

Mr. Daniel Kirk  
Environment Agency  
By email only  
Wednesday 28 February 2024

Ref: K182-LT-002

Re: Edwin Richards Quarry Soil Treatment Centre, Rowley Regis – K0182  
EPR/HP3632RP/V005 Schedule 5 response

Dear Mr Kirk,

Please see below our response to the Schedule 5 Notice issued by the Environment Agency (the Agency) on 23 January 2024 for the application to vary the Environmental Permit (EPR/HP3632RP) for the Soil Treatment Centre (STC) at Edwin Richards Quarry (ERQ) Portway Road, Warley, B65 9BT (the Site).

For ease we repeat the Agency's questions below with our responses provided in blue.

## **Schedule**

### **Mechanical screening of soil containing asbestos**

You have applied to remove preoperational condition (1) from the permit in order to allow the site to use a mechanical screen for the pre-screening of soils containing asbestos. In order to demonstrate that the pre-screening of soils containing asbestos will be undertaken in line with best available techniques and without significant risk to the environment we will require the following additional information.

#### **1) Clarification of proposal for treatment of waste containing asbestos**

Your application document 'Permit Variation Application Report No. K0182-BLA-R-ENV-R00001 Page 3' outlines a series of conversations with the Environment Agency and the proposals submitted to our regulatory team with the aim of discharging preoperational condition (1) in Table S1.3. The last submission of proposals to the Environment Agency's Local Regulatory team included:

*"Mechanical screen within a fully enclosed building with air extraction system with all emissions abated via a HEPA filter discharging external to the building".*

**a) Please confirm whether this proposal for enclosure within a building with abatement is the approach you intend to take in line with BAT conclusion point BAT 14 once the pre-operation condition (1) is removed.**

As stated in the Non-Technical Summary provided in Section 1.2 of the Permit Variation

Application Report K0182-BLA-R-ENV- R00001, pre-operational condition 1 is requested to be removed because the wording of the condition makes it impossible to comply with or discharge.

The Operator in this variation application requests the removal of the pre-operational condition 1 from Table S1.3 of the Permit, the justification for the removal is repeated in full below (*our emphasis added*).

The pre-operational condition 1 states:

*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:*

- *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.*
- *Details of the proposed commissioning, operational and maintenance procedures associated with the mechanical screener and active abatement system to be implemented on site.*
- *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.*

As the Agency is aware several submissions have been made by the Operator to discharge pre-operational condition 1. However, on each occasion the Agency have refused to accept the submission as adequate. Following careful consideration of the wording of the pre-operational condition, the information provided to date, and the responses received from the Agency, the Operator considers the condition fails to meet the standards required by DEFRA's Environmental permitting: Core guidance<sup>1</sup>. The Operator considers the requirements of the pre-operational condition to be unnecessary and unachievable and consequently requests the removal of this condition as part of this variation application.

The following paragraphs provide a detailed assessment of the failing of the condition and why it is not possible to comply with the condition and explain why the restrictions required in the pre-operational condition are not necessary in order to comply with the requirements of Best Available Techniques (BAT) guidance<sup>2</sup>. The use of the additional, unnecessary techniques would be contrary to Annex III of the IED which states that the determination of what treatment technique constitutes BAT must have regard to the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it.

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<sup>1</sup> Section 7.10 Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016, March 2020, DEFRA.

<sup>2</sup> Best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council. 10 August 2018.

## Details of submissions and responses from the Agency

A submission to the Agency was made by the Operator in July 2021 to satisfy the pre-operational condition. The submission included a summary of the currently employed measures such as the acceptance procedures, dust suppression and reference to monitoring data to confirm that the concentrations of asbestos fibres recorded inside the STC building were <0.0005 f/ml. No comments were provided by the Agency on the submission related to the emission management techniques or monitoring data. The Agency rejected the proposal and stated that the submission could not be approved, despite the screener being 'enclosed' by way of location within a building, as the pre-operational condition required a fully enclosed screener with all dust emissions directed to an active abatement system with a HEPA filter or other suitable design.

In correspondence received from the Agency dated 5 August 2021, it was stated that the expectations with regard to the pre-operational condition is that the operations should comply with BAT. The Agency stated that (*our emphasis added*):

*"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 where an emission is expected, all treatment vessels must be enclosed and if vented to atmosphere only via an appropriate scrubbing and abatement system. An asbestos fibre emission is expected from the screening activity, so the pre-op condition requires evidence to demonstrate that the screener is enclosed and abated. We do not have any examples/experience of such equipment we can refer you too.*

*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. We expect an emission regardless of your dust abatement measures so it is not possible to negate the need for enclosure/abatement"*.

Given the position set out by the EA, even though the Operator considered (based on their monitoring database) that the additional controls were not necessary in order to comply with BAT, in order to progress to a working facility the Operator sought to comply with the Agency's pre-operational condition wording by proposing covers being applied to the screener deck on the mechanical screener and use of extraction via a HEPA filter with a minimum of 8 air exchanges per hour. The covers proposed comprised retro fitted plastic covers using water piping as a frame with a piping system connected to a HEPA filter (Aeria AMH 100 Industrial HEPA Air Scrubber). The HEPA filter was to be fixed to the screener and would have vented to the inside of the STC building.

In Agency Compliance Assessment Report (CAR) form Report ID: HP3632RP/0410181 dated November 2021 this proposal was rejected. The Agency stated (*our emphasis added*):

*"All parts of the screening process must be fully enclosed, abated and routed to a point source or sources."*

There are no commercially available 'mechanical screens' that would fulfil the Agency's interpretation of 'fully enclosed', the very nature of a mechanical screen operation with

inputs and outputs means that 'full enclosure' is unachievable. In subsequent correspondence from the Agency dated 2 December 2021 they responded that while enclosure of the conveyors and screening deck may enclose the equipment, the pre-operational condition also requires that *"all dust emissions from the screening operation are directed to an active abatement system..."* and questioned how this would be achieved for the screened soil as it exits the screener/conveyor.

The proposal submitted to the Agency in November 2022 to operate the mechanical screen within the STC Building with an air extraction system and HEPA filter (fitted to the building not the screener) was the Operator's last attempt to discharge the pre-operational condition taking into account the comments received from the EA about their requirements for full enclosure and abatement via a HEPA filter. This final proposal was made in the context of the Agencies comments about what was required to discharge the pre-operational condition and was not considered by the Operator to represent BAT or to be necessary, practicable, or achievable with commercially available equipment.

The Operator proposed the use of the existing building as a form of 'enclosure', because as a matter of fact, the screener is located within a building and is therefore enclosed by it, and included the use of a HEPA filter because the pre-operational condition specifically requires it. The proposal to use the existing building was an attempt to satisfy the pre-operational condition only. The Operator does not consider that locating the screener within a building is required to comply with BAT in any event.

This final proposal was ultimately rejected by the Agency as not meeting the requirements of the pre-operational condition. The Agency stated in CAR form Report ID: HP3632RP/0445331 dated 16 December 2022 (*our emphasis added*):

*"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. Even if we accept the enclosure of the building as an alternative to full enclosure, the permit does not include the proposed emission point.*

*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".*

The previous submissions made to discharge the pre-operational condition were made by the Operator specifically based on the wording of the pre-operational condition. However, the response received from the Agency clearly confirms that without 'full enclosure' of the mechanical screener itself (as opposed to being located within a building) the requirements of the pre-operational condition, as worded, cannot be fulfilled and that the wording required the addition of a new point source emission (the HEPA filter) which is not currently in the permit and would need to be added via a permit variation.

Further clarification was sought from the Agency by the Operator in an email dated 21 December 2022 to which the Agency advised in an email dated 4 January 2023 that *'... 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'. The CAR Form and correspondence are provided at Appendix B.*

Despite the Operators efforts to meet the requirements of the pre-operational condition and the final response from the EA in context of the previous comments received regarding the wording of the pre-operational condition and the need for enclosure and a new point source emission point, the only option left to the Operator was to vary the permit. This resulted in the request to remove the pre-operational condition because the methods requested by the Agency in the pre-operational condition are impossible in practice to implement.

Following the submission of the permit variation in December 2022 the Operator subsequently applied to the Agency in July 2023 to request that they adopt a Local Enforcement Position (LEP) for the site to allow the Operator to conduct a trial of the pre-screening activity so that additional detailed monitoring data could be gathered to provide further confidence to the Agency that there are no emissions above permit limits. It was proposed that the trial would generate an additional knowledge base from operations at ERQ to reassure the Agency that no further controls are required. The proposals for the LEP were refused by the Agency in August 2023 for the following reasons:

- 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.'*

There is no BAT requirement to undertake soil treatment within a building. The building is part of the former quarrying operations at Edwin Richards quarry and was not built for the purposes of the current soil treatment activities. The use of the building for the ongoing soil treatment activities by the Operator was coincidental; it provides space for these activities to take place.

This Schedule 5 response must be read in conjunction with the report in Appendix A. Appendix A contains an independent technical report from Dr Simon Cole at Hydrock consultants. This report is an independent review of the asbestos fibres emissions monitoring undertaken by Provectus during the screening and hand picking of asbestos contaminated soils that meet the acceptance criteria applied at Edwin Richards Quarry Soil Treatment Centre (ERQ STC). In addition, Hydrock undertook their own independent samples of air and soil from the screening and hand picking of asbestos contaminated soils.

Of note is the 12 months daily monitoring data undertaken at the Maw Green soil treatment facility operated by Provectus where soil screening and hand picking were undertaken externally without covers / enclosure or HEPA filtration in accordance with the environmental permit. A review of the extensive monitoring data collected over a 12-month period for asbestos fibres and particulate matter presented in the report demonstrates that the emissions of asbestos from the treatment processes are all below the accepted permit

limit and therefore there is no requirement for the activity to be located in a building and/or to comply with the Agency's interpretation of 'full enclosure' and/or abatement.

The emissions data also shows that the measures adopted by the Operator adequately control the diffuse emissions without the need for the screener to be located in a building and/or comply with the Agency's interpretation of 'full enclosure' and/or abatement.

The impact of the screener use inside the building covered and uncovered (coverings were as described above) is shown below in Table 1 which contains the extract of Table 2.3 and Table 3.2 provided at Appendix A. The covered screener comprised retro fitted plastic covers using water piping as a frame with a piping system connected to a HEPA filter (Aeria AMH 100 Industrial HEPA Air Scrubber) as shown in the Asbestos Emissions Report dated 14 December 2022 provided at Appendix A of the Technical Standards and BAT Assessment Report. The covers were applied to the three conveyors on the screener and the shaker deck but with sufficient gaps provided due to the clearance required for moving parts. No covers were applied to the end of the conveyors, The uncovered screener comprised the screener operating without any covers within the STC building.

The table presents the Scanning Electron Microscopy monitoring data only due to the lower limit of detection of <math>0.0005 \text{ f/ml}</math>. This comprised 809 air samples taken between 6 September 2021 and 21 September 2022 at ERQ from a sample volume of 1440 litres (based on pump sampling rate of 16 litres per minute for 90 minutes). For context it is critical that the reader reviews the report in Appendix A prior to the table below. Of note is the volumes of air sampled to provide the <math>0.0005 \text{ f/ml}</math> are far higher than those required to achieve the permit threshold reporting limit of <math>0.0 \text{ f/ml}</math>.

*Table 1 Comparison of Air Emissions Results from Hydrock Report (Table 2.3 and 3.2)*

SITE	Edwin Richards Quarry STF			Maw Green STF
Parameter	Screener in operation and uncovered	Screener in operation and covered + HEPA filter	No screening operation (hand picking only)	Screener in operation and uncovered
Total number of air samples	88	128	593	395
Number of samples with zero fibres reported	49 (56%)	95 (74%)	472 (80%)	339 (86%)
Maximum concentration (all asbestos)	0.0009 f/ml	0.0007 f/ml	0.001 f/ml	0.0015f/ml
Maximum Concentration v Permit Threshold (<0.01f/ml) – as percentage of permit threshold	9%	7%	10%	15%
Maximum concentration (chrysotile)	0.0009 f/ml	0.0007 f/ml	0.0007 f/ml	0.0013f/ml
Maximum concentration (amosite)	0.0005 f/ml	< 0.0005 f/ml	0.0007 f/ml	<0.0005f/ml
Percent of sample concentrations >LOQ	6%	1%	4%	1.8%

As demonstrated in the above data, there is no evidence that the 0.01 f/ml permit thresholds would be exceeded as a result of pre-screening soils with asbestos.

The data shows that the proposed activity would meet the BAT-AEL for dust and the ELV for asbestos from the treatment process.

**b) Alternatively, please confirm once the pre-operation condition (1) is removed, whether the intention is to provide other mitigation techniques (other than enclosure within a building) in line with BAT conclusion point BAT 14 to manage the pre-screening process.**

As presented in the application documents, in accordance with BAT the Operator proposes the adoption of the following emissions management techniques to adequately prevent or minimise diffuse emissions.

These measures include:

- Strict controls on the concentrations of free fibres in the incoming waste soils awaiting

treatment (<0.1% chrysotile asbestos and <0.01% other types of asbestos fibres by weight in the incoming soil).

- Soil screening equipment will comprise a Keestrak K3 screener which is smaller and will operate at a lower intensity than larger soil screening equipment.
- Fixed and mobile spray systems with wetting agent added to the water used in all sprays to dampen the soils throughout the pre-screening process.
- Conveyor belt heights used on the screener will be set at the lowest height level to limit the drop height of material.
- Maintenance procedures for all mobile and fixed plant, infrastructure, and equipment.
- Regular cleaning of all operational areas, plant and equipment.
- Monitoring and testing of asbestos fibre concentrations in air close to the operations to confirm the effectiveness of the measures throughout the operations together with boundary reassurance monitoring.
- Continuous dust monitoring undertaken within the STC building using a fixed nephelometer.

The emission management techniques to be adopted for the pre-screening activity have been demonstrated to be effective in minimising the release of asbestos and dust emissions to negligible levels. This is demonstrated in the extensive monitoring data collected over a 12-month period for asbestos fibres and particulate matter presented at Appendix A.

**c) If enclosure is not proposed, please provide an explanation as to why this approach has been taken given that the handpicking of asbestos contaminated waste is undertaken within an enclosure.**

As demonstrated within the Asbestos Emissions Report provided at Appendix A of the Technical Standards and BAT assessment Report (Ref: K0182-BLA-R-ENV-00004) submitted with the application, there are a number of technical difficulties and elevated health and safety risks in providing even partial enclosure of conveyors for screening made ground. Specifically, as stated previously in response to question 1a), the very nature of a mechanical screen operation with inputs and outputs means that 'full enclosure' is in practice unachievable.

These difficulties aside, the difference in emissions of asbestos fibres from covered (as shown in the Asbestos Emissions Document that accompanied the application) and uncovered screeners was monitored at ERQ STC. This was undertaken to validate that there is negligible difference in asbestos fibre emissions when covered and uncovered (coverings were as described above). The data provided in the Asbestos Emissions Report provided at Appendix A demonstrates that emissions are negligible and significantly below the BAT-AEL for dust and the ELV for asbestos in all scenarios.



## 2) Waste acceptance criteria for waste containing asbestos

Your application document 'Asbestos Emissions Report Number: RR/AER/001 Page 3 Section 2.2.2' outlines that this site is to employ strict waste acceptance criteria that will only allow a certain specification of asbestos content. This is to prevent the acceptance of waste that could release unacceptable asbestos fibres during processing.

The current criteria are summarised as:

- Soil and stones containing hazardous substances (contains identifiable pieces of bonded asbestos (any particle of a size that can be identified as potentially being asbestos by a competent person if examined by the naked eye))
- Asbestos in unbound fibrous form (free chrysotile fibrous asbestos in the soil must be <0.1% w/w. Other forms or mixed forms of fibrous asbestos in the soil must be <0.01% w/w) The justification for this method is currently not detailed enough to demonstrate that the specification and specific methods you will implement are strict enough to ensure the site will effectively identify and only accept wastes which have a significantly low risk and are unlikely to result in asbestos emissions.

In addition, there needs to be further evidence to show a clear correlation between your proposed acceptance techniques and a direct reduction in emissions. It must be clearly demonstrated that any asbestos contamination will be in a state that would not lead to 'asbestos emission release' as a result of agitation during processing.

**Please submit the following information to demonstrate strict and effective waste pre-acceptance and acceptance processes will be in place which can directly control and prevent the release of asbestos emissions from soils containing asbestos when they are subject to mechanical treatment.**

Prior to a response to questions a) to e) we would request it is noted that we do not agree with the wording of the above request for information. Namely the request for evidence to "*show a clear correlation between your proposed acceptance techniques and a direct reduction in emissions*". The evidence provided at Appendix A presents only the data for the soils accepted at STC's and the corresponding negligible asbestos fibre emissions. It is impossible to evidence a direct reduction in emissions from the acceptance techniques without comparative data of soils above the waste acceptance criteria applied to the soils accepted at the STC. The monitoring data validates that the restrictions placed upon the soils prevent and/or minimise asbestos fibre emissions below the Agency's AEL.

**a) Submit a detailed specification of the waste soils containing asbestos that you intend to accept for processing.**

Waste acceptance procedures are in place for waste soils including asbestos contaminated soils at ERQ STC consistent with the procedures implemented at all FCC treatment sites

accepting ACM contaminated soils.

The specification of waste soils containing asbestos for pre-screening is to be limited to the list of waste types in Table S2.4 Permitted Waste types and qualities for handpicking of asbestos waste of the Permit.

The Operator has the following restrictions placed on soils contaminated with asbestos that may not be accepted as stated in Table S2.4 of the Permit:

- Asbestos in unbound fibrous form (FREE CHRYSOTILE FIBROUS ASBESTOS IN THE SOIL MUST BE < 0.1% w/w. OTHER FORMS OR MIXED FORMS OF FIBROUS ASBESTOS IN THE SOIL MUST BE <0.01% w/w).
- Wastes with hazard codes HP1, HP2, HP3, HP9, HP12, HP15.

Additional wording is applied to the EWC code descriptions related to the following:

- Contains identifiable pieces of bonded asbestos (any particle of a size that can be identified as potentially being asbestos by a competent person if examined by the naked eye).
- Discrete pieces of bonded asbestos within the soil matrix only.

The exclusions were subject to detailed discussions with the Agency during the 2017 permit determination process (EPR/HP3632RP/V002 issued 28 February 2018). A conference call held on 13<sup>th</sup> December 2017 with the Agency agreed the wording to be included in Table S2.4 for the list of waste types to be accepted for the asbestos handpicking activity. In attendance were the following Agency officers, Chris Hall, Bob McIntyre and Leanne Paulson. The agreed wording was circulated on 14<sup>th</sup> December 2017 prior to formal issue of the environmental permit on 28<sup>th</sup> February 2018. The limits in Table S2.4 were proposed by the Operator and agreed with the Agency as the criteria at which asbestos fibre emissions from handling or treatment are minimised to negligible levels.

The limits applied to the soils were derived based on the Dutch criteria<sup>3</sup> which specified that the Tier one intervention value for asbestos regardless of type is stated as 100mg/kg (0.01% w/w). This is unless it is proven that the asbestos is bound and then the criteria stated is 1,000mg/kg (0.1% w/w). It is stated in the paper that at this concentration, it is unlikely that the Negligible Risk level in air is exceeded, even under worst case conditions. The waste acceptance criteria adopted will not change from the current agreed specification and current agreed waste acceptance procedures. The existing criteria is summarised as follows:

- The waste soil must not exceed the asbestos fibre concentrations specified in current acceptance criteria in Table S2.4 of the extant permit.
- There must be nil visible asbestos types that are listed as being licensed works in

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<sup>3</sup> F.A Swartjes. & P.C. Tromp. A Tiered Approach for the Assessment of the Human Health Risks of Asbestos in Soils. March 2008. Soil and Sediment Contamination (formerly Journal of Soil Contamination) 17(2):137-149

accordance with the Control of Asbestos Regulations 2012. Examples of materials that cannot be accepted include asbestos millboard, lagging, loose insulation, sprayed coatings or asbestos insulation board. If any non-compliant ACM materials are suspected of being present in soils then they will be submitted for bulk asbestos analysis by a P401 qualified analyst at an ISO 17025 accredited laboratory in accordance with regulation 21 of the control of asbestos regulations 2012. The results will be reviewed prior to any formal acceptance. Any loads with licensed asbestos materials will be rejected. The number of historic rejections of loads due to the presence of licensed/friable asbestos has been very low and recorded in the waste returns submitted for the site.

- Any bound ACM debris must only be present within soils where separation does not require high intensity agitation. Examples of non-compliant materials would be concrete slabs having been broken out with visible ACM debris physically attached to the underside of the slab.
- Soils that are waterlogged (i.e. visible free water, unable to support its own weight) or visibly dusty will not be accepted. Moisture content analysis is undertaken as part of our acceptance criteria.
- In addition to the review of chemical analysis for soils submitted for potential treatment, a visual assessment will be undertaken by the Operator to ensure, based on their professional experience, that the soil screening will be effective at low speeds.
- Soils with potential ACM debris are kept separate from other soils to ensure cross contamination is prevented. All soils that enter the facility are managed using a batch tracking system so each separate consignment can be tracked from receipt through the treatment process to its final use.

It is important to note that the soils are not hazardous for unbound asbestos fibres in the soil and would be considered non-hazardous for the purposes of waste classification against WM3 if based on asbestos fibres only. The mechanical screening of non-hazardous waste is a widely accepted treatment technique.

**b) Submit a detailed specification of the waste soils containing asbestos that you will not accept on site because you consider them untreatable and likely to result in unacceptable emissions.**

The waste acceptance criteria at the Site adequately identifies the soils containing asbestos that will be permitted to be accepted at the STC for treatment. The criteria is formalised within the current agreed waste acceptance procedures, any soils that do not meet the acceptance criteria are not to be accepted and will be rejected. It is important to state that the soils not meeting the STC waste acceptance criteria are not considered to be 'untreatable' and are not considered to result in 'unacceptable emissions' it is simply that the soils do not meet the specific STC criteria. The Operator chooses to adopt a highly conservative approach. A detailed specification of waste soils containing asbestos that will not be treated is not required. The agreed acceptance criteria stipulated in Table S2.4 specifies exclusions, it is not proposed to change the current acceptance criteria which will be applied to soils containing asbestos subject to pre-screening. The acceptance criteria

and the existing provisions are detailed in response to question 2 a).

**c) Describe the key methods you will implement to ensure that waste soil containing asbestos accepted meets the correct specification.**

The STC is subject to comprehensive waste pre-acceptance, acceptance and rejection procedures as detailed in Section 3 of the Technical Standards and BAT assessment Report. A technical assessment of the waste is undertaken by the Operator based on chemical analysis provided by the waste producer to confirm whether the waste meets the acceptance criteria and can be treated to meet the reuse criteria. If the waste meets the acceptance criteria and is confirmed as treatable, the Operator will issue an authorisation number which allows the acceptance of the waste from the Waste Producer pending on site pre-acceptance assessment.

The approach to reviewing soils against the producer's waste description will not change as a result of this permit variation. The key methods that the Operator has implemented at the STC to ensure the soils meet the correct specification are as follows.

- Producer site visits are undertaken by the Operator to inspect soils/stockpiles for the majority of potential soil inputs, where this is not possible then the waste producer must provide photographs in addition to their level 1 soil analysis and waste description.
- Only soils that meet the acceptance criteria and are able to be treated are issued an authorisation number to allow acceptance pending the pre-acceptance assessment.
- Each load of soil on pre-acceptance at the STC is visually inspected by a competent person (minimum category B trained operative) to check for visible ACM debris and in particular ensure that the soils have nil friable asbestos types.
- Soils will be sampled as part of the on-site pre-acceptance assessment prior to formal acceptance to establish the forms of asbestos present, concentrations as well as moisture content prior to formal acceptance at the STC. Soils will be sampled in accordance with the Agency's guidance on the sampling of waste and will be tested at a UKAS/CERTS accredited laboratory using accredited methods.
- Once the soils analysis results are received a technical assessment will be made by the Operators compliance team which comprises chemists with a minimum degree level in chemistry and overseen and audited by a Chartered chemist.
- If the soils meet the acceptance criteria and the requirements for treatment then the soils will be formally accepted at the STC and proceed to the treatment phase.

**d) Provide evidence to demonstrate your proposed acceptance methods are shown to have a direct impact on preventing the release of asbestos emissions when waste soils containing asbestos are subject to mechanical treatment.**

It is considered that the wording in the Agency's question requesting that the methods are 'shown to have a direct impact on preventing the release of asbestos emissions' is

impossible to demonstrate. The monitoring data demonstrates that the proposed waste acceptance criteria prevents and minimises asbestos fibre emissions in air in compliance with the EA's AEL. The data provided at Appendix A comprising the daily asbestos fibre emissions sampling results from Scanning Electron Microscopy (SEM) testing demonstrates that levels of airborne asbestos fibres detected were negligible over the entire testing period and always significantly below the ambient threshold levels of <0.1 f/ml required by the Agency.

There is no applicable BAT-AEL for asbestos. However, the Agency has set a limit of 0.1 f/ml for channeled emission to air which the Agency state is in accordance with the Control of Asbestos Regulations 2012 (CAR), and a limit of 0.01 for fugitive emissions (boundary monitoring). The limit is the control limit set in CAR and is therefore considered an achievable limit. The EU Directive 2009/148/EC on protection of workers from the risks related to exposure to asbestos at work also references the 0.1 f/ml limit. It is worth noting however, that this Directive was amended on 22 November 2023 under (EU)2023/2668 to set more stringent limits of 0.01 f/ml (and 0.002 f/ml 3 years later) for implementation in member states by 20 December 2025 to reflect the increased concerns over health risks associated with asbestos exposure). Whilst not applicable in UK Law, the data presented at Appendix A demonstrates compliance with the aforementioned limits.

The data validates that the emission management techniques employed by the Operator prevents and minimises any asbestos fibres emissions.

**e) Please propose specific descriptions for the waste codes you intend to accept for pre-screening of asbestos soils. These must exactly describe the specific level of contamination wastes subject to mechanical screening will be restricted to.**

The waste codes will be restricted to those in Table S2.4 of the extant permit including the current exclusions. Soils will be described as EWC 17 05 03\* and 17 06 05 depending on the contaminant levels, which may also be dual coded with EWC 17 05 04.

The wastes will meet the description previously stated for waste acceptance thresholds and subject to the restrictions already stated in Table S2.4 and the STC waste acceptance criteria.

**3) Implementing the requirements of BAT 14 for fugitive asbestos emissions**

In addition to the waste acceptance discussed above you have outlined in document 'Technical Standards and BAT Assessment Report No. K0182-BLP-R-ENV-00004 BAT 14 page 34/35' other measures you will implement to be meet the requirements of BAT 14.

**a) Moisture (BAT 14 comment 2)**

Your BAT assessment states:

*“Only soils with a moisture content >15% are to be pre-screened. Generally, soil moisture content is ~20% or above on received soils. Soils are dampened down where required to ensure moisture content is kept at the optimal level of 30%. This further limits any potential for liberation of fibres through handling/treatment”*

**Please describe and justify the control and monitoring methods you will implement to ensure an appropriate level of moisture content is maintained to allow optimum treatment as well as optimum level of emission suppression.**

**This must include:**

- i) Justification for the proposed percentage moisture contents and why the stated percentages will ensure optimum emissions suppression.**

Moisture content is a recognised control for potential fugitive emissions with soil moisture recognised as having a significant bearing on fibre release from soil with experimental evidence published by IOM (IOM, 1988<sup>4</sup>) and RIVM (RIVM, 2003<sup>5</sup>) indicating that soil moisture contents of more than 5-10% reduce fibre release from soil by a factor of x10-x100.

Since submission of the application the report at Appendix A provides data on pre and post processed soil moisture content for asbestos contaminated soils from Maw Green and ERQ. Tables 2.6, 2.9, 3.5 and 3.8 within the report, extracts provided below, show that soil moisture content is 9 – 10% based on the lower quartile levels where negligible asbestos fibres emissions in air have been observed over a long-term monitoring period. The data is presented in full in the report provided at Appendix A.

*Table 2.6: Summary details of pre-processed soil moisture results for ERQ*

Parameter	Value
Total number of soil samples	769
Minimum	0.62%
Maximum	52%
5th percentile	6.1%
Lower quartile	10%

<sup>4</sup> IOM, 1988. The release of dispersed asbestos fibres from soils, Addison J, Davies LST, Robertson A, Willey RJ, Historical Research Report TM/88/14, Institute of Occupational Medicine, Edinburgh, 1988

<sup>5</sup> F.A Swartjes, P.C Tromp & J.M Wezenbeek, 2003. Assessment of the risks of soil contamination with asbestos, RIVM report 711701034/2003

Table 2.9: Summary details of post-processed soil moisture results for ERQ

Parameter	Value
Total number of soil samples	253
Minimum	2%
Maximum	32%
5th percentile	5%
Lower quartile	9%

Table 3.5: Summary details of pre-processed soil moisture results for Maw Green

Parameter	Value
Total number of soil samples	118
Minimum	4.3%
Maximum	30%
5th percentile	7.7%
Lower quartile	9.4%

Table 3.8: Summary details of post-processed soil moisture results for Maw Green

Parameter	Value
Total number of soil samples	89
Minimum	3%
Maximum	30%
5th percentile	8%
Lower quartile	10%

Based on the data presented in Appendix A whilst most soils are generally accepted with a moisture content of ~10% the necessity for maintaining the moisture content at a level of 15% is not considered to be required.

The statement in the application regarding moisture content for soils of 30% is related to soils contaminated with hydrocarbons due to the requirement for moisture content control in the bioremediation process.

Emissions management and control is provided by the dust suppression measures employed rather than a reliance on moisture content. The data presented in Appendix A represents reasonable worst case as dust suppression was not employed during the air sampling due to the potential for interference with sampling filters from water spray. Dust

suppression will be halted during asbestos fibres monitoring.

Moisture content can be controlled through the wetting of soils and the infrastructure for this is already present on site. This is supported by Appendix 8 of HSG248 (HSE, 2021) which states that if the soil surface is damp, almost no release of asbestos fibres to air will occur.

**ii) A description of the monitoring you will implement to ensure an optimum moisture content is maintained.**

As stated in the application, the optimum moisture content is related to the bioremediation process. Moisture content is currently monitored in accordance with the approved Emissions Management and Monitoring Plan. The Emissions management and monitoring plan dated October 2020 is approved and listed in Table S1.2 Operating Techniques. This requires soil moisture content testing on pre-acceptance at the STC. Reception testing is undertaken directly after soils are brought in by the waste producer. The reception suite includes for moisture content testing so all soils will have a known moisture content at the point of formal acceptance. Moisture content is monitored for the purposes of process control with regards to treatability primarily for the bioremediation process. The 15% is considered an optimal level for handling general soils rather than for the control of asbestos.

The moisture content is also monitored regularly using a handheld soil moisture meter (e.g. Spectrum FieldScout TDR 350 or equivalent).

**iii) The stages in the process this moisture monitoring is undertaken**

During the pre-acceptance assessment testing moisture content is tested for in all soils subject to acceptance i.e. reception testing.

The moisture content will be checked regularly during storage (a minimum of monthly) and recorded prior to treatment using a handheld soil moisture meter (e.g., Spectrum FieldScout TDR 350 or equivalent).

Fixed and mobile spray systems with wetting agent added to the water used in all sprays are used to dampen the soils throughout the pre-screening process. Moisture content is also monitored as part of the soil validation testing process post processing.

**iv) A description of the moisture control measures (e.g. dampening) and drawings showing the locations of key measures (such as spray positions).**

The dampening of soils is an important control measure and considered BAT for the treatment of soils. There are a number of methods to use for dampening of soils and the methods currently used on site are:

- agricultural irrigation sprays fitted to the walls of the soil storage bays in the STC building;



- dust cannons; and
- atomisers.

It should be noted that there are also a number of alternative methods for achieving the dampening of soil and whilst each of the above listed methods are not specifically a BAT requirement in themselves they are the methods currently in use on site to ensure the moisture content of soils is maintained prior to treatment.

The location of the suppression system is shown on drawing entitled 'Internal and External Dust Suppression' No: 100993 – ERQ Expansion DWG4/Rev1 dated February 2024, a copy is provided at Appendix C.

**v) Evidence that a suitable supply of water is available.**

The STC building has a mains water supply with a flow rate measured from different outlet points at the STC being 12-30 litres/min or approximately 1.8m<sup>3</sup>/hr. An external water tank of 6,000 litre capacity is present outside of the STC building and is used for irrigation as well as supplementing the dust suppression systems.

At present the tank has an asbestos surfactant additive used prior to supplying the internal irrigation/dust suppression system.



**vi) Contingency measures to be taken if moisture control deviates from the optimum range and cannot be corrected immediately.**

It is considered that contingency measures are not required for moisture content. The methods for controlling emissions through dampening of soils, and subsequently the

moisture content, are clarified in response to question 3 a) i) to v).

**b) Enclosure (BAT 14 comment 3)**

You have stated that the screener will be in building and have given examples of covered screeners. The Asbestos Emissions Report Number: RR/AER/001 then provides images of screener will the belt areas covered.

**i) Please confirm whether or not you intend to implement covers on the screener belt if the screening process will be in an enclosed building.**

The Operator confirms that there is no intention of 'covering' the screener belt or decks of the screener. The temporary covering of the screener belt or deck (which does not constitute enclosure based on the Agency's definition as discussed in response to Q1 a) above) was only undertaken as part of the comprehensive monitoring undertaken at ERQ STC to validate that covering of the screener belts or deck (in so far as that could be achieved) had no quantifiable benefits to air emissions within the STC building. The screen was uncovered due to the number of blockages that were observed during monitoring with the continual blockages posing additional health and safety risks to personal as well as causing damage to the conveyor belts and other equipment.

The data as presented in the report at Appendix A shows the negligible impact on airborne emissions due to the extremely low risk nature of the soils being treated. There is no requirement for the covering of screener conveyors given that the emission management techniques employed at the STC have been shown to be entirely effective at minimising and preventing any airborne release from the waste soils that meet the waste acceptance criteria and deemed suitable for treatment by screening and hand picking.

**ii) If the process will not be within an enclosure or within a sealed building, please confirm whether covers are to be applied to the screening belt to minimise fugitive emissions.**

As stated in response to question b) i) no covers are proposed to be implemented on any part of the screener.

**iii) Please provide a description of belt covers applied and confirm where they will be applied.**

As stated in response to question b) i) no covers are proposed to be implemented on the conveyor.

**iv) Please describe any local abatement techniques you intend to implement.**

The dust suppression measures utilised on site are discussed in the responses to Q3 a) i) to v)

All water used in the sprays and suppression systems at the STC includes a surfactant (a wetting agent) to improve its effectiveness in preventing or minimising the potential for dust or fibre emissions. The wetting agent is added in accordance with manufacturer's instructions to a dosing tank and then added to the tank of water used to supply all dust

suppression spray equipment at the STC.

**c) Cleaning and maintenance (BAT 14 comment 7)**

Your BAT assessment states that there will be regular cleaning of all operational areas, plant and equipment and in general the application confirms there will be good housekeeping. This is however not detailed enough to describe how you will specifically manage any build-up of waste containing asbestos from operation of the mechanical screen.

**Please provide a detailed description of:**

**i) How you will identify building up of waste containing asbestos**

The build-up of waste containing asbestos during treatment will be monitored visually on a daily basis. There will be a visual build-up of soil around the mid-range conveyor which will be loaded and separately stored away from the mechanical screen.

The clogging of the mechanical screen from cohesive soils on the shaker decks may take place occasionally and so is monitored visually during each shift on a daily basis by the Category B trained asbestos operatives.

The screener including the hopper, shaker decks and conveyors will be scraped and cleared daily so that there is no accumulation of soils. All plant at the site is subject to routine maintenance and inspection procedures.

**ii) The specific cleaning measures you will implement**

The movement of soil and scraping of the building floor with the ditching bucket of the excavator to clear a build-up of mid-range soils from the conveyor belts in the same manner as clearing the oversize and fines.

If there is a build-up of soils on the shaker decks of the mechanical screen the mechanical screen is shut down and the Category B trained operatives will methodically clean the oversize, mid-range and fines decks in turn using hand tools and handheld surfactant spray to ensure that there is no potential for emissions of airborne asbestos or elevated dust.

**iii) The frequency with which cleaning will be undertaken.**

Daily inspections will be made of the mechanical screen during operation. The frequency of cleaning will depend on any build-up of soils. During operation of the mechanical screen the process will be monitored and therefore monitoring of build-up will be continuous. For a build-up and clogging of the mechanical screen will normally be infrequent with granular soils however may occur more frequently if the soil is cohesive. Daily cleaning may be required during each shift as a maximum frequency if soils were clogging the mechanical screen. Cleaning on a minimum basis will be undertaken weekly basis.

With regards to regular cleaning of all operational areas, plant and equipment this is also undertaken daily with clearing of areas with a more thorough cleaning on a weekly basis.

#### 4) Monitoring – specific to Mechanical treatment of soils containing asbestos

The application is to remove the preoperational condition (1) to allow the mechanical screening of soils containing asbestos. As a result further information is required to describe the monitoring you will undertake as a removal of the preoperational condition will change the way the emissions from the processes are intended to be mitigated and channelled.

You have stated in section 6.2.2 of the Technical Standards and BAT Assessment Report No. K0182-BLP-R-ENV-00004 that Asbestos air monitoring is currently undertaken at 4 locations at the Site in accordance with Table S3.3 of the Permit and the data assessed against the method detection limit of 0.01 fibres/ml (HSE clearance limit). This monitoring is however linked in the permit to the completion of the preoperational condition on the agreement of enclosure.

In the event the preoperational condition was removed to allow pre-screening of soil containing asbestos, **please provide a description of the monitoring you will undertake to ensure your waste acceptance and mitigation controls are effective. This must include:**

##### i) The location of monitoring

The monitoring and associated monitoring locations are provided at Appendix B of the Environmental Risk Assessment (K0182-BLA-R-ENV-000005) which comprises the Emissions Management and Monitoring Plan. The Emissions management and monitoring plan dated October 2020 is approved and listed in Table S1.2 Operating Techniques and Table S3.3 of the Permit. The locations of the monitoring points are as shown on drawing reference K0182.2.003, a copy if provided at Appendix C. Boundary monitoring will be undertaken based on the wind direction during monitoring and subject to access and operational constraints. Sampling within the STC building will comprise a sampling location adjacent to the mechanical screen and a sampling location adjacent to the hopper. Locations are likely to vary slightly according to operational constraints.

##### ii) The frequency of monitoring

Initially, as stated in the application, it was proposed to undertake asbestos fibres emissions monitoring daily at locations immediately adjacent to the screener during operation of the mechanical screen with a compliance limit of 0.01 f/ml. It was then proposed to reduce the frequency of monitoring to monthly on validation of the negligible asbestos fibre emissions to air with agreement with the Agency.

Daily asbestos fibres monitoring has been undertaken at ERQ and Maw Green as

presented in Appendix A. As the asbestos fibre emissions dataset is now so large, it is difficult to justify the requirement for further daily asbestos monitoring given that the dataset shows no asbestos fibres emissions in air above the compliance limit, with minimal emissions above the detection limit. It is considered that there is enough data to reduce the monitoring frequency to monthly in accordance with the Agency proposals specified in Provectus Table S3.2 in the Maw Green (EPR/BS7722ID/V010) and Daneshill (EPR/NP3538MF/V010) Agency initiated variation permits issued in October and September 2023 respectively. Dust suppression will be stopped during monitoring specifically at the source sampling locations immediately adjacent to the screener due to the potential for interference with the sampling filters from water spray.

The monthly asbestos fibre monitoring will comprise the following as required by the amended Table S3.3 of the extant permit for ERQ and repeated below in Table 2.

**Table 2 Amended Table S3.3 of the extant permit**

Emission point reference or source or description of point of measurement	Parameter	Limit	Monitoring frequency	Monitoring standard or method
Air testing within the building during asbestos handpicking works and when the mechanical screening of waste soil is taking place.  Sampling points as shown on drawing no. K0182.2.003.	Asbestos fibres	0.01 fibres/ml  Where total fibre concentration exceeds 0.01 fibres/ml in any sample, that sample must be submitted for electron microscopy to confirm the concentration of asbestos fibres present	Monthly	In line with M17 monitoring guidance While asbestos is being treated. <ul style="list-style-type: none"> <li>• Pumped sampling</li> <li>• 1m above ground level</li> <li>• Flow rate = 8 litres/ minute</li> <li>• Minimum sample volume = 480 litres</li> <li>• Filter pore size = 0.8- 1.2µm</li> </ul> Asbestos fibre limit of detection = 0.001 fibres/ml
Outside air testing when asbestos contaminated soils are being received, handled and moved within the site Outside Sampling points as shown on drawing no. K0182.2.003.	Asbestos fibres	0.01 fibres/ml  Where total fibre concentration exceeds 0.01 fibres/ml in any sample, that sample must be submitted for electron microscopy to confirm the concentration of asbestos fibres present	Monthly	In line with M17 monitoring guidance While asbestos is being treated. <ul style="list-style-type: none"> <li>• Pumped sampling</li> <li>• 1m above ground level</li> <li>• Flow rate = 8 litres/ minute</li> <li>• Minimum sample volume = 480 litres</li> <li>• Filter pore size = 0.8- 1.2µm</li> </ul> Asbestos fibre limit of detection = 0.001 fibres/ml

In accordance with the Environmental Management and Monitoring Plan additional air monitoring for asbestos fibres is undertaken on a quarterly basis using scanning electron

microscopy to a limit of detection of <0.0005 f/ml at the monitoring locations shown on drawing K0182.2.003.

### Particulate Matter

Dust monitoring is undertaken in accordance with Technical Guidance Note (TGN) M8: Monitoring Ambient Air dated 7 April 2014. This comprises monthly deposition monitoring via frisbee dust gauge monitoring with a compliance limit of 200 mg/m<sup>2</sup>/day.

At present there are also two stationary nephelometers on site that undertake continuous dust sampling. Additional nephelometers are to be installed on Site.

The dust monitoring locations are shown in the drawing K0182.2.003.

### **iii) The standard for monitoring (based on the unit being enclosed or not enclosed)**

The standard for monitoring would be as a minimum as described in the extant permit in accordance with HSG248 and TGN M17 for asbestos quantification.

Monitoring is undertaken in accordance with M17 Guidance and HSG 248 requiring asbestos fibre sampling at a flow rate of two litres per minute over a four-hour period to achieve a 480 litre sample volume (Phase-contrast optical microscopy- PCOM). Subsequent analysis will be fibre counting by using scanning electron microscopy (SEM) with a lower limit of detection to 0.0005 f/ml. This limit of detection is significantly lower than that ordinarily associated with conventional monitoring used for asbestos-related activities (0.04 f/ml for personal monitoring and 0.01 f/ml for static sampling using the methodology set out in HSG248); and significantly lower than the Agency's associated emissions levels (AELs) required by environmental permits for waste facilities (understood to typically be set as 0.1 f/ml at the emission source, and 0.01 f/ml at the boundary); and lower than the LOD of 0.01 f/ml for the 'preferred' method stated in M17. There is no relevant MCERTS performance standard or MCERTS accredited test methods for ambient air monitoring for asbestos.

Directive (EU) 2023/2668 published 30 November 2023 introduced amendments to Directive 2009/148/EC concerning the protection of workers from the risks related to exposure to asbestos at work. This lowered the occupational exposure limit (OEL) for asbestos fibres from 0.1 f/ml to 0.01 f/ml as an eight-hour time-weighted average. Although not applicable in UK Law, EU Member States are required to enforce this lower exposure limit starting from 21 December 2025. Furthermore, by 21 December 2029 the OEL must be further reduced to 0.002 f/ml. Analytical methods based on electron microscopy must also be used instead of PCOM. This is because the fibres that are not asbestos may be included in the count if deemed a countable fibre by HSG 248. Electron microscopy allows for the counting of thinner fibres and provides more accurate results.

Scanning electron microscopy and analytical transmission electron microscopy, used to

identify the precise composition/type of any asbestos fibres detected, is currently undertaken and will continue to be undertaken at the Site as stated in Table S3.3 and the EMMP. All the samples collected will be analysed on site within the on-site UKAS accredited laboratory.

Monitoring at the locations immediately adjacent to the mechanical screen during operation as specified in response to question 4 ii) will allow monitoring of any emissions to air of asbestos fibre emissions during the pre-screening process, specifically the locations during soil agitation i.e. the hopper and the screening belt.

Dust monitoring is undertaken in accordance with Technical Guidance Note (TGN) M8: Monitoring Ambient Air dated 7 April 2014.

Consideration will also be given by the Operator to substituting the use of dust deposit gauges for a different MCERTs method with the benefit of real time monitoring such as the use of a TSI DustTrak Environmental 8543 MCERTS Outdoor Dust & Aerosol Monitor or equivalent.

**iv) Justification as to how this monitoring programme fully takes into account any potential asbestos emissions from the mechanical screening process and the fact that it is either enclosed or not enclosed.**

The monitoring programme is used to validate that the emission management techniques are adequately controlling any potential asbestos emissions from the mechanical screening process.

As demonstrated in the independent report attached in Appendix A, which provides one of the most comprehensive datasets available for airborne asbestos concentrations during soil treatment activities involving uncovered mechanical screening, the emissions from the activity are shown to be negligible. The monthly monitoring in accordance with HSG248 and TGN M17 supported by the quarterly monitoring in accordance with SEM is considered to be sufficient to validate that the emission management techniques utilised continue to be effective.

## 5) Practical trial for treatment of asbestos via mechanical screening

To demonstrate that the proposals you intend to implement are effective in practice, a trial under controlled conditions will need to be undertaken to confirm the conclusions outlined in your application. This will involve as part of your variation application the submission of a trial proposal for agreement with the Environment Agency. Once the trial proposal is agreed, in the event of permit variation issue, an improvement condition(s) will be included requiring you to undertake the trial as agreed and demonstrate the operational results display the outcomes as expected in the permit application and trial proposal.

**Please submit a plan which includes proposals for an operation trial. The trial proposals must include:**

- Proposals to monitor asbestos and dust emissions from the treatment process within a controlled environment (enclosed and channelled to an emission point/s so the volume of air, asbestos and dust can be accurately sampled and quantified).
- Proposals for ambient air monitoring for asbestos and dust at the site boundary (including accounting for weather conditions during monitoring)
- Details of the proposed frequency, number, duration of measurements and location of air emissions monitoring.
- A demonstration of both the typical and maximum operating conditions under which the monitoring will be undertaken to ensure it is both representative and includes worse case. This must include mechanical screening processing rates, total tonnes processed, tonnes of fines produced, times of operation, percentage contents of bonded (ACM) and free asbestos in soils, soil grades processed, soil moisture content.
- Representative sampling/ characterisation of the input waste materials to be processed: proportions of ACM and minerals - sand/clay/rubble fractions within the waste being treated which may affect the emission levels or outputs.
- A representative sampling programme for all output materials – oversize, mid-size and fine fractions to demonstrate that the treatment process is as expected and not increasing the presence of fibres or fragments into any of the output fractions.
- Proposals for mitigation and abatement measures including the locations in which it is applied (e.g. waste acceptance, storage, transfer and treatment)
- Background monitoring prior to the trial to establish baseline levels (including weather conditions during monitoring)
- Details of the proposed standards for the monitoring/sampling and accredited laboratories to be used.

The report provided at Appendix A contains an independent technical report from Dr Simon Cole at Hydrock consultants (Ref 28480-HYD-XX-XX-RP-0002) dated 2 February 2024.

This report is an independent review of the asbestos fibres emissions monitoring undertaken by Provectus during the screening and hand picking of asbestos contaminated soils that meet the acceptance criteria applied at all Provectus sites. In addition, Hydrock undertook their own independent samples of air and soil from the screening and hand



picking of asbestos contaminated soils. Of note is the 12 months daily monitoring data undertaken at the Maw Green soil treatment facility operated by Provectus where soil screening and hand picking were undertaken externally without covers / enclosure or HEPA filtration in accordance with the Permit. The dataset includes representative sampling of incoming asbestos contaminated soils and post processed soil validation data. The 12 months dataset provides representative data of the asbestos soils accepted pre-and post-processing at ERQ and Maw Green STC and the variability encountered of incoming soils.

The report in Appendix A provides one of the most comprehensive datasets on the emissions from asbestos in soil available. The monitoring has been undertaken using SEM analysis to detection limits of <0.0005 f/ml adjacent to an active mechanical screen in a wide variety of weather conditions over a 12-month period. This dataset has been checked independently with independent testing undertaken during dry weather conditions and corresponding low humidity to provide worst case scenario results for air samples to a detection limit of between <0.0003 - <0.0005 f/ml. In addition, soil sampling before and after screening was undertaken using both MCERTS methods and higher resolution (non-MCERTS) methods to establish if soil screening increases the fibre content of soils. The monitoring methodology and the conditions under which the monitoring was undertaken is provided in full detail in the report provided at Appendix A.

The dataset was undertaken on hand picking stations as well as pre-screening prior to hand picking. This dataset demonstrates that the operation of the mechanical screen for the pre-screening of asbestos contaminated soils:

- Does not increase airborne asbestos fibres in air above background levels.
- Does not increase airborne asbestos fibres in air directly downwind (i.e. within the working area) of the mechanical screen.
- Does not result in increases in asbestos fibres in soil when measured using the standard MCERTS (detection limit of <0.001%).
- Even when using a non-MCERTS asbestos fibres per gram counting methods there is no evidence that screening of asbestos contaminated soils is expected to increase the asbestos fibre content of soils or result in increased dispersion of ACM debris that would prevent the recovery of soils.
- Monitoring of water and sediment in the water treatment settlement tanks, sand and carbon filters and effluent has shown that asbestos is continually non-detect over a long-term period.

It is considered that the provision of the report provided in Appendix A, providing actual representative data of the emissions of asbestos fibres from the operation of a mechanical screen for the pre-screening of asbestos soils, negates the requirement for a trial. Given that the existing dataset has been collected since 2018 and is the largest of its kind known, it is considered that a trial would not provide any further information or be any more representative than the report included in Appendix A. As is evident in the data

presented, all asbestos emissions data reported from Maw Green and ERQ show that the Sites meet all regulatory limits for asbestos fibres in air.

We trust that the information provided above is sufficient to allow the application to be determined.

Yours sincerely  
For Ayesa,

A handwritten signature in black ink, appearing to read "C Finney".

Claire Finney BSc MSc AssocMCIWM  
**Principal Consultant**

**Appendix A** – Hydrock Consultants Limited. Factual asbestos soil processing monitoring report. 2 February 2024 (Document Reference: 28480-HYD-XX-XX-RP-0002)

**Appendix B** – Regulatory Correspondence for Pre-Operational Condition

**Appendix C** – Emissions Monitoring Plan. Drawing Ref: K0182.2.003  
Internal and External Dust Suppression Plan. Drawing Ref: 100993 – ERQ  
Expansion DWG4/Rev1



## APPENDIX A

Hydrock Consultants Limited. Factual asbestos soil processing monitoring report.  
2 February 2024 (Document Reference: 28480-HYD-XX-XX-RP-0002)

## APPENDIX B

### Regulatory Correspondence for Pre-Operational Condition

## Claire Finney

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**From:** Nicholson, Matthew <Mat.Nicholson@fccenvironment.co.uk>  
**Sent:** Wednesday 4 January 2023 16:55  
**To:** Price, Russell  
**Cc:** Storer, Iain  
**Subject:** RE: ERQ STC Pre-op condition 1

Good afternoon Russell

Thank you for your response below. I am sure you can appreciate that we accepted the permit as issued by the EA as we needed it to keep the site operational, similarly the submissions we have made in an effort to discharge pre-operational condition 1 have been made on the basis that it was felt this was the quickest route to bringing the site into operation rather than appeal as you have suggested below.

Appeals are not to be undertaken lightly and we would always prefer to try to work with the EA to address concerns or requirements under permit conditions before going to appeal. We have tried to engage with the EA to discuss the requirements of the pre-op condition and also to explain the practical difficulties in being able to 'fully enclose' a mechanical screen.

Give the current impasse, and the contrary nature of the pre-op condition wording, we would appreciate the opportunity to discuss the condition requirements with the *National and Area hazardous waste treatment sector leads* that you reference in the email below as clearly they are setting the scope for this pre-op condition and we would appreciate the opportunity to discuss so we can consider our options before making any further submissions.

Regards

Mat

**Mat Nicholson – Planning and Permitting Manager (South)**

Head Office: 01302 303030 | Mobile: 07920823792 | Email: [Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)

FCC Environment, 3 Sidings Court, White Rose Way, Doncaster. DN4 5NU | <http://www.fccenvironment.co.uk/>



from waste to resource

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**From:** Price, Russell <russell.price@environment-agency.gov.uk>  
**Sent:** 04 January 2023 15:55  
**To:** Nicholson, Matthew <Mat.Nicholson@fccenvironment.co.uk>  
**Cc:** Storer, Iain <iain.storer@environment-agency.gov.uk>  
**Subject:** RE: ERQ STC Pre-op condition 1

Mat,

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.

I have discussed the points you make with both our National and Area hazardous waste treatment sector leads and our position remains as follows:

The permit clearly states the requirement for enclosure of the treatment plant.

The Decision Document to the permit says:

*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.*

*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'*

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.

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. *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).* 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.

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.

Kind Regards

Russell Price

EPR Installations  
West Midlands Area

**Environment Agency** | Sentinel House, Wellington Crescent, Fradley park, Lichfield, WS13 8RR

**Contact** | 07802533895 | [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



**Incident Hotline: 0800 80 70 60 Customer Enquiries: 03708 506 506**

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**From:** Nicholson, Matthew <[Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)>

**Sent:** 21 December 2022 16:07

**To:** Price, Russell <[russell.price@environment-agency.gov.uk](mailto:russell.price@environment-agency.gov.uk)>

**Cc:** Cheetham, Mark <[Mark.Cheetham@fccenvironment.co.uk](mailto:Mark.Cheetham@fccenvironment.co.uk)>; Smith, Mark

<[MarkA.Smith@fccenvironment.co.uk](mailto:MarkA.Smith@fccenvironment.co.uk)>; Duley, Surjit <[surjit.duley@fccenvironment.co.uk](mailto:surjit.duley@fccenvironment.co.uk)>; Jon Owens

<[Jon.Owens@provectusgroup.com](mailto:Jon.Owens@provectusgroup.com)>; Storer, Iain <[iain.storer@environment-agency.gov.uk](mailto:iain.storer@environment-agency.gov.uk)>

**Subject:** RE: ERQ STC Pre-op condition 1

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:

*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.*

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.

*Even if we accept the enclosure of the building as an alternative to full enclosure, the permit does not include the proposed emission point.*

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.

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.

*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/m<sup>3</sup> in accordance with BAT 25. The asbestos emission must also be controlled.*

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.

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.

Please do not hesitate to contact me if you wish to discuss further and/or set up a meeting.

Kind regards

Mat

**Mat Nicholson – Planning and Permitting Manager (South)**

Head Office: 01302 303030 | Mobile: 07920823792 | Email: [Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)  
FCC Environment, 3 Sidings Court, White Rose Way, Doncaster. DN4 5NU | <http://www.fccenvironment.co.uk/>



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**From:** Price, Russell <[russell.price@environment-agency.gov.uk](mailto:russell.price@environment-agency.gov.uk)>  
**Sent:** 16 December 2022 15:25  
**To:** Nicholson, Matthew <[Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)>  
**Cc:** Cheetham, Mark <[Mark.Cheetham@fccenvironment.co.uk](mailto:Mark.Cheetham@fccenvironment.co.uk)>; Smith, Mark <[MarkA.Smith@fccenvironment.co.uk](mailto:MarkA.Smith@fccenvironment.co.uk)>; Duley, Surjit <[surjit.duley@fccenvironment.co.uk](mailto:surjit.duley@fccenvironment.co.uk)>; Jon Owens <[Jon.Owens@provectusgroup.com](mailto:Jon.Owens@provectusgroup.com)>; Storer, Iain <[iain.storer@environment-agency.gov.uk](mailto:iain.storer@environment-agency.gov.uk)>  
**Subject:** RE: ERQ STC Pre-op condition 1

Good Afternoon Matthew

Please see attached response around pre-op condition 1 of permit HP3632RP for the soils treatment centre at Edwin Richards Quarry.

Kind Regards

**Russell Price**

**EPR Installations  
West Midlands Area**

**Environment Agency** | Sentinel House, Wellington Crescent, Fradley park, Lichfield, WS13 8RR

**Contact** | 07802533895 | [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



**Incident Hotline: 0800 80 70 60 Customer Enquiries: 03708 506 506**

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**From:** Nicholson, Matthew <[Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)>  
**Sent:** 11 November 2022 17:37  
**To:** Storer, Iain <[iain.storer@environment-agency.gov.uk](mailto:iain.storer@environment-agency.gov.uk)>  
**Cc:** Price, Russell <[russell.price@environment-agency.gov.uk](mailto:russell.price@environment-agency.gov.uk)>; Cheetham, Mark <[Mark.Cheetham@fccenvironment.co.uk](mailto:Mark.Cheetham@fccenvironment.co.uk)>; Smith, Mark <[MarkA.Smith@fccenvironment.co.uk](mailto:MarkA.Smith@fccenvironment.co.uk)>; Duley, Surjit <[surjit.duley@fccenvironment.co.uk](mailto:surjit.duley@fccenvironment.co.uk)>; Jon Owens <[Jon.Owens@provectusgroup.com](mailto:Jon.Owens@provectusgroup.com)>  
**Subject:** ERQ STC Pre-op condition 1

Some people who received this message don't often get email from [mat.nicholson@fccenvironment.co.uk](mailto:mat.nicholson@fccenvironment.co.uk). [Learn why this is important](#)



Please see attached a revised submission to discharge pre-operational condition 1 of permit HP3632RP for the soils treatment centre at Edwin Richards Quarry.

If you have any queries regarding the attached please do not hesitate to contact me.

Kind regards

Mat

**Mat Nicholson – Planning and Permitting Manager (South)**

Head Office: 01302 303030 | Mobile: 07920823792 | Email: [Mat.Nicholson@fccenvironment.co.uk](mailto:Mat.Nicholson@fccenvironment.co.uk)

FCC Environment, 3 Sidings Court, White Rose Way, Doncaster. DN4 5NU | <http://www.fccenvironment.co.uk/>



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Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.



**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	ERQ - STC, EPR/HP3632RP/V003		Permit Ref	HP3632RP	
Operator/ Permit holder	Waste Recycling group (Central) Ltd				
Date	16/12/2022	Time in		Out	
What parts of the permit were assessed	Review of submission for pre-operational condition 1				
Assessment	Procedure review	EPR Activity:	Installation: X	Waste Op:	Water Discharge:
Recipient's name/position	Mat Nicholson - Planning & Permitting Manager				
Officer's name	Russell Price		Date issued	16/12/2022	

**Section 1 - Compliance Assessment Summary**

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

**KEY: C1, C2, C3, C4 = CCS breach category ( \* suspended scores are marked with an asterisk),**  
**A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored**  
**MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).**

<b>Number of breaches recorded</b>	0	<b>Total compliance score</b> (see section 5 for scoring scheme)	0
If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response			

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

The permit for WRG issued in June 2021 allows the mechanical treatment by screening of soils containing identifiable pieces of bonded asbestos with the proviso that pre-operational condition 1 is fulfilled. The condition requirement is set out below:

### **Table S1.3 Pre-operational measures**

*1 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:*

- *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.*
- *Details of the proposed commissioning, operational and maintenance procedures associated with the mechanical screener and active abatement system to be implemented on site.*
- *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.*
- 

*No mechanical pre-screening of asbestos contaminated soils under activity reference AR2 shall commence unless the Environment Agency has given prior written permission under this condition.*

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 (Clive Wall and Russell Price). 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:

- 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)
- the mechanical treatment is in a building which can be enclosed and is abated via extraction hoods to a HEPA filter
- they will test the ambient air for asbestos fibres

this fulfils the pre-operational measure.

There are several issues here:

- 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.
- even if we accept the enclosure of the building as an alternative to full enclosure, the permit does not include the proposed emission point.
- 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/m<sup>3</sup> in accordance with BAT 25. The asbestos emission must also be controlled.

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.

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.

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.

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.

In conclusion I am not satisfied that pre-operational condition 1 has been complied with and confirm that no mechanical screening of asbestos contaminated material should take place, including the use of mobile plant.

### Section 3- Enforcement Response

Only one of the boxes below should be ticked

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence\* and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

*\*Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

### Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
---------------	--------------	---------------------------	----------

See Section 1 above			

## Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence\* and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

### See our Enforcement and Civil Sanctions guidance for further information

\*A breach of permit condition **MSA, MSB & TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

#### MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

**MSA** requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

**MSB** requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

**TCM** requires the submission of technical competence information.

## Section 6 – General Information

### Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

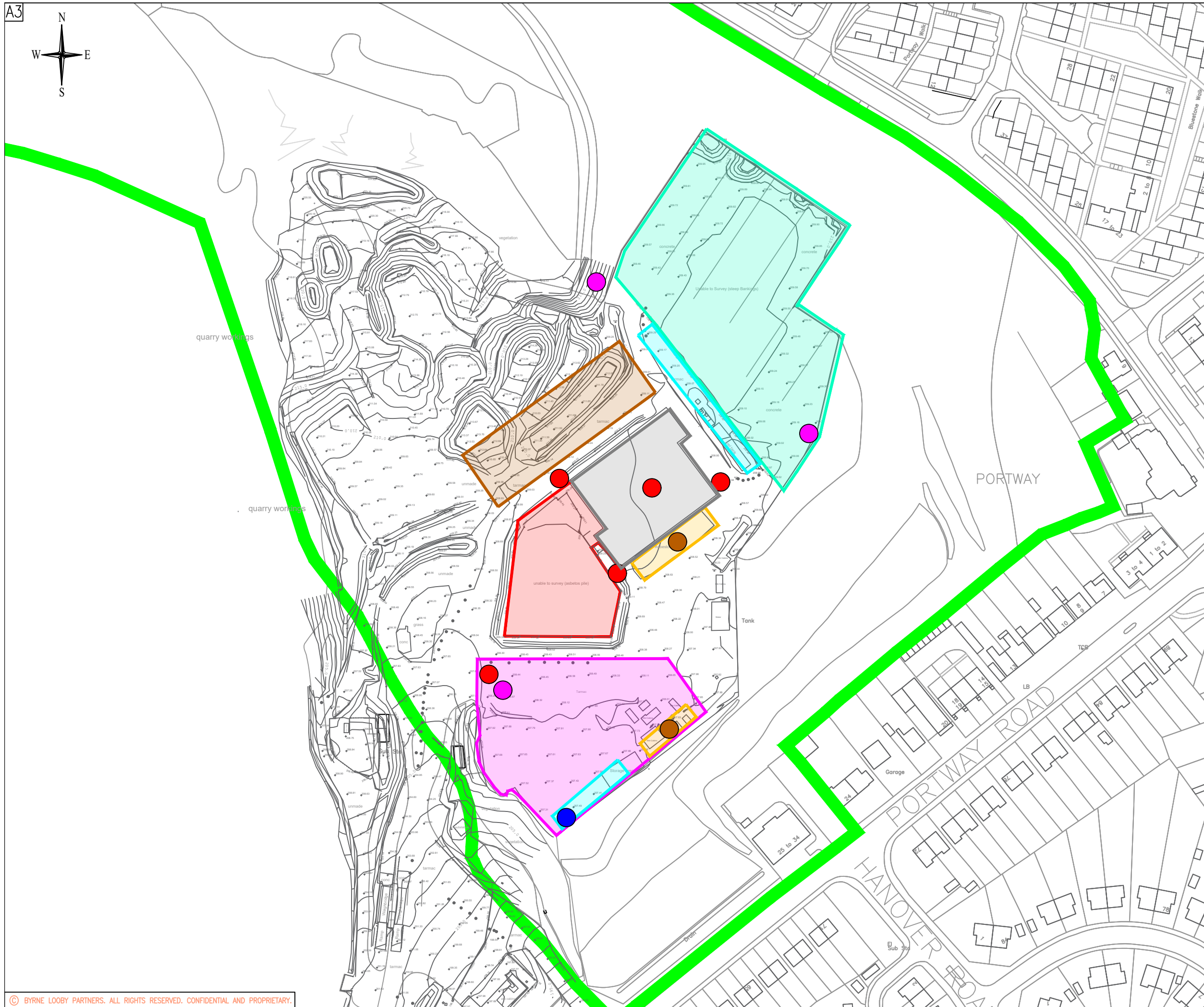
#### What can I do if I disagree with this compliance assessment report?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder can raise a dispute through our official [complaints procedure](#).

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#), phone their helpline on 0345 015 4033.

## APPENDIX C

### Drawings



GENERAL NOTES

1. SURVEY INFORMATION SUPPLIED BY THE WASTE RECYCLING GROUP .
2. DO NOT SCALE
3. ALL DIMENSIONS ARE IN MILLIMETRES AND ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM
4. ANY ANOMALIES ON THIS DRAWING ARE TO BE BROUGHT TO THE ATTENTION OF BYRNE LOOBY

KEY

- PERMIT BOUNDARY
- NON-HAZARDOUS SOIL STORAGE AND SCREENING AREA
- BIOLOGICAL TREATMENT AREA
- BIOFILTERS
- HAZARDOUS SOILS STORAGE AREA
- BIOLOGICAL TREATMENT AREA/SOIL WASHING AREA
- WATER TREATMENT PLANTS
- SOIL TREATMENT BUILDING
- AIR SAMPLING: ASBESTOS/PM10
- AIR SAMPLING: TPH/BTEX/PAH'S
- AIR SAMPLING: DUST/NOISE/ODOUR
- WATER SAMPLING: SEVERN TRENT

Rev	Date	Description	By	Chk	App

**BYRNE LOOBY**  
 WWW.BYRNELOOBY.COM  
 IRELAND | UK | UAE | BAHRAIN | KSA

CLIENT



PROJECT  
 EDWIN RICHARDS QUARRY  
 SOIL TREATMENT CENTRE

DRAWING TITLE  
 EMISSIONS MONITORING PLAN

STATUS  
 FINAL







Date: 27.02.24	Scale: 1:1500	Drawn: JM	Chk: JW	App: JW
Project No: K0182	Dwg. No: K0182.2.003	Rev: 01		





6,000l water storage tank



-  Irrigation point
-  Dust Cannon\*
-  Soil Screener
-  Picking Station
-  External Pad
-  Building Footprint

\*exact locations of external locations subject to change



Provectus Remediation Ltd  
 Regent House  
 Bath Avenue  
 Wolverhampton  
 WV1 4EG

Tel. 01904 812004  
 www.soilsuk.com

Client: FCC Environment

Project: ERQ, Rowley Regis

Job No.: 100993

Title: Internal and External Dust Suppression

Scale: NTS

Date Drawn: February 2024

Drawing No.: 100993 – ERQ Expansion DWG4/Rev1