

# Permitting decisions

## Variation

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We have decided to grant the variation for Mepal Soil and Waste Treatment Centre operated by Mick George Limited.

The variation number is EPR/EP3492SP/V007.

We have also carried out an Environment Agency initiated variation to the permit.

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
- explains why we have also made an Environment Agency initiated variation
- 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 and the variation notice. The introductory note summarises what the variation covers.

## Key issues of the decision

### Treatment of waste soil containing asbestos containing materials

The site will receive waste soil contaminated with asbestos containing materials under Section 5.3 Part A (1) (a) (ii) of the Environmental Permitting Regulations (England and Wales) 2016 ("EPR 2016").

The purpose of the activity is to segregate the bonded asbestos from the soils/aggregates to allow the soils and aggregates to proceed with further treatment via the soil washing facility that is currently regulated under the environmental permit.

The waste producer will sample and classify the waste at the pre-acceptance stage and the Mepal

Soil and Waste Treatment Centre site will sample the waste at the acceptance stage to ensure that free Chrysotile fibrous asbestos in the soil is <0.1% w/w and other forms or mixed forms of fibrous asbestos in the soil are <0.01% w/w.

The hand picking of identifiable pieces of bonded asbestos from soils takes place on a dedicated enclosed picking line within the building as shown on plan reference 'Drg 208 Building Version 2' (labelled as 'picking station') in a way that minimises asbestos fibre emissions. Prior to treatment soils containing asbestos will be stored in 4 pre-treatment asbestos bays within the building. These bays are labelled for easy identification. Dampening down procedures are in place to minimise dust and asbestos fibre emissions. The soils are loaded onto the conveyor belt using a 360 excavator. The excavator/loading shovel is operated in a manner that does not unduly disturb the material i.e drop height are kept to a minimum, which in the unlikely event of being dry, would release dust or other particulates.

Waste will be processed via a dedicated picking station which will consist of a raised conveyor belt. Picked asbestos will be placed in individual polythene bags directly adjacent to each operative. When full, the picking line conveyor will be stopped and the sealed bag placed into a second bag and sealed. The double-bagged asbestos will then be put down the chute into the sealed container to go to the landfill. The treated soils are then deposited via a mobile conveyor belt into one of 4 post-treatment asbestos bays in the building whilst they await further compliance testing. Soils that meet the compliance testing will either be further treated on the site or used in the adjacent landfill.

The Operator has confirmed that their waste acceptance 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.

To ensure that asbestos fibre emissions are not released from the treatment process air testing for asbestos fibres will also be undertaken within the building during the handpicking works. The air testing will ensure the waste acceptance and dampening down procedures proposed remain effective. To ensure appropriate ambient air testing is implemented we have inserted these air testing requirements into the process monitoring requirements table. The building will use a bag filter as an air emissions abatement method coupled with the building being under negative pressure. The bag filter will use a HEPA (High Efficiency Particulate Air) filter. This point source (FB1) will be monitored for asbestos fibre release along with static monitoring points M1, M2, M3 and M4 located within the building and points at distances of 20m downwind of the building, at the site boundary downwind and 50m upwind of the asbestos building.

In addition operators within the building will have personal asbestos detection pumps. Mick George Limited already undertake personal asbestos fibre monitoring on the next door landfill site. The detection limit for the personnel pumps is 0.01 f/ml. The operator has confirmed that any exceedances will be submitted for verification and we will be informed and all procedures revisited.

If sampling shows that treatment of the soils has not been successful by the presence of free fibres or visible asbestos containing materials (ACM) then the treated wastes will be reprocessed until such times as it complies with the end point in the process, i.e. does not contain any asbestos containing materials (ACM) or free fibres.

If sampling shows that the treatment has been successful by the absence of ACM and free fibres in the treated waste and the initial customer lab report did not identify free fibres, then the waste will be utilised in restoration projects. However, the treated soil will remain a waste and the Operator

has confirmed that treated waste will be coded in line with our waste classification technical guidance WM3 once dispatched from the site post treatment.

If the waste does not contain free fibres and does not contain any additional contamination then the soils will either be deposited at an inert landfill or used for cover within a SNRHW landfill.

If after treatment the waste is free from ACM but contains free fibres >0.1%, then the waste will be disposed of at a landfill with SNRHW. No waste is accepted on site that only contains free fibres, this type of asbestos contaminated waste will go straight to landfill from the source. Soils post asbestos handpicking will be subjected to the following tests;]

- Visual inspection of the treated soils to ensure no visible fragments of asbestos debris are still present
- Asbestos fibre lab analysis, quantification if required (if lab analysis results are positive);
- Basic waste characterisation analysis; and
- Single stage WAC.
- The waste will then be assessed against current WM3 classification guidance thresholds

Wastes which are found to be contaminated with additional (non-asbestos based) hazardous properties will be routed to the appropriate secondary treatment activity on site. The appropriate method of treatment will be based on the hazardous contaminants found still to be present as follows:-

- Hydrocarbons - Bio-remediation;
- Hydrocarbons and metals – Bio-remediation;
- Metals – Soil washing; and
- WAC failing materials - solidification / stabilisation.

All surface water runoff from the asbestos waste treatment and storage areas will be directed to sealed drainage and stored in a 2000 gallon tank prior to disposal. There will be no mixing of runoff from hazardous waste treatment and non-hazardous waste treatment areas. All surface water within the building will be treated as hazardous. Runoff from the hazardous waste areas will be pumped into a holding tank where the water will be filtered to remove any asbestos and then reused in the process as a dampening agent. The process water will be monitored at point SW1. The asbestos filter be a RCS four stage filter which is able to filter particulates down to particulates of 5 microns. The process water discharges to a sealed collection tank that will be tested on a monthly basis to a detection limit of 0.001%. The process water will not be used within the building for dampening down unless there are no asbestos fibres present. (Detection limit is 0.001%). If the process water does contain asbestos fibres above the detection limit then the water will be tankered off site for treatment.

The Operator has confirmed that the bulking of compatible waste streams onsite will only be completed if they have been assessed and classified (following classification via WM3) as having the same hazardous properties and EWC. Wastes will not be mixed in order to meet the waste acceptance criteria for a less hazardous waste category

As part of this variation, the operator also seeks to add the following waste codes to the permit, 05 01 15\*, 08\* 01 13\*, 11 01 09\* and 12 01 16\*:-

It is noted that waste table S2.2 - Permitted waste types and quantities for stabilisation (AR3, AR4) and storage of hazardous waste (AR6) from the V006 variation dated October 2016 already contains EWC 12 01 16 \* waste blasting material containing hazardous substances.

- 05 01 15\* spent filter cakes - will be bioremediated and then landfilled;
- 08 01 13\* sludges from paint varnish containing organic solvents or other hazardous substance - will be bioremediated then stabilised/solidified and landfilled;
- 11 01 09\* sludges and filter cakes containing hazardous substances will be bioremediated then stabilised/solidified and landfilled.

All risk assessments provided with the permit application and variations are considered suitable for these additional waste codes. The three additional waste codes are to be added to the already permitted activities. The waste types above will be accepted and stored in accordance with the already approved site layout for the bioremediation, stabilisation and soil washing facilities, there will be no changes to the waste tonnages of those activities with regards to the annual throughput or the daily capacity.

The Operator has demonstrated that they have identified the potential risks associated with the asbestos picking process. In order to remove the pathway to the receptor the handpicking operations are undertaken within a building. We have included within the permit a limit for the asbestos fibres contained within the accepted soil, which will also help to reduce any potential emissions (Table S2.5). The Operator has committed to ensuring all waste is dampened down during the storage and treatment process and that air testing during the handpicking works is undertaken as an additional protection measure. They have also demonstrated they have an appropriate monitoring and sampling procedure in place pre and post treatment to ensure reliable waste acceptance and validation of waste treatment. We are therefore satisfied that the Operator has appropriately demonstrated they will implement BAT to manage emissions from this process.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.  The decision was taken in accordance with our guidance on confidentiality.
<b>Consultation</b>	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.  We consulted the following organisations: <ul style="list-style-type: none"> <li>- Environmental Health</li> <li>- Health and Safety Executive</li> <li>- Public Health England</li> <li>- Director of Public Health</li> </ul>

Aspect considered	Decision
	<p>- English Nature (appendix 11 For Information Only)</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
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', Appendix 2 of RGN 2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</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>
<b>The site</b>	
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>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 changes proposed by this variation application are not relevant for re-assessment of the potential impacts on the above sites, as there is no additional risks that have not already been assessed in the original assessment.</p> <p>This variation application is to add the handpicking of identifiable pieces of bonded asbestos from soil and to add waste codes 05 01 15*, 08 01 13*, 11 01 09*, 12 01 16* to the bioremediation/stabilisation and soil washing processes.</p> <p>The addition of the handpicking of identifiable pieces of asbestos is undertaken within a building. The building is not sealed but the risks of dust and asbestos fibre emission generation is considered to be low as the asbestos fibre content of the soil accepted is less than 0.1% for chrysotile fibrous asbestos and less than 0.01% for all other forms of fibrous asbestos. Air testing for asbestos fibres will also be undertaken within the building during the handpicking works as an additional protection. Dampening down procedures are in place to minimise any air emissions.</p> <p>The nearest European Conservation site is Ouse Washes Ramsar/SAC/SPA The facility is approximately 750m from the SAC/SPA/RAMSAR however, the pathways from the facility to the SAC/SPA/RAMSAR are limited; there is no hydrological link and the distance restricts the probability of airborne dust reaching the protected site, therefore it is unlikely that the operation would have a significant effect, especially if the all Risk Management measures are followed by the operator</p>

Aspect considered	Decision
	<p>Appendix 4 and 11 forms have been saved onto EDRM for audit purposes. The Appendix 11 was sent to Natural England for information only and both the Appendix 4 and Appendix 11 concluded no likely significant effect. Therefore 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><u>Designated habitat sites</u></p> <p>Ouse Washes Ramsar/SAC/SPA 750m Radial</p> <p><u>Sites of Special Scientific Interest</u></p> <p>Ouse Washes SSSI 750m Radial</p> <p><u>Local Wildlife Sites</u></p> <p>Mepal Pumping Station Drains LWS 95m Radial</p> <p>Fortrey's Hall Heronry 859m Radial</p> <p>Block Fen Gravel Pits 648m Radial</p> <p>Mepal Gravel Pits 1934m Radial</p>
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
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"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> </ul>

Aspect considered	Decision														
	<ul style="list-style-type: none"> <li>the environmental risk assessment is acceptable.</li> </ul> <p>We have excluded the following wastes for the following reasons:</p> <p>In Table S2.4 we have added an exclusion to ensure that waste containing asbestos is not treated in the bioremediation process. Waste containing asbestos is not suitable for treatment through this process.</p> <p>In Table S2.5 we have included an exclusion 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 &lt; 0.1% w/w. OTHER FORMS OR MIXED FORMS OF FIBROUS ASBESTOS IN THE WASTE MUST BE &lt;0.01% w/w'. This will ensure that that the levels of free fibrous asbestos in the soil are low and 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.</p> <p>We have restricted the following wastes in Table S2.5 for the following reasons:</p> <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> <table border="1" data-bbox="421 1169 1428 2024"> <thead> <tr> <th data-bbox="421 1169 587 1263">Waste code</th> <th data-bbox="587 1169 1428 1263">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="421 1263 587 1357"><b>17</b></td> <td data-bbox="587 1263 1428 1357"><b>Construction and demolition wastes (including excavated soil from contaminated sites)</b></td> </tr> <tr> <td data-bbox="421 1357 587 1406"><b>17 01</b></td> <td data-bbox="587 1357 1428 1406"><b>concrete, bricks, tiles and ceramics</b></td> </tr> <tr> <td data-bbox="421 1406 587 1630">17 01 06*</td> <td data-bbox="587 1406 1428 1630">mixtures of, or separate fractions of concrete, bricks, tiles and ceramics 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 data-bbox="421 1630 587 1720"><b>17 05</b></td> <td data-bbox="587 1630 1428 1720"><b>soil (including excavated soil from contaminated sites), stones and dredging spoil</b></td> </tr> <tr> <td data-bbox="421 1720 587 1912">17 05 03*</td> <td data-bbox="587 1720 1428 1912">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 data-bbox="421 1912 587 2024">17 05 04</td> <td data-bbox="587 1912 1428 2024">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</td> </tr> </tbody> </table>	Waste code	Description	<b>17</b>	<b>Construction and demolition wastes (including excavated soil from contaminated sites)</b>	<b>17 01</b>	<b>concrete, bricks, tiles and ceramics</b>	17 01 06*	mixtures of, or separate fractions of concrete, bricks, tiles and ceramics 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))	<b>17 05</b>	<b>soil (including excavated soil from contaminated sites), stones and dredging spoil</b>	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
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Aspect considered	Decision	
		potentially being asbestos by a competent person if examined by the naked eye))
	<b>17 06</b>	<b>insulation materials and asbestos-containing construction materials</b>
	17 06 05*	construction materials containing asbestos (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))
	<b>17 09</b>	<b>other construction and demolition wastes</b>
	17 09 03*	other construction and demolition wastes (including mixed wastes) 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))
Emission limits	<p>ELVs and equivalent parameters or technical measures based on BAT have been added for the following substances:</p> <p>Asbestos Fibres.</p> <p>Table S3.1 – the 0.1 f/ml is from the Asbestos Directive, and is applied elsewhere as BAT for point source emissions. Currently the frequency is monthly but this may be reduced to a quarterly frequency after 12 monthly monitoring events with the written agreement of the Environment Agency.</p> <p>Table S3.3 – No emission limit has been applied to within the building however, monitoring is required to detect the presence of <u>any</u> fibres, and where they are detecting total fibres above 0.01 f/ml the samples are required to be checked by electron microscopy to establish the concentration of asbestos fibres. This is to establish levels expected from the asbestos operations. If levels prove to be low over a period of operation then a reduced frequency of this testing may be justified (or potentially cease it). The Note 1 in table S3.3 - Monitoring frequency may be reduced to a frequency agreed in writing by the Environment Agency after 6 months of continuous monitoring.</p> <p>Limits have been placed on 3 locations outside of the building, 20m, 50m and boundary, again 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.</p> <p>SW1 Sealed drainage tank the limit imposed is below the limit of detection. Where process water from the tank is reused on site total fibre concentration must be less than 0.001 fibres/ml.</p> <p>Limits are proposed by the operator in line with the limits in our monitoring guidance M17, which details the lower detection limit of 0.01 asbestos fibres per millilitre of air.</p>	



<b>Aspect considered</b>	<b>Decision</b>
	No changes have been made to the existing windrow monitoring requirements or point source emissions to sewer.
Monitoring	<p>We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified: Asbestos fibres.</p> <p>These monitoring requirements have been imposed in order to:</p> <p>Meet the standards outlined in the M17 monitoring guidance. Monitoring consists of air testing within the building for the duration of the asbestos hand picking works.</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 added reporting in the permit for the following parameters:</p> <p>We have added a 3 month reporting frequency to ensure the operator is complying with the asbestos fibre limits stated in the permit. Due to the risk associated with this facility we require frequent reporting to ensure any significant risk of pollution is dealt with quickly.</p>
<b>Operator competence</b>	
Management system	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.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
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 regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a</p>

<b>Aspect considered</b>	<b>Decision</b>
	<p>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 and the way in which we have considered these in the determination process.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Environmental Health
<b>Brief summary of issues raised</b>
Environmental health checked their records and could not find any issues to raise regarding noise or amenity at the above site for residents in our district.  No further comments were made.
<b>Summary of actions taken or show how this has been covered</b>
None required.

We received no responses from Public Health England (PHE), Health and Safety Executive or the Director of Public Health.