

DRAFT Table # – Summary of the email correspondence regarding the enclosure of the mechanical screener at the soil treatment facility at Edwin Richards Quarry

Email	Date	From	Title	Summary of the text and attachments
1	9 July 2021	FCC to EA	STF	<p>Details attached for the response to the Pre-Operation Condition: Mechanical Screening of Soils with Asbestos Debris for the STF: <i>Prior to the use of the mechanical screener for the pre-screening of asbestos contaminated soils under activity reference AR2 a report shall be submitted for written permission detailing the following aspects:</i></p> <ul style="list-style-type: none"> • <i>Evidence to demonstrate that the mechanical screener is fully enclosed and all dust emissions from the screening operation are directed to an active abatement system with a HEPA filter or other suitable design.</i> • <i>Details of the proposed commissioning, operational and maintenance procedures associated with the mechanical screener and active abatement system to be implemented on site.</i> • <i>Details of monitoring checks, audits and emergency procedures to be implemented on site to ensure both the mechanical screener and active abatement system are fully operational and working as designed.</i> <p>Reference to a proposal to the Environment Agency in early 2019 to undertake a brief soil screening trial to provide site specific asbestos monitoring data. This proposal for a trial was rejected by the Ea who stated a permit variation would be needed.</p> <p>The submission includes a summary of the measures in place to minimise emissions from the screener (acceptance procedures, inside a building, dust suppression system installed bu the monitoring data show this is not necessary to suppress asbestos fibres), and reference to monitoring to confirm that the levels of asbestos fibres inside the asbestos building is always <0.0005f/ml.</p> <p>Data collected from within the building, and outside, has verified that respirable asbestos fibre concentrations (without dust suppression) has remained below the (very low) 'ambient background concentration of 0.0005 fibres/ml. This has validated that the building offers no benefit for the reduction of airborne asbestos concentrations and that the waste acceptance procedures are the main mitigation measure for preventing elevated airborne respirable asbestos fibre concentrations.</p> <p>The Environment Agency have requested that the screener is enclosed and that an active HEPA filtration system is installed as there is a perception that soil screening with generate significantly elevated airborne respirable asbestos fibre emissions. As shown by quarterly data submitted to the EA, emissions will be below the 0.01 fibre/ml criteria stated in the permit at all times, and will be below the much more conservative 'ambient background' threshold of 0.0005 fibre/ml during quarterly monitoring, so it is unclear what further mitigation would be afforded by the use of a containment enclosure and an active HEPA filtration system.</p> <p>Comparison provided with the controls required by the HSE for licensed and non-licensed works.</p> <p>No evidence supplied by the Environment Agency during the permit determination as to why a HEPA filter was required to be compliant with the requirements of BAT, environmental permitting guidance, or what levels of emissions justified further mitigation than those already employed at the site.</p> <p>Full details of all proposed control measures set out in detail in Tables 4, 5 and 6 of the attachment.</p>
2	20 July 2021	EA to FCC	RE: STF	<p>I started to review your submission against the pre-operational measure requirements. However I quickly realised you appear to dispute the requirements, specifically the need to demonstrate that the mechanical screener is fully enclosed and all dust emissions from the screening operation are directed to an active abatement system with a HEPA filter or other suitable design.</p> <p>I am unable to approve this report.</p> <p>If you are unhappy with the pre-operational measure requirements you will need to appeal the permitting decision.</p>
3	22 July 2021	FCC to EA	RE: STF	<p>Further to your email below please could we arrange a meeting to discuss the pre-op condition requirements as we would like to better understand what the expectation was in regards to the full enclosure of the mechanical screener and the collection of all dust emissions via a HEPA filter or other suitable design.</p> <p>The reason for seeking clarification on this is that mechanical screens are not fully enclosed and dust suppression is achieved with water/mist sprays rather than an active air extraction system so what the pre-op condition is seeking is not something that, to our knowledge, is available in the market. Given the wording of the pre-op condition we wondered if the EA had any examples/experience of such equipment you could refer us to?</p>

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				<p>There are also practical issues associated with an active air system on the entire shed due to the volumes of air involved and the nature of the building which has a large open door. The use of a HEPA filter would seem to be more appropriate for a smaller confined space such as an enclosed picking line and we wondered if that was the intention here rather than the entire space?</p> <p>We are trying to find a way of complying with the pre-op condition hence the proposals that have been put forward for a trial one month period of monitoring to demonstrate that the abatement measures control dust emissions. This has been done with a view that if through actual monitoring data, which can be done in real time, the dust abatement measures proposed prove effective then it would negate the need for an active air extraction system as emissions are effectively abated and controlled by another method.</p> <p>Your comments regarding appeal are noted and of course that option is available to us but I feel it would be better for all parties if we could have a positive discussion regarding the requirements and expectations of the pre-op condition as the current wording does present some practical issues in being able to comply with it.</p> <p>Meeting dates suggested.</p>
4	26 July 2021	EA to FCC	RE: STF	<p>I am happy to participate in a meeting as long as you make clear the specifics on what you want to know so that I can ensure the right people can attend.</p> <p>The requirements of the pre-operational condition are clear and the meeting should not be to negotiate/appeal about them.</p> <p>Please note that we would charge for our time in attending the meeting.</p>
5	3 August 2021	FCC to EA	RE: STF	<p>With regards your request for clarity on the specifics of what we wish to discuss I felt my previous email outlined this and I have highlighted specific sections for your reference. However; to further clarify it is the wording of the first bullet point [<i>"Evidence to demonstrate that the mechanical screener is fully enclosed and all dust emissions from the screening operation are directed to an active abatement system with a HEPA filter or other suitable design"</i>] that is the main point for discussion and we want to understand what the EA's expectations are and given our previous submission with alternate suggested approach why this was not considered to fall within the wording '<i>..or other suitable design</i>'.</p> <p>As you have previously noted we have the opportunity for appeal and of course that option remains open to us; however, we are keen to discuss the pre-op condition with you to try to understand what it was seeking to achieve and how in practical terms it was expected to work before having to take that path. If we can find a practical solution then that would seem better for all parties.</p> <p>To be clear the request for a meeting is not intended to negotiate the requirements of the pre-op condition but as set out above and highlighted below it is to clarify what the EAs requirements are to comply with the pre-op condition as the way the pre-op is worded is unclear as to what/how the HEPA filter is to be used or what would be considered '<i>..or other suitable design</i>' and as explained below there are technical and practical issues in attaching a HEPA filter and positive extraction system to a mechanical screen operated inside a large shed and we wish to discuss what the EAs expectations are to comply with the pre-op condition.</p>
6	5 August 2021	EA to FCC	RE: STF	<p><i>My emphasis added</i></p> <p>I have set out below what our expectations are with regard to the pre-operational condition. Essentially it is to comply with BAT.</p> <p>The first bullet point requires the screening activity to be fully enclosed and emissions from this abated. Chemical Waste : Appropriate Measures, section 5.1, point 10 requires that <i>where an emission is expected</i>, all treatment vessels must be enclosed and if vented to atmosphere only via an appropriate scrubbing and abatement system. <i>An asbestos fibre emission is expected</i> from the screening activity so the pre-op condition requires evidence to demonstrate that the screener is enclosed and abated. <i>We do not have any examples/experience of such equipment we can refer you too.</i></p> <p>The wording 'other suitable design' refers to the type of abatement/filter system to be used so as not to prescribe a HEPA filter. It does not allow for the screener to not be enclosed. <i>We expect an emission regardless of your dust abatement measures</i> so it is not possible to negate the need for enclosure/abatement.</p> <p>I'm not trying to avoid a meeting to discuss this if you still think there is a need for one.</p>
7	17 September 2021	FCC to EA	ERQ STF Meeting	<p>For our meet next Wednesday please see below outline of what we would like to discuss.</p> <p>The EA rejected our previous submission under pre-op condition 1 and you responded to clarify that the EA require an enclosure on the screen with an active extraction system...further to our initial submission we would like to discuss how to satisfy the first bullet which requires the screen is enclosed and connected to an active abatement system with HEPA filter.</p>

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				<p>As previously mentioned, this is not standard practice within the soil treatment industry as shown by the pan European NICOLE document submitted in our initial response to the pre-op condition and there are practical difficulties in achieving this as it is not something that is available off the shelf so will need to be bespoke made. The wording of the pre-op condition says all dust emissions from the screening operation are directed to an active abatement system with HEPA filter or other suitable design. We also consider that the standard to be met for this process and any abatement is to demonstrate that asbestos fibres in air always meet the limit set in the permit i.e. <0.01f/ml asbestos fibres in air.</p> <p>To achieve this we believe it is possible to manufacture an enclosure to act as a cover for the screener deck as indicated on the attached marked up image.</p> <div data-bbox="884 506 1656 940" data-label="Image"> </div> <p>This enclosure can then have active extraction applied and the emissions directed to a HEPA filter as per the pre-op condition.</p> <p>Your previous email referenced the EA guidance for <i>Chemical Waste: Appropriate Measures for Permitted Facilities</i> and Section 5.1 point 10 which is as follows:</p> <p><i>10. Where an emission is expected, all treatment or reactor vessels must be enclosed. Only vent them to the atmosphere via an appropriate scrubbing and abatement system (subject to explosion relief).</i></p> <p>The guidance referred to is for chemical waste and chemical waste treatment; and whilst it is acknowledged the asbestos screening is permitted as a Physico-chemical treatment activity, it is clearly a physical process and not a chemical treatment process with a 'treatment or reactor vessel' and it's difficult to see how asbestos contaminated soil could be regarded as chemical waste.</p> <p>However; notwithstanding the applicability, or otherwise, of the referenced guidance to the asbestos segregation operation we are keen to find an approach to satisfy the pre-op condition and we have reviewed the referenced guidance for where the principles may apply to the operations being carried out.</p> <p>From review Section 6 <i>emissions control appropriate measures</i>, in particular Section 6.2 <i>fugitive emissions to air</i> contains details which could broadly be applied. The parts of Section 6.2 we consider applicable are copied below for reference and highlighted yellow with further comments provided in red.</p> <p><i>3. To make sure fugitive emissions are collected and directed to appropriate abatement, your treatment plant must use high integrity components (for example, seals or gaskets). Your treatment plant must be fully enclosed, with air extraction systems located close to emission sources where possible. - The proposed enclosure of the screening deck would enable the extraction system to be located as close as possible to the potential emission source</i></p> <p><i>4. You must use your waste pre-acceptance, waste acceptance and site inspection checks and procedures to identify and manage wastes that could cause, or are causing, fugitive emissions to air. When you identify any of these wastes you must:</i></p> <ul style="list-style-type: none"> <i>take appropriate, risk assessed measures to prevent and control emissions</i> Waste acceptance procedures are paramount to the process and are used to manage the waste stream that is to be passed through the screener to ensure that emissions are controlled <i>prioritise their treatment or transfer – this is the priority and purpose of the activities at the site</i>

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				<p>5. Where necessary, to prevent fugitive emissions to air from the storage and handling of wastes, you should use a combination of the following measures:</p> <ul style="list-style-type: none"> • store and handle such wastes within a building or enclosed equipment It is proposed to enclose the screener deck with an active extraction system and HEPA filter • keep buildings and equipment under adequate negative pressure with an appropriate abated air circulation or extraction system The proposed enclosure of the screener deck achieves this and will meet the emissions limit as specified within the permit • where possible, locate air extraction points close to potential emissions sources The proposed enclosure of the screener deck with filter achieves this • use misting systems and wind barriers to prevent dust All working areas are equipped with a full misting system to ensure complete coverage of areas where materials are treated <p>Before we progress further with this and resubmit details to discharge pre-op condition 1 we wanted to discuss the above to receive any feedback from the EA on the approach and its suitability to address the pre-op condition. If upon reading the above you consider this an acceptable approach and a meeting is no longer required to discuss then please let me know and we can move straight on to preparing a formal submission under the pre-op condition.</p> <p>[A meeting was subsequently held with the EA on 22 September 2021]</p>
8	29 November 2021	EA to FCC	RE: Soil Treatment Facility	<p>I've attached a CAR form for our assessment of this, unfortunately it is not approved.</p> <p>We have reviewed your submission for pre-operational measure reference 1 (fully enclosing the screener and extracting and abating all emissions), received by email on 19/10/2021. The submission is not approved for the reasons as explained below.</p> <p>You propose to only enclose the screener deck. This is not BAT because there is potential for asbestos fibre release either into the air or into the soil from the screening process. All parts of the screening process must be fully enclosed, abated and routed to a point source or sources.</p> <p>The mechanical treatment of waste is a 'waste treatment process' in the BAT conclusions. Your activity of screening waste soils containing asbestos falls under this heading.</p> <p>BAT 14 says:</p> <ul style="list-style-type: none"> o "In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below"; and o "Depending on the risk posed by the waste in terms of diffuse emissions to air, BAT 14d is especially relevant." Note - for the avoidance of doubt; we consider the risk of diffuse emissions to air from this process to be high. <p>The concerns of the BAT conclusions are mostly about dust (total particulate matter). We are also obviously concerned about asbestos fibres which we need to control.</p> <p>The control mechanism for particulate matter includes "using enclosed equipment" and "maintaining the enclosed equipment... under an adequate pressure" and "collecting and directing the emissions to an appropriate abatement system via an air extraction system ..."</p> <p>With the emissions channelled to a point source, BAT 8 monitors the "channelled emissions to air with at least the frequency given below, and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality."</p> <p>For mechanical treatment of waste the relevant substance or parameter is "Dust" in accordance with BAT 25.</p> <p>BAT 25 requires the use of abatement for dust which includes cyclone, fabric filter, wet scrubbing. Additionally given the concerns for asbestos we would expect the use of a high efficacy particulate air (HEPA) filter. The BAT-AEL is given in Table 6.3.</p> <p>We accept the upper limit as the BAT-AEL for dust, that is we will set it to be 5 mg/Nm³. We will set an emission limit for asbestos (not a BAT-AEL) at 0.1 fibre/ml.</p>

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				<p>Given the requirement to set a BAT-AEL for dust we require the equipment to be enclosed, and the diffuse emissions (dust) to be channelled to an abated point source and monitored in accordance with the BAT conclusions, with the limits set as laid out above. As discussed we will also set limits for asbestos fibres in the air.</p> <p>All of the above is supported by the Appropriate Measures guidance for Chemical Waste sector.</p>
9a	29 November 2021	FCC to EA	RE: Soil Treatment Facility	<p>Thanks for the CAR form although obviously it is disappointing given the positive meeting held on 22nd Sept that the pre-op condition is not approved as we felt that our re-submission under the pre-op condition fairly reflected the discussions held at that meeting and the CAR response seems to only focus on specific BAT requirements without acknowledgment of the practicalities of achieving them.</p> <p>Couple of observations to make on the CAR as follows:</p> <ol style="list-style-type: none"> 1. The CAR states an emission limit to be applied is 0.1 fibre/ml but that is different to the permit limit in Table S3.3 which is 0.01 fibres/ml. Please confirm? 2. The CAR states that <i>'all parts of the screening process must be fully enclosed, abated and routed to a point source or sources'</i> and then goes on to provide BAT references and in particular BAT14d. As we have previously discussed with the EA the issue is the practicality in being able to fully enclose the screen and hence within the pre-op re-submission we put forward a combination of practical techniques including enclosure of the screening deck with active extraction, waste acceptance protocols, monitoring and dampening down to control dust and fibre emissions. And based on the meeting in September we felt that the EA understood these practical difficulties and the proposed approach to demonstrate no emissions through a trial period and monitoring. <p>It's acknowledged that the CAR quotes BAT14 and includes the wording <i>'all parts of the screening process must be must be fully enclosed, abated and routed to a point source or sources'</i> so would enclosure of the conveyors and screening deck and routing these through an active extraction system with HEPA filter be satisfactory to discharge the pre-op condition?</p> <p>As for the screening deck there are no 'off the shelf' solutions to enclose the conveyors but we have contacted the screen manufacturer to see if there is a bespoke solution that could be fabricated.</p> <p>It may be helpful if we could speak to someone directly about the above before we produce a further re-submission to discharge the pre-op condition as it may help to ensure that the re-submission is acceptable and hopefully save time in going back and forth with further submissions.</p>
9b	2 December 2021	EA to FCC	RE: Soil Treatment Facility	<p>I've added a couple of comments to your email below.</p> <p>... Couple of observations to make on the CAR as follows:</p> <ol style="list-style-type: none"> 1. The CAR states an emission limit to be applied is 0.1 fibre/ml but that is different to the permit limit in Table S3.3 which is 0.01 fibres/ml. Please confirm? The current permit has a limit of 0.01 fibres/ml for fugitive asbestos air sampling. If emissions from the screening process were to be channelled through a point source, we would also set a limit of 0.1 fibres/ml for that point source. <p>...It's acknowledged that the CAR quotes BAT14 and includes the wording <i>'all parts of the screening process must be must be fully enclosed, abated and routed to a point source or sources'</i> so would enclosure of the conveyors and screening deck and routing these through an active extraction system with HEPA filter be satisfactory to discharge the pre-op condition? Enclosure of the conveyors and screening deck may enclose the equipment but the Pre-Operational condition also requires 'all dust emissions from the screening operation are directed to an active abatement system...'. How would this be achieved for the screened soil as it exits the screener/conveyor?</p>
9c	3 December 2021	FCC to EA	RE: Soil Treatment Facility	<p>Thanks for your response I think it would be helpful if we could have a discussion with you and your colleagues from our previous call to discuss this as it seems there may be some misunderstanding about the process and what it is practicable to achieve.</p> <p>We have been very clear in our various submissions in stating we wish to comply with the pre-op condition and are not seeking to be awkward about complying but that there are practical issues in being able to achieve this and hence we want to understand from the EA what it is that is required. The response below is not assisting us in being able to present solutions as it is not clear what the expectation is for 'all dust emissions from the screening operation are directed to an active abatement system...' or how it would practically be achieved given that it is a soil screen and materials must at some point exit from it whether that be off the end of a conveyor or taken from a stockpile.</p> <p>I appreciate that the EA are applying BAT and require an active extraction system but it would be worthwhile to have a conversation about how this is achieved so we can move this forward.</p>

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10	11 November 2022	FCC to EA	ERQ STC Pre-op condition 1	<p>A revised submission was attached to discharge pre-operational condition 1 of permit HP3632RP for the soils treatment centre at Edwin Richards Quarry.</p> <p>The submission includes a review of BAT and the EA guidance. Assessment has been undertaken of the proposed mechanical waste treatment operation against the applicable BAT and provided in Table 1 (BAT 14), Table 2 (BAT 25, Section 6.1) and Table 4 (BAT 8). These include – material quality acceptance restrictions, moisture content specification, dampening of soils pre-screening, monitoring, limiting drop heights for the discharge conveyors, location of the screener in an enclosed building with all emissions abated via a HEPA filter, to achieve enclosure of the screening operation it is proposed to install doors to the existing entrances to the building, which would be closed during screening operations... To ensure containment of diffuse emissions generated during the soil processing, there is a requirement to ensure extraction directly around the soil screener and picking station and for the collected air to be directed to a HEPA filter. This will ensure the removal of particulates prior to discharge as a point source emission via a HEPA Filter. Drawing “Proposed Extraction and HEPA system” dated 06/10/22 provided. To reduce passive ventilation, and potential short circuiting of the extraction system during screening operations, the two entrances will be fitted with quick closing AD95 Rapid Roll doors.</p> <p>A permanently installed dust suppression system is present in the Soil Treatment Building and can be operated when required. Surfactant is added to the suppression system as a precautionary measure in the unlikely event of amphibole asbestos fibres being present (Amphibole fibres are hydrophobic (unlike chrysotile fibres) and this makes the fibres more difficult to remove from airborne suspension or likewise immobilise them on soil surfaces with water alone). In addition to the installed dust suppression system there are mobile atomisers and dust cannons. Dust suppression of stockpiles is proposed prior to screening. Maintenance and checking procedures are described.</p> <p>Monitoring controls proposed as Below daily compliance criteria of 0.01 fibres/ml and quarterly trigger level of <0.0005f/ml and to continue in accordance with the permit requirements. Additional air monitoring for asbestos fibres will be undertaken on a quarterly basis via scanning electron microscopy (SEM) to ensure baseline level of asbestos emissions to air is generally <0.0005 fibres/ml.</p>
11	16 December 2022	EA to FCC	RE: ERQ STC Pre-op condition 1	<p>CAR attached providing the EA response regarding pre-op condition 1 of the permit for the soils treatment centre at Edwin Richards Quarry.</p> <p>The requirement is clear that the mechanical screener must be fully enclosed. The operator recently brought unenclosed mobile plant onto site to show that mechanically screening soil impacted by asbestos cement does not emit asbestos fibres into the atmosphere. This mobile plant was stopped from operating in their building by the inspectors. It is not clear how you could viably have been able to monitor for the asbestos fibres from an unenclosed system. The operator now indicates that:</p> <ul style="list-style-type: none"> o since there are no fibrous asbestos emissions from an unenclosed treatment process which was shown by the mobile plant testing (the evidence of this testing is not included in the attached document) o the mechanical treatment is in a building which can be enclosed and is abated via extraction hoods to a HEPA filter o they will test the ambient air for asbestos fibres this fulfils the pre-operational measure. <p>There are several issues here:</p> <ul style="list-style-type: none"> o the requirement of the pre-operational measure is not to provide alternatives to fully enclosing the screener it is “to demonstrate that the mechanical screener is fully enclosed”. Without full enclosure the pre-operational condition cannot be fulfilled. o even if we accept the enclosure of the building as an alternative to full enclosure, the permit does not include the proposed emission point. o there are no criteria in Table S3.1 for dust or asbestos emissions point source emissions to air which must be included in any fit-for-purpose permit. The dust emission must be controlled at the point source using a BAT-AEL of (at most) 5 mg/m³ in accordance with BAT 25. The asbestos emission must also be controlled. <p>I am not minded to accept that the mechanical screening of soils impacted with asbestos cement will not emit asbestos fibres – their testing using mobile plant did not use an enclosed screener and the results of ambient air monitoring is not as rigorous as that from a point source. It is not clear how impacted the soils tested were with pieces of cement sheet, nor that this represents the worst case.</p> <p>The purpose of the soil screening is to remove over-sized material from the soil to make picking of asbestos cement easier. The mechanical treatment to separate out over-sized material presents a risk of asbestos fibre release from the asbestos cement pieces that are present in the matrix.</p> <p>In order for you to use the screener in the way that you have indicated, that is an unenclosed screener used in an enclosed building, you will have to apply to vary the existing permit. There is no alternative mechanism for you to proceed with screening using the existing permit.</p> <p>I am not persuaded that the risk of asbestos fibre release is entirely mitigated especially with the presence of over-size materials in the soil.</p> <p>In conclusion I am not satisfied that pre-operational condition 1 has been complied with and confirm that no mechanical screening of asbestos contaminated</p>

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12	21 December 2022	FCC to EA	RE: ERQ STC Pre-op condition 1	<p>Further to your attached response on our submission under Pre-op condition 1 and our conversation on Tuesday this week we provide further comments against the points you have raised (presented in italics) as follows:</p> <p><i>The requirement of the pre-operational measure is not to provide alternatives to fully enclosing the screener it is “to demonstrate that the mechanical screener is fully enclosed”. Without full enclosure the pre-operational condition cannot be fulfilled.</i></p> <p>As we discussed through the submissions made under this pre-op condition 1 we have advised that to our knowledge there is not a ‘fully enclosed’ mechanical screener available on the market and as such the wording of the condition, if interpreted as it has been above, is practically impossible to comply with. Our pre-op submission has been made on the basis of trying to comply with the aims of the condition whilst balancing this against what is practically achievable, available in the marketplace and possible to deliver and safely operate. If the EA are aware of a manufacture of ‘fully enclosed’ screens that would satisfy the condition wording we would appreciate being provided with this.</p> <p><i>Even if we accept the enclosure of the building as an alternative to full enclosure, the permit does not include the proposed emission point.</i></p> <p>Your point regarding the need to introduce a new point source emission to the permit is noted, although the observation underlines the difficulties in complying with the EAs pre-op condition wording as clearly the pre-op condition intended there to be a point source emission as the wording requires an active abatement system directed to a HEPA filter. This simply serves to illustrate that the pre-operational condition as worded could not be complied with without a further permit variation. This is not a situation of our making but rather due to the wording of the condition that the EA have put on the permit.</p> <p>Noting the above contrary position created by the condition wording we consider that the EA could agree the principles of what is proposed subject to the proposals, emissions points and limits being incorporated via a permit variation, and that whilst that variation was being determined to allow the activity to operate in accordance with the ‘agreed in principle’ measures under a local enforcement position. This would seem a pragmatic solution to dealing with the contradictions caused by EA’s permit condition wording.</p> <p><i>There are no criteria in Table S3.1 for dust or asbestos emissions point source emissions to air which must be included in any fit-for-purpose permit. The dust emission must be controlled at the point source using a BAT-AEL of (at most) 5 mg/m³ in accordance with BAT 25. The asbestos emission must also be controlled.</i></p> <p>To comply with the pre-op condition we included proposed limits within the pre-operational submission. As outlined above we consider it is the EA’s pre-operational condition wording that has caused this contrary position and that the solution is as suggested above.</p> <p>We have made submissions in an effort to discharge the pre-operational condition as we need to start operating the activity and the delays are having a negative impact on site operations. From the responses received so far it unfortunately appears that what the EA are requesting is practically unachievable. We have requested to discuss this further with your technical specialists and would still appreciate the opportunity to discuss the practicalities of complying with the condition wording.</p>
13	4 January 2023	EA to FCC	RE: ERQ STC Pre-op condition 1	<p>Thank you for your comments, received by e-mail on 21 December 2022, in response to our review of your submission in respect of Pre-Operational Condition 1.</p> <p>I have discussed the points you make with both our National and Area hazardous waste treatment sector leads and our position remains as follows:</p> <p>The permit clearly states the requirement for enclosure of the treatment plant.</p> <p>The Decision Document to the permit says: <i>The purpose of this pre-operational condition is to set appropriate controls to ensure any potential asbestos fibre release will not cause pollution or harm to human health and appropriate monitoring, maintenance and management procedures will be set.</i></p> <p><i>The comments reference above state: ‘The screener at WRG is not enclosed or abated (other than using a water spray) therefore it does not meet the appropriate measures (BAT). If they can enclose and abate the screener this may allow the treatment to meet this criteria’</i></p>

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				<p>You agreed with the requirements laid out in the permit when you accepted it's issue. The period available to you to Appeal the permit has passed. You have the option to seek to vary the permit if you wish, but we are likely to continue to advocate for enclosure of the equipment because you are dealing with waste impacted by asbestos and we want any emissions to be controlled.</p> <p>If you were to seek variation you would have to tell us how you intend to meet appropriate measures for treatment of chemical wastes where the screener is not enclosed (for example, point 10. <i>Where an emission is expected, all treatment or reactor vessels must be enclosed. Only vent them to the atmosphere via an appropriate scrubbing and abatement system (subject to explosion relief)</i>). We would also need to know how you intend to meet the BAT-AEL for dust and the ELV for asbestos from the treatment. You might seek to propose alternative measures for the treatment (that is not using enclosed equipment), including performing the treatment in an enclosed and abated building. We could consider this where the data is available to show that the dust and asbestos emissions would be adequately managed within the building.</p> <p><i>In the meantime if you cannot source the equipment necessary to be able to carry out the activity in accordance with the existing permit requirements, then unfortunately you cannot carry out the activity.</i></p> <p>[A meeting was held on 24 January 2023]</p>
14a	5 July 2023	FCC to EA	ERQ STC Pre-op condition 1 - Request for Local Enforcement Position	<p>Further to our meeting on 24th January 2023 at which we discussed the difficulties we have encountered in trying to discharge pre-operational condition 1 on the Edwin Richards Soils treatment Facility Permit (HP3632RP) and the possibility of undertaking a trial of the pre-screening activity under a Local Enforcement Position (LEP), please see attached our request for an LEP to allow the trial to take place so we can gather monitoring data to confirm what emissions may or may not be generated by the pre-screening activity.</p> <p>Given the issues in discharging pre-operational condition 1 on the current permit due to its wording which requires 'full enclosure' we consider that undertaking the trial provides an opportunity to gather data to confirm what the actual emissions are from the process and if they exceed permit limits. This would then create a better knowledge base from which to determine which controls or abatement are appropriate or necessary.</p> <p>This requested approach would help to progress the impasse we have reached on pre-operational condition 1 and would then be beneficial for the EA in determining the permit variation which was submitted in December 2022 requesting the pre-operational condition 1 is removed as its current wording is not possible to comply with.</p> <p>The attached LEP request seeks to allow the operation of a trial activity to pre-screen incoming hazardous soils, which may contain fragments of bonded asbestos/asbestos contaminated material (ACM), prior to the soils then passing through a hand picking station. Since the permit was issued on 2 June 2021, two submissions have been made to try to discharge pre-operational condition 1 and both have been rejected on the basis that they were not considered by the EA to achieve 'full enclosure' of the pre-screening activity, notwithstanding that the activity will take place inside a building. Following the last submission it was highlighted by the EPR installations officer that it is not possible to introduce an active abatement system, as required by the pre-operational condition, without also needing to vary the permit to introduce a new point source emission and emission limits i.e. the pre-op condition as worded could not be complied with without a further permit variation. This LEP request is seeking agreement from the EA to undertake a trial of the pre-screening activity to collect further emissions monitoring data. The purpose of the trial would be to investigate through monitoring data if the proposed pre-screening activity does or does not result in emissions of asbestos fibres which exceed the permit limit.</p> <p>The waste pre-screening activity would be carried out inside a building at ERQ, and the two proposals made to satisfy the pre-operational condition are as follows:</p> <ul style="list-style-type: none"> • Enclosure of the screening deck with emissions directed to an active abatement system with a HEPA filter; and • Enclosure of the entire mechanical screen within the building using fast closing doors and localised active extraction of emissions from the screening activity directed to a HEPA filter. <p>These proposals have been made on the basis that 'full enclosure' of a mechanical screen is technically impossible due to the need for access to the loading hopper with a loading shovel and also the fact that by its nature a mechanical screen will have material outputs from the screener arms which it is not possible to fully enclose unless operated inside a building because space is needed for output/feed stockpiles and heavy plant access.</p>

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				<p>Given the technical and practical difficulties in achieving what is required by the pre-operational condition and the nature of the wording that requires an abatement system and a new point source emission we do not think it is possible to discharge the pre-operational condition as it is currently worded. Consequently, we have been left with no alternative but to submit a permit variation to request that the pre-operational condition is varied/removed.</p> <p>A permit variation to completely remove the pre-operational condition was submitted in December 2022 and is with the EA for determination. If this trial was allowed it would provide the opportunity to gather actual monitoring data to confirm if there are, or are not emissions which exceed the permit limit from the proposed activity and then determine what level of controls and abatement are necessary and proportionate to the observed risk based on the monitoring data that is collected. The permit can then be varied accordingly based on the data collected in the trial.</p> <p>Monitoring data for the emissions of asbestos fibres from the current operations are several orders of magnitude below the permit threshold and typically at the lower detection limit i.e. no emission of fibres being recorded. Therefore, if the pre-screening trial was allowed to proceed it would be evident if the pre-screening activity was resulting in emissions above this consistently low baseline and also if it was exceeding the permit limit.</p> <p>We understand the basis for the EA's requirement for 'full enclosure' is due to concerns that mechanical screening of soils, which may contain fragments of bound asbestos, may result in liberation of fibres due to the agitation the materials would experience in a mechanical screen. Pre-screening operations of this nature are permitted to be carried out on construction sites under mobile treatment permits (e.g. Standard rules SR2008 No27 mobile plant for the treatment of soils and contaminated material, substances or products) and monitoring data from these activities shows no emissions of asbestos above the permit limit of <0.01f/ml.</p> <p>Monitoring during the trial will utilise both Phase Contrast Optical Microscopy (PCOM) for immediate daily analysis results against the permit limit of <0.01f/ml and scanning electron microscopy (SEM) as a secondary 'sensitivity' check to a lower detection limit of <0.0005f/ml.</p> <p>This LEP request is being made in the context of two previous submissions to try to discharge pre-operational condition 1 on the permit which requires full enclosure and active abatement of the pre-screening activity. Both of the previous submissions have been refused by the EA due to the EA's view they did not satisfy the need for 'full enclosure' although the EA's expectations appear to be unachievable due to the technical and practical difficulties associated with 'full enclosure' of a mechanical screen. As stated above the activity will take place inside an enclosed building and active extraction was being proposed so it is unclear what would satisfy the EA's interpretation of 'full enclosure'.</p> <p>It is for this reason we wish to investigate, through monitoring, what level of emissions arise from the pre-screening activity. The monitoring data will confirm if there are emissions from the screening activity that need to be abated or not and therefore if the requirement for 'full enclosure' is actually justified or necessary or if alternative control and abatement methods, such as those already in use, could be utilised. To investigate this, we request a LEP is put in place by the EA to allow a trial of the pre-screening activity to take place at the STC at ERQ.</p> <p>Should the monitoring data confirm there are no emissions from the activity above the permit threshold, then this will confirm that no further mitigation is required, as is being requested by pre-operational condition 1, and the pre-operational condition can be removed via the pending permit variation. Alternatively, if monitoring shows emissions from the pre-screening activity above permit limits then an appropriately worded condition requiring mitigation/abatement measures could be applied to the permit.</p> <p>We request that the trial is allowed to continue for an indeterminate period as long as no emissions above permit thresholds are detected. This will enable a detailed monitoring data set to be collected for the activity which will provide further confidence to the EA that there are no emissions above the permit limits. Ultimately the trial will either end if there are emissions above permit limits or upon determination of the submitted permit variation requesting the pre-operational condition is removed.</p>
14b	5 July 2023	EA to FCC	RE: ERQ STC Pre-op condition 1 - Request for Local Enforcement	<p>Thank you for your note.</p> <p>LEP requests are considered by a panel known as our Area Governance Group, which is convened routinely once per month. I will make the necessary arrangements to have your request tabled at a future AGG meeting but can offer no guarantees regarding approval.</p>

Email	Date	From	Title	Summary of the text and attachments
			Position	I will update you once I know more – can you let me know which permitting officer is determining your Variation application?
15	17 August 2023	EA to FCC	LEP decision	By way of update I can confirm that your LEP proposal for Edwin Richards Quarry was rejected by the Enforcement Governance Group. You will receive a formal response letter soon explaining why that decision was reached.
16	17 August 2023	EA to FCC	RE: ERQ STC Pre-op condition 1 - Request for Local Enforcement Position	Providing the formal refusal for the LEP at ERQ. The reasons for refusal are stated as being: Our reasons for this decision are as follows: <ul style="list-style-type: none"> • There is no evidence that the activity will provide an environmental benefit, and you have been unable to quantify the risk to the environment and human health from the activity. • The proposal does not demonstrate Best Available Techniques will be achieved. • The proposal could affect the market for soil wastes to the disadvantage of other permitted operators. • The proposal would pre-empt the outcome of the determination process for a pending Variation application.