ability to understand the rules
- plan responses to unintentional receipts
- ensure the authority within the operator's business will make sure those responses can be and are put into action if needed

We do not expect responsible operators holding this standard rules permit to have a greater burden than they do now to manage the risks relevant to their business.

4 Next steps

We will use the responses from this consultation to inform any amendments to the proposed rules set and generic risk assessment.

The new standard rules set will be published on the [GOV.UK website](#) in March 2018.

If you responded and wish to follow up your response, or want more detail on any of the points made in this document, you can contact us:

Environment Agency
Regulatory Development Permitting Team
Horizon House
Deanery Road
Bristol BS1 5AH

email: enquiries@environment-agency.gov.uk

Appendix A List of respondents

UK Border Force

Sellafield Ltd

British Metals Recycling Association (BMRA)

Outokumpu Stainless Ltd

Anonymous Operator

**Would you like to find out more about us
or about your environment?**

Then call us on

03708 506 506 (Monday to Friday, 8am to 6pm)

email

enquiries@environment-agency.gov.uk

or visit our website

incident hotline 0800 807060 (24 hours)

www.gov.uk/environment-agency **188** (24 hours)

find out about call charges (www.gov.uk/call-charges)



Environment first: Are you viewing this on screen? Please consider the environment and only print if absolutely necessary. If you are reading a paper copy, please don't forget to reuse and recycle if possible.