

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Maw Green Landfill Site operated by 3C Waste Limited.

The variation number is EPR/BS7722ID/V010.

The variation is for the amendment of permit conditions and limits to reflect appropriate standards for the operation of onsite activities involving the treatment of asbestos impacted soils.

The variation corrects activity types, waste types, storage and processing restrictions, emissions points, limits and monitoring requirements and the site layout plan.

The screening and handpicking activities are permitted subject to approval by the Environment Agency (“Agency”) via improvement condition (IC 5) and Pre-Operational Condition (PO4). This is to demonstrate appropriate measures are being applied, including monitoring of the effectiveness of removal by the treatment processes and adequate enclosure and abatement controls are used during the screening operation to prevent and minimise emissions of asbestos fibres.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- explains how the Environment Agency initiated variation has been determined;
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account;
- highlights key issues in the determination.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Environment Agency initiated variation

We recently issued a permit variation (EPR/BS7722ID/V009). On ensuring consistency of standards across the sector for the treatment of asbestos impacted soils, it has been determined that the permit variation (EPR/BS7722ID/V009) was issued incorrectly. The correct standards expected for the sector were not applied in the operating techniques, outlined in the application or implemented through the permit conditions.

We have therefore varied and updated the permit to include the relevant conditions, exclude specific operating techniques and insert appropriate limits for those activities which involve the treatment of soil impacted with asbestos. This is to ensure the operation reflects appropriate standards for the sector.

Key aspects which led to this decision

The mechanical screening process proposed by the operator may agitate the asbestos containing waste and result in the generation of asbestos fibres. We consider that to carry out this process effectively without endangering human health or without negatively impacting the environment, the screener must be fully enclosed and the air within the enclosure (potentially contaminated with asbestos fibres) must be treated via an abatement system prior to release. It is also a requirement of our Chemical Waste appropriate measures guidance (Nov 2020) to minimise fugitive emissions to air. Treatment of the air to remove particulates and asbestos fibres is typically done using a High Efficiency Particulate Air (“HEPA”) filter. HEPA filters are a commonly available technique to control asbestos fibre emissions and are used at other sites as part of best available techniques (BAT) for emissions control. We have therefore included a Pre-Operational Condition on the screening operation (PO4 in table S1.4) for the operator to demonstrate they have fully enclosed the mechanical screener and that all air is being suitably treated prior to operation of the screener.

In addition, we have also included an Improvement Condition (IC5 in table S1.3). This requires the operator to provide a report on the monitoring undertaken as part of the sampling of the incoming waste and the separated wastes streams, from the operation of the asbestos screening process over 4 months of operation. The intention is to require the operator to demonstrate that the mechanical screening process is working as intended in separating the bonded asbestos waste fraction in the hand-pickable stream, that the asbestos screening itself is not creating additional asbestos fibre contamination, and that the residual waste streams are suitably low in asbestos contamination to allow reuse without endangering human health or without harming the environment.

We have also included a restriction in the permit table S1.1 so that soils impacted with asbestos are stored inside a building in such a way that minimises emissions, such as using water sprays to dampen waste and sheeting of stockpiles, to prevent fugitive emissions.

The operator's proposals for handpicking included an enclosed picking station where operatives in personal protective equipment handpick bonded asbestos fragments from the segregated soil fraction. Spray rails for damping down would be used on the input conveyers to the picking station to suppress dust and asbestos fibres. This process is considered to meet our appropriate measures.

The handpicked bonded asbestos fragments are then appropriately double bagged and transferred to sealed, lockable containers, generally a skip, for onward disposal to landfill. This is in accordance with our appropriate measures for handling asbestos waste for transfer and disposal.

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with:

- RGN2 'Understanding the meaning of regulated facility'.
- Appendix 2 of RGN2 'Defining the scope of the installation'.
- Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The existing site comprises of a:

- Landfill for non-hazardous waste.
 - Waste installation storage and treatment activities.
- And
- Waste operations.

This variation amends an activity from a Section 5.3 Part A(1)(a)(ii) to a Section 5.3 Part A(1)(a)(vi) activity.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances, we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England

The decision was taken in accordance with our guidance.

Operating techniques

The operating techniques that the applicant must use are specified in S1.2 in the environmental permit. This includes adding a requirement to comply with the standards of our chemical waste: appropriate measures guidance.

Changes to the permit conditions

We have varied the permit as stated in the variation notice. This is to allow the treatment of asbestos impacted soils via pre-screening and hand picking, in accordance with Chemical Waste Appropriate Measures Guidance as set out in the key issues section. As well as the conditions/requirements set out in the sections below, our variation includes the necessary changes to make the permit enforceable, such as including European Waste Codes (“EWC”) for the asbestos wastes, monitoring, reporting and other consequential amendments. A full list of changed conditions is set out in the variation notice.

Improvement programme

We have included an Improvement Programme. This is covered in the Key Issues section.

Emission limits

Emission Limit Values (“ELV's”) based on Best Available Techniques (“BAT”), have been added for the following substances:

- Particulate matter (dust) = 5 mg/m³ (BAT-AEL requirement)
- Asbestos fibres = 0.1 f/ml (Environment Agency requirement)

We made these decisions in accordance with Chemical Waste Appropriate Measures and the Waste Treatment Best Available Techniques Conclusions (“BATCs”).

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

- Particulate matter (dust) = 6 monthly (BAT-AEL requirement).
- Asbestos fibres = monthly, with the possibility to fall to quarterly with our written agreement (Environment Agency requirement).

Methods as specified in table S3.2 of the permit.

These monitoring requirements have been included in order to check compliance with the emission limits stated above.

We made these decisions in accordance with Chemical Waste Appropriate Measures and the Waste Treatment Best Available Techniques Conclusions (“BATCs”).

Based on the information in the application we are not satisfied that the operator’s techniques, personnel and equipment have either Monitoring Emissions to Air, Land and Water (“MCERTS certification”) or MCERTS accreditation as appropriate.

We have applied the requirements and expect the operator to meet MCERTS standards as appropriate.

Reporting

We have added reporting in the permit for the following parameters:

- Particulate matter (dust)
- Asbestos fibres

These are included under the requirement to report the requirements of the monitoring under tables S3.2 and S3.14.

We made these decisions in accordance with Chemical Waste Appropriate Measures and the Waste Treatment Best Available Techniques Conclusions.

Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 100 of that Act in deciding whether to grant the variation of this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.