

Permitting decisions

Bespoke permit including part refusal

We have decided to grant the permit for Redhill Landfill Soil Treatment Facility operated by Biffa Waste Services Limited.

The permit number is EPR/BU8126IY/V018.

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

Purpose of this document

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Description of activities

The variation authorises the operation of an asbestos picking station adjacent to the existing soil treatment facility located within Redhill Landfill Site. The asbestos picking station will receive soils contaminated with asbestos containing materials under Section 5.3 Part A1(1)(a) (ii) of the Environmental Permitting Regulations (England and Wales) 2016 ("EPR 2016").

The treatment process involves the removal of identifiable pieces of bonded asbestos fragments from the soils by hand picking on a dedicated enclosed picking line. Soils will be received at the site in covered vehicles and directed to the appropriately signposted stockpiling area. Prior to treatment soil stockpiles will be stored outside on a concrete pad and covered with tarpaulin. The tarpaulin will only be removed prior to the stockpiles being broken down for transfer to the picking station. Damping down procedures are in place to minimise dust and fibre emissions. The soils will be loaded onto an enclosed conveyor belt using a tracked excavator. They will then travel into the raised portacabin like picking station.

There are 4 picking stations within the picking booth. Operatives will place picked asbestos fragments into polythene bags located next to them. When full or at the end of each working day the bags will be sealed and placed within a second bag. The double bagged asbestos fragments will be carefully carried to the asbestos skip that will remain locked unless it is being loaded.

The skips will be lined with plastic skip liners which prevent the skips from becoming contaminated. The skips are then removed with the contents tipped into the on-site stable hazardous non-reactive cell.

Soils will have nil visible asbestos once picked and will move out of the picking station along the output conveyor before transfer to a designated second stockpile area. During material movement damping down equipment will be used as before. Soils will be analysed and will either be transferred to the bioremediation treatment pad (if hydrocarbon impacted) or placed within the landfill void if not. After bioremediation asbestos picked soils will also be transported to the landfill void.

Soils will be transported about the site using dump trucks which prior to leaving the stockpiling areas will pass beneath a spray bar which will coat the soils in a layer of dust suppression liquid.

The waste outputs from the handpicking activity will be 17 05 03* soil and stones containing hazardous substances (hydrocarbons) for movement to the bioremediation pad, 17 05 04 soil and stones other than those mentioned in 17 05 03* (transported to the non-hazardous landfill void) and 17 06 05* discrete pieces of asbestos picked from the soil (transported to the stable none reactive hazardous waste cell)

Key issues for the decision

Waste acceptance and pre-acceptance

The operator has confirmed that their waste acceptance procedures and pre-acceptance procedures comply with indicative BAT requirements for pre-acceptance as detailed in section 2.1.1 and acceptance as detailed in section 2.1.2 of Sector Guidance Note IPPC S5.06.

The initial stage of waste acceptance is to conduct a review of the origin of the waste which will be undertaken by Biffa's Materials Acceptance Manager. They will review site history, site investigation and chemical analysis information. This will include testing for mixed forms of Amphibole fibrous asbestos in order to ensure that free fibrous asbestos within the soil matrix is low enough not to risk the release of fibre asbestos in unbound fibrous form. The waste will be tested to ensure free chrysotile fibrous asbestos in the soil is less than 0.1% w/w or mixed forms of fibrous asbestos in the soil is less than 0.01% w/w.

In addition, material that complies with the above will be subject to reception sampling. The first load of each waste stream will be sampled on arrival and then 10% of the following loads will be sampled and analysed. This is in line with best practice advice provided by the Environment Agency.

Samples will be analysed for asbestos in unbound fibrous form to ensure that free chrysotile fibre asbestos in soil is less than 0.1% w/w other forms or mixed forms of fibrous asbestos in the soil is less than 0.01% w/w.

Pre-assessment procedures also include an assessment of hydrocarbons and inorganic concentrations against Biffa's existing acceptance criteria to determine if soils require bioremediation.

Material that fails the reception procedure will be rejected from site or subject to further assessment may be disposed of within the stable non-reactive hazardous waste cell.

Control of emissions from the asbestos Treatment facility

Soil movement

Vehicles delivering Asbestos Contaminated Materials (ACM) to the site will be covered to prevent dust and fibre releases during transportation. Once on site the soils will be unloaded within the dedicated ACM treatment area. Received soils will be directed to the appropriately signed tipping area. Stockpiles will be clearly signposted to distinguish whether the material is hydrocarbon contaminated (17 05 03*) or not (17 05 04). There will be no mixing of wastes. A maximum of 25,000 tonnes of ACM's will be treated per annum. There however are no changes to the total waste tonnage of the soil treatment facility with regards to annual throughput or daily capacity.

Decontamination

Anyone working with asbestos materials must do so in line with the Control of Asbestos Regulations 2012. On completion of works excavator buckets and tracks will be washed down with a low pressure wash in the

designated "wash down" area by a site operative whilst the driver remains in their cab. After decontamination plant will be moved outside the designated asbestos contaminated material treatment area.

When leaving the designated ACM treatment area operatives will wash their boots in the boot wash in the designated PPE transition zone. Spent PPE will be double bagged using red and clear asbestos bags and placed in a secured covered asbestos skip for off-site disposal via a licensed contractor.

Surface waters

Wash down water generated by the above decontamination procedure will be pumped into an intermediate bulk container to allow suspended solids to settle. The water will then pass through a 1 micron bag filter prior to transfer to the existing soil treatment facility water treatment system. These will capture any suspended asbestos particles. Once full the bags will be placed within the locked asbestos skip. Once this is full the waste will be placed within the stable non-reactive hazardous waste cell.

All surface water runoff from the asbestos waste treatment and storage area will be directed to the existing soil treatment facility drainage system. This drains to a lagoon where waters are tested prior to discharge via oil/water separator to the surface drains around the site. This is considered acceptable as soil stockpiles will be covered when not being broken down. Operating techniques as described will prevent contaminated waters running off under normal circumstances.

Air Emissions Monitoring

To ensure that asbestos fibre emissions are not released from the stockpiling and movement of soils air testing for asbestos fibres will be undertaken twice weekly at static monitoring locations around the storage pad. Monitoring will be in line with M17 Guidance with asbestos fibre sampling at a flow rate of two litres per minute over a four hour period to achieve a 480 litre sample volume. Subsequent analysis will be fibre counting by PCM in accordance with HSG 248. Scanning electron microscopy and analytical transmission microscopy would also be undertaken to identify the precise composition/type of any fibres detected. All the samples collected will be analysed on site by an asbestos specialist and the reported results will be UKAS accredited.

Construction materials containing asbestos

We have decided to refuse the operators proposal to accept and treat construction materials containing asbestos (17 06 05* and 17 09 03*). As the facility is an installation under the Environmental Permitting (England and Wales) Regulations 2016 we must exercise our functions to achieve a high level of protection for the environment taken as a whole, by in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land. We also need to ensure compliance with Article 11 of the Industrial Emissions Directive 2010/75/EU which requires the use of best available techniques ('BAT'). BAT requires the use of the most effective and advanced practical techniques to reduce emissions and the impact on the environment as a whole.

The operator has confirmed that the material they propose to accept will be fire damaged construction and demolition waste contaminated with asbestos. For example from when a building collapses following a fire incident. The operator confirmed the fire damaged waste would remain segregated from asbestos containing soil waste streams at all times. Fire damaged waste would be loaded onto the picking station conveyor where visible asbestos would be picked by operatives as detailed above.

The remaining fire damaged waste would go to the adjacent non-hazardous landfill for disposal. The picked asbestos portion would go to the stable non-reactive cell for disposal.

Given construction and demolition wastes such as bricks and rubble can be heavy and historically do not work well with picking stations affecting conveyors we requested the operator clarify how the asbestos fragments would be identified on the picking line and if there were any special working arrangements required for this waste. The operator subsequently clarified that the construction and demolition material would be passed through a static bar screen which will separate the larger bulky oversize material and enable the passing materials less than 100mm to be conveyed through the picking station. The oversize material would be subject to visual inspection and hand picking for asbestos fragments. The same dust suppression technique of damping down would be used for all operations.

Annex II of IED lists asbestos (suspended particles, fibres) as a polluting substance to air. We consider that the proposed operation poses a risk of generating airborne asbestos fibres. Degraded fire damaged asbestos containing waste will potentially be friable and will pose a significant risk of releasing asbestos fibres into the atmosphere. This will be further compounded by handling and treatment.

We consider the mechanical screening process proposed by the operator is likely to agitate the waste and result in the generation of asbestos fibres. Such fibres from damaged/broken bonded asbestos can easily become airborne during treatment. The screening of such waste will break the asbestos pieces and release fibres into the atmosphere. The inhalation of asbestos fibres can cause serious illness and significant harm to human health including malignant lung cancer, mesothelioma and asbestosis (a type of pneumoconiosis). Any increase and/ or agitation of fibres would create a risk to human health as there is no safe lower limit. Therefore having regard to the nature of the potential emissions and the need to prevent them to ensure the waste management of asbestos is carried out without endangering human health or without harming the environment, it is essential that the handling of waste containing asbestos is kept to a minimum to avoid the risk of any release of asbestos.

Waste coding

We assume wastes from a collapsed building are a solid heavy mass of bricks, concrete and other construction materials heavily coated with dusts. The building may also contain unknown sources of asbestos including fibrous forms.

Coding the C&D waste 17 09 03* means the waste could be hazardous by more than asbestos contamination. We asked the operator to clarify this point by providing a more detailed description of the waste code and recoding as appropriate. They did not. Therefore in addition to the above concerns about the process generating asbestos fibres we are not satisfied the removal of the asbestos sheeting will remove the hazardous properties of the waste and it would remain hazardous and unsuitable for deposit into the non-hazardous cell.

For the reasons explained above we do not consider the operators proposals in respect of asbestos contaminated construction and demolition wastes are acceptable.

Operating Techniques

Dropping asbestos cement pieces into skips

The operator proposed dropping the picked and double bagged asbestos pieces down a chute into an asbestos skip below.

We do not consider this an appropriate means of handling asbestos. It is considered BAT to place bagged asbestos waste directly into a lockable skip that must remain closed and secured except when being loaded. Similarly handling and transferring the waste must be done in a way that prevents further damage or emissions.

Dropping asbestos sheets down a chute may rupture the bags and break their contents. In addition, the use of a chute means the asbestos skip cannot be enclosed. This increases the risk of asbestos fibres being released into the environment. We therefore do not consider the proposed operating technique for depositing the asbestos waste in the skips represents BAT. We have therefore stipulated within Table S1.2 (a) Operating Techniques (NEQ) that double bagged asbestos cement waste will be carried to the asbestos skip which will be kept locked except for when being loaded. This is as stated in the operator's response to our request for further information dated 10/12/2019.

The operator has provided no justification for deposit of the asbestos in this way other than that this operating technique has been accepted by the Environment Agency previously.

Each permit determination is individually assessed and for the reasons detailed above we do not consider this an acceptable operating technique. Regardless of whether this activity is being undertaken on another site it does not justify allowing activities to proliferate. However we will shortly be undertaking our permit review process and any permits that need amendment will be reviewed at this time.

Other permitting requirements

Waste coding

As part of the variation the applicant requested the following waste be included in the list of wastes for acceptance into the Soil Treatment Facility and disposal within the asbestos cell or non-hazardous landfill void.

- 19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances and
- 19 12 12 other wastes (including mixtures of wastes) from mechanical treatment of waste other than those mentioned on 19 12 11.

The application states these wastes are outputs arising from the asbestos treatment facility. We asked the applicant to reconsider these waste codes as we do not consider these to be appropriate codes. We explained the 19 codes suggested are appropriate to homogeneous wastes which have been through a mechanical treatment process. This is not the case here.

As discussed above, outputs from the asbestos treatment are coded under two separate codes – 17 05 03* and 17 05 04 depending upon if they are hazardous for hydrocarbon contamination. There is also the separate code for 17 06 05* for the distinct pieces of bonded asbestos removed. The wastes are coming out of a manual process separated into their distinct waste types (soil and bonded asbestos) and therefore must not be recoded as an indistinct mixed waste stream.

Even if, which they are not, these waste codes were suitable for the outputs from the asbestos treatment facility we do not consider 19 12 11* and 19 12 12 soil and they should not form part of a bioremediation process.

The operator accepted our explanation that soils and asbestos wastes do not require reclassifying after treatment however requested the 19 codes remain *“to allow for future flexibility in operations should additional treatment methods beyond basic screening (but within permitted descriptions) be implemented that could necessitate the requirement of the 19 codes”*

They provided no information about the possible nature of the material, its suitability for bioremediation or the possible emissions it could give rise to. Following subsequent discussions the operator removed the wastes from the application.

The operator also requested the addition of:

- 19 01 11* bottom ash and slag containing hazardous substances.

Into the stable non-reactive hazardous waste cell. This waste is similar in nature to the wastes already accepted within the cell and does not pose any additional risk. The code has been added to the permit.

Waste storage

The operator requested the following listed activity be included within Activity A3 (Soil Treatment Facility) of the permit:

- S5.6 A (1) (a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

It was noted that the permit did not currently include the storage of hazardous waste.

This has been included as a separate activity (A5).

Permit text admin amendment, remove reference to SWA

The operator requested the permit wording of **table S3.10** be amended to remove (NEQ and SWA) from the inlet and outlet of carbon tower. They consider that this better represents the site as the carbon stack is located within the gas compound that is linked to the NEQ gas system.

We agree as the consolidated permit is now referenced under NEQ following the consolidation V16. Reference to SWA has been removed.

Permit text amendment, remove the requirement to monitor for gas and leachate within the stable non-reactive hazardous waste cell

The operator confirms that following discussion with the EA during the CQA process for the approved cell design and construction the SNRHW cells at Redhill do not have infrastructure installed for gas and leachate. They proposed the requirement for such monitoring therefore be removed from the permit.

The requirement to monitor for both gas and leachate in SNRHW cells is a standard requirement for all sites and the operator will be required to provide such monitoring data for permit surrender. We therefore do not consider it appropriate to remove the requirement from the permit. Existing compliance issues should be discussed outside the permitting process with the local area team.

Environment Agency variation

The operator carries out some activities on site under SR2010No12 – Treatment of waste to produce soil, soil substitute and aggregate. This was originally permitted on the 06/09/2012 however reference to this activity was removed from the permit in error under permit consolidation V16 dated 26/04/2017. Reference to this activity has therefore been reinstated as an admin variation.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> - Local Authority Environmental Health - Public Health England - Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility',</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>Areas of ancient woodland lie close to the southern landfill boundary, the nearest lying approx. 70m away and are separated from the site by a road and housing. These areas will not be impacted by works on site. The asbestos picking station lies a further 200m within the landfill.</p> <p>The site lies within Holmthorpe Sandpits Local Wildlife Site. The picking station is located within the larger Redhill Landfill and will benefit from existing control measures along with the mitigation described in the risk assessment section below.</p>

Aspect considered	Decision
	<p>There are no SSSI's or European Habitats within the statutory screening distance. The nearest is Mole Gap to Reigate Escarpment SSSI approx. 2.2km from the landfill boundary.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>There are no point source emissions to air or water from the asbestos picking operations.</p> <p>Surface water</p> <p>Treatment will take place on a sealed surface pad with sealed drainage system. Operations are adjacent to the existing soils treatment facility and will use the existing drainage infrastructure. Activities however will be segregated and access restricted.</p> <p>Surface water from the treatment pad and stockpile areas will be directed to the existing surface water lagoon. Following testing the water will be released to the existing leachate treatment system, surface water treatment system or tankered offsite.</p> <p>All equipment used to handle ACM's will be cleaned after each working period using a low pressure water wash. Water generated will be pumped into an IBC to allow suspended solids to settle. The water will then pass through a 1 micron bag filter prior to transfer to a waste water storage tank.</p> <p>Noise</p> <p>Given the picking stations location within the wider landfill site noise emissions beyond the site boundary are thought unlikely. The operator however proposes the following measures to minimise emissions:</p> <ul style="list-style-type: none"> - 15mph speed limit - Appropriate maintenance of vehicles and plant - Containerised picking station - Minimise drop heights <p>Dust</p> <p>The site must not generate dust or fibre emissions. See key issues section above which discusses how emissions are controlled.</p>
Operating techniques	

Aspect considered	Decision														
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>														
Permit conditions															
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable. <p>We have excluded the following wastes for the following reasons:</p> <p>17 09 03* other construction and demolition wastes (including mixed wastes) containing hazardous substances. Please see Construction and Demolition waste section above.</p> <p>19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances</p> <p>19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11</p> <p>Please see waste coding section above.</p> <p>We have restricted the following wastes in Table S2.5 for the following reasons:</p> <table border="1" data-bbox="485 1303 1426 1706"> <thead> <tr> <th>Waste code</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>17</td> <td>Construction and demolition wastes (including excavated soil from contaminated sites)</td> </tr> <tr> <td>17 05</td> <td>soil (including excavated soil from contaminated sites), stones and dredging spoil</td> </tr> <tr> <td>17 05 03*</td> <td>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))</td> </tr> <tr> <td>17 05 04</td> <td>soil and stones other than those mentioned in 17 05 03 (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))</td> </tr> <tr> <td>17 06</td> <td>insulation materials and asbestos-containing construction materials</td> </tr> <tr> <td>17 06 05*</td> <td>construction materials containing asbestos (DISCRETE PIECES OF BONDED ASBESTOS WITHIN THE SOIL MATRIX ONLY)</td> </tr> </tbody> </table> <p>The soil waste codes are restricted to ensure that the bonded asbestos in the soil is identifiable and thus can be hand-picked. The asbestos waste code is restricted to ensure only discrete pieces of bonded asbestos are accepted to minimise emissions of fibrous asbestos.</p> <p>This restriction is to ensure that only asbestos in unbound fibrous form that meets the following criteria is accepted: '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'. This will ensure that that the levels of free fibrous asbestos in the soil are low and</p>	Waste code	Description	17	Construction and demolition wastes (including excavated soil from contaminated sites)	17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil	17 05 03*	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))	17 05 04	soil and stones other than those mentioned in 17 05 03 (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))	17 06	insulation materials and asbestos-containing construction materials	17 06 05*	construction materials containing asbestos (DISCRETE PIECES OF BONDED ASBESTOS WITHIN THE SOIL MATRIX ONLY)
Waste code	Description														
17	Construction and demolition wastes (including excavated soil from contaminated sites)														
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil														
17 05 03*	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))														
17 05 04	soil and stones other than those mentioned in 17 05 03 (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))														
17 06	insulation materials and asbestos-containing construction materials														
17 06 05*	construction materials containing asbestos (DISCRETE PIECES OF BONDED ASBESTOS WITHIN THE SOIL MATRIX ONLY)														

Aspect considered	Decision
	thus should help to reduce any emissions of free fibres during the picking process. 0.01% is understood to be the (non-hazardous) low risk level for asbestos fibres in the soil matrix as detailed in the CL:AIRE Industry Guidance: Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials.
Emission limits	<p>ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <p>Air testing for asbestos fibres</p> <p>Limits have been set in line with our monitoring guidance M17 which details the lower detection limit of 0.01 asbestos fibres per millilitre of air.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to meet the standards outlined in the M17 monitoring guidance.</p> <p>We made these decisions in accordance with M17 monitoring guidance.</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We have included a 3 month reporting frequency to provide assurance the operator is complying with the asbestos fibre limits stated within the permit. We require frequent reporting to ensure any significant risk of pollution is dealt with quickly.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of</p>

Aspect considered	Decision
	<p>regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Representations from two individual members of the public.

Common responses have been considered and summarised together.

Brief summary of issues raised
<ul style="list-style-type: none">• Waste acceptance procedures are inadequate.• Inadequate dust suppression system in place• Heavily degraded fire damaged waste may pose a significant risk with not all buildings having a full R&D survey.• Disagreed with the operators assertion these are non-notifiable/licensed works and concerns regarding the level of asbestos awareness training for staff.• Insufficient air sampling• Insufficient de-contamination unit for staff• Inappropriate use of Recovery codes, disposal operation.• Concerns regarding potential odour emissions with the use of filters introduced for biopile treatment within the existing permitted soil treatment facility
Summary of actions taken or show how this has been covered
<p>Additional waste acceptance information was provided by the applicant and waste acceptance testing has been revised to ensure free chrysotile fibre asbestos in soil will be <0.1% w/w and other forms or mixed forms of fibrous asbestos in the soil will be <0.01%w/w.</p> <p>The operator has provided waste handling and storage procedures which we consider will prevent emissions of dust. These are detailed in the introductory sections above. Permitted asbestos fibre levels within the soils are set at a level for which the soils are considered non-hazardous for asbestos fibre and therefore should pose no risk of asbestos fibre release. Standard damping down with water is therefore considered sufficient whilst handling soils within the treatment facility.</p> <p>We agree the acceptance of construction and demolition waste (excepting 17 06 05* discrete pieces of bonded asbestos within the soil) poses a significant risk of environmental harm and has not been permitted.</p> <p>The operator's obligations under Health and Safety Regulations (Control of Asbestos Regulation 2012) with regard to notifiable asbestos works do not form part of the Environment Agencies assessment.</p> <p>Waste acceptance procedures restrict the level of asbestos fibres within the soil and therefore twice weekly perimeter sampling for fibres is considered sufficient assurance that activities are not giving rise to asbestos fibre emissions within the environment. The operator states operatives will wear personal asbestos monitoring pumps when working within the picking station. This however is a consideration under Health and Safety Regulation and has not been considered further.</p> <p>As above, PPE requirements and staff decontamination are not a concern for the EA and are covered under Health and Safety requirements. The boot wash, PPE bin and equipment wash down area is considered sufficient to prevent emissions of asbestos to the environment. We are satisfied with the operators arrangements for their safe disposal.</p> <p>This is a treatment for disposal operation.</p> <p>Asbestos filtration methods proposed to be added to the biopiles have not been considered.</p>