DRAFT

Statutory Guidance

# SR2024 No 2: Using unbound incinerator bottom ash aggregate (IBAA) in construction as a deposit for recovery operation

The Environmental Permitting (England & Wales) Regulations 2016

# Maximum capacity of recovery operation 68,000 tonnes

## Introductory note

This introductory note does not form a part of these standard rules.

When referred to in an environmental permit, these standard rules will allow the operator to store and subsequently use unbound incinerator bottom ash aggregate (IBAA) for the purposes of a recovery activity involving the deposit of waste in the following construction activities:

* building a road sub-base
* building a structural platform
* pipe bedding

These standard rules are for the recovery of waste only and do not apply to any activities involving disposal.

You must submit a waste recovery plan with your application for these standard rules. The plan must demonstrate that your proposals will meet the definition of recovery in the Waste Framework Directive 2008 as explained in relevant regulatory guidance.

Permitted wastes are limited to unbound IBAA derived from processed municipal waste incinerator bottom ash and specifically:

* unbound non-hazardous IBAA
* IBAA which complies with BS EN 13242 (or any revision of that standard)
* IBAA that is blended with non-waste aggregate

Unbound IBAA includes IBAA in hydraulically bound mixtures, where IBAA is mixed with water and a binder such as cement.

These Standard Rules do not include activities to treat the IBAA.

The maximum quantity of waste that can be stored and subsequently used at the site under these standard rules is 68,000 tonnes. You must only use the amount of IBAA required for the construction project. A recovery operation must use the minimum amount of waste that is needed and therefore, where we have approved a plan proposing to use less waste, this becomes the permitted maximum.

The total quantity of IBAA used applies to either IBAA or IBAA mixed with non-waste aggregate.

These standard rules do not allow any tipping into a water body or sub-water table.

These standard rules do not allow any point source emissions into surface waters or groundwater.

The activities shall not be carried out:

* within 500 metres of a European site, Ramsar, Site of Special Scientific Interest or Marine Conservation Zone
* within 250 metres of the presence of Great Crested Newts where the site is linked by good habitat to the breeding ponds of the newts
* within 50 metres of a National Nature Reserve, Local Nature Reserve, Local Wildlife Site, Ancient Woodland or Scheduled Ancient Monument
* within 50 metres of a site that has species or habitats protected under the Biodiversity Action Plan that the Environment Agency considers at risk from this activity
* within 25 metres of a watercourse
* within a groundwater source protection zone 1 and 2, or where a source protection zone has not been defined, then not within 250 metres of any well, spring or borehole used for the supply of water for human consumption (including private water supplies)
* on any landfill whether historical, closed, or operational
* within a specified Air Quality Management Area for particulate matter less than 10 microns (PM10)

End of introductory note

Record of changes

|  |  |  |
| --- | --- | --- |
| Version | Date | Change |
| 1.0 | DATE | Published  |

# Rules

1. Management
	1. General management
		1. The operator shall manage and operate the activities:
			1. in accordance with a written management system that identifies and minimises risks of pollution, so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
			2. using sufficient competent persons and resources.
		2. Records demonstrating compliance with rule 1.1.1 shall be maintained.
		3. Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of the permit.
		4. The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

1.2.1 The operator shall take appropriate measures to ensure that:

* + - 1. the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
			2. any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
			3. where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

1. Operations
	1. Permitted activities
		1. The operator is only authorised to carry out the activities in rule 2.1.

R5: Recycling or reclamation of other inorganic materials

R13: Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)

2.1.2 The activities are limited as follows:

(a) the use and associated secure storage of a maximum of 68,000 tonnes of wastes listed in rule 2.3.3 for the purposes of the construction work. The total quantity of IBAA used is IBAA or IBAA mixed with non-waste aggregate.

(b) the construction work carried out under the Standard Rules will be limited to:

* building a road sub-base with a maximum width of 40 metres and a maximum depth of 0.7 metres
* building a construction or structural platform with a maximum average thickness of 1 metre
* pipe bedding with a maximum thickness of 0.3 metres thick in a 2 metre wide trench

(c) the total quantity of waste used shall not exceed the amount needed to complete the construction activity, as outlined in the approved waste recovery plan referenced under rule 2.2.

(d) no waste shall be deposited into a water body or sub-water table

(e) storage of waste prior to use in the recovery activity shall be limited to 6 months

* 1. Waste recovery plan
		1. The activity shall be completed in accordance with the details provided in the approved waste recovery plan unless agreed in writing by the Environment Agency.
		2. A topographical survey of the site referenced to ordnance datum or other form of measurement where appropriate shall be carried out:
			1. prior to commencement of the recovery activity; and
			2. on completion of the recovery activity to show final waste levels.

2.2.3 Each topographical survey or other form of measurement shall be used to produce a plan at a scale adequate to show the features of the site and the deposit of waste. The plan shall be produced within 1 month of the completion of the survey or measurement.

* 1. Waste acceptance
		1. Waste shall only be accepted if it is of a type listed in rule 2.3.3 of these standard rules, it meets the additional exclusions and restrictions included under rules 2.3.2 and 2.3.3; and:
			1. it has been subject to the agreed sampling and testing protocol,
			2. appropriate measures have been taken to ensure that the waste is free from contamination,
			3. it comes from a single source and is well characterised and described,
			4. its chemical, physical and biological characteristics make it suitable for its intended use on the site; and
			5. it conforms to the description in the documentation supplied by the producer and holder.
		2. Excluded wastes

Wastes having any of the following characteristics shall not be accepted:

* + - 1. hazardous wastes;
			2. consisting solely or mainly of dusts, powders or loose fibres;
			3. wastes that are in a form which is either sludge or liquid.
		1. Waste codes and descriptions

**19 Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use**

| **Waste code** | **Description** |
| --- | --- |
| 19 01 | wastes from incineration or pyrolysis of waste |
| 19 12 12 | other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 12 12 11Restricted to:- unbound incinerator bottom ash aggregate (IBAA) - IBAA which complies with BS EN 13242 or any revision of that standard - IBAA that is blended with non-waste aggregate  |

* 1. Operating techniques
		1. You must store IBAA in the open
		2. You must not:

(a) store more IBAA than is needed for the recovery activity

(b) use, or supply for use, IBAA underneath any residential building or garden

* + 1. If building a road sub-base you must:

(a) ensure the width of the IBAA emplacement is not more than 40 metres

(b) ensure the depth of the IBAA emplacement is not more than 0.7m

(c) ensure the road, cycleway or footpath is asphalt, concrete or other low-permeable material

* + 1. If building a structural platform you must:

(a) build a structural platform that is on average no more than one metre thick

(b) ensure at least 95% of the structural platform is covered by a low permeability surface or building

(c) ensure the structural platform is not less than the following distance from a surface water body based on its volume:

| **Distance to water body (metres)** | **Maximum tonnage (tonnes) (Dry)** | **Volume after compaction assuming 1.7T/m³ (m³)** | **Maximum surface area of a structural platform (m²)** |
| --- | --- | --- | --- |
| **25 to 49** | 4,420 | 2,600 | 2,600 |
| **50 to 99** | 6,800 | 4,000 | 4,000 |
| **100 to 149** | 13,600 | 8,000 | 8,000 |
| **150 to 199** | 20,400 | 12,000 | 12,000 |
| **200 to 249** | 27,200 | 16,000 | 16,000 |
| **250 to 299** | 34,000 | 20,000 | 20,000 |
| **300 to 349** | 40,800 | 24,000 | 24,000 |
| **350 to 399** | 47,600 | 28,000 | 28,000 |
| **400 to 449** | 54,400 | 32,000 | 32,000 |
| **450 to 499** | 61,200 | 36,000 | 36,000 |
| **More than 500** | 68,000 | 40,000 | 40,000 |

* + 1. If constructing pipe bedding you must:

(a) ensure the pipe bedding is less than 0.3m thick in a trench less than 2m wide.

(b) ensure the pipe sits on and is surrounded with the pipe bedding and is not a drainage medium.

(c) ensure a low permeability surface is used with adequate falls to prevent standing water

* 1. The site
		1. The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.
		2. The activities shall not be carried out:
			1. within 500 metres of a European site, Ramsar, Site of Special Scientific Interest or Marine Conservation Zone
			2. within 250 metres of the presence of Great Crested Newts where the site is linked by good habitat to the breeding ponds of the newts
			3. within 50 metres of a National Nature Reserve, Local Nature Reserve, Local Wildlife Site, Ancient Woodland or Scheduled Ancient Monument
			4. within 50 metres of a site that has species or habitats protected under the Biodiversity Action Plan that the Environment Agency considers at risk from this activity
			5. within 25 metres of a watercourse;
			6. within a groundwater source protection zone 1 and 2, or where a source protection zone has not been defined, then not within 250 metres of any well, spring or borehole used for the supply of water for human consumption (including private water supplies)
			7. on any landfill whether historical, closed, or operational
			8. within a specified Air Quality Management Area for particulate matter less than 10 microns (PM10)
	2. Waste acceptance procedures
		1. The operator shall obtain, as a minimum, the following information about the characteristics of each waste stream prior to receiving the waste at the site:
			1. the full address where the waste was produced; and
			2. the identity of the producer; and
			3. the process giving rise to the waste; and
			4. the physical appearance of the waste including colour and texture; and
			5. where a weighbridge is not used a metric conversion factor for volume (cubic metres) to weight (tonnes) for each waste stream and
			6. the quantity of the waste to be imported; and
			7. evidence of compliance with rule 2.3.1
		2. The operator shall maintain records demonstrating compliance with condition 2.6.1, which shall be kept until the permit is surrendered.
		3. The operator shall ensure that any waste accepted for recovery conforms to the information submitted by the holder required by rule 2.6.1.
		4. The operator shall ensure that any waste accepted for recovery conforms to the information submitted by the holder required by rule 2.6.1 and shall visually inspect:
			1. without unloading it, waste that is an open container or open vehicle on arrival at the site; and
			2. waste at the point of deposit;
		5. Any waste that does not comply with all of the requirements of rule 2.3.1 or fit the description of the waste recorded under rule 2.6.1 shall be rejected and shall be:
			1. removed from the site; or
			2. moved to a designated quarantine area pending removal.
1. Emissions and monitoring
	1. Emissions to air, land and water

3.1.1 There shall be no point source emissions to water, air or land.

* 1. Emissions of substances not controlled by emission limits
		1. Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
		2. The operator shall:
			1. if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits;
			2. implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
		3. All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.
	2. Odour
		1. Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.
		2. The operator shall:
			1. if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;
			2. implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
	3. Noise and vibration
		1. Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.
		2. The operator shall:
			1. if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration;
			2. implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
1. Information
	1. Records
		1. All records required to be made by these standard rules shall:
			1. be legible;
			2. be made as soon as reasonably practicable;
			3. if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
			4. be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:
				1. off-site environmental effects; and
				2. matters which affect the condition of the land and groundwater;
				3. information about the characteristics of each waste stream as required by rule 2.6.1
		2. The operator shall maintain convenient access, in either electronic or hard copy, to the records, plans and management system required to be maintained by this permit.
	2. Reporting
		1. The operator shall send all reports and notifications required by these standard rules to the Environment Agency using the contact details supplied in writing by the Environment Agency.
		2. Within one month of the end of each quarter, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.
		3. The operator shall:
			1. submit the plan required under rule 2.2.3 from the survey or measurement required by rule 2.2.2 (a) to the Environment Agency prior to commencement of operations unless otherwise agreed in writing by the Environment Agency.
			2. submit the plan required under rule 2.2.3 from the survey or measurement required by rule 2.2.2 (b) to the Environment Agency within one month of the completion of the recovery activity unless otherwise agreed in writing by the Environment Agency.
	3. Notifications
		1. The operator shall notify the Environment Agency in writing:
			1. at least 14 days before the commencement of the recovery operation; and
			2. within 14 days of completion of the recovery operation.
		2. In the event:
			1. that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately-
				1. inform the Environment Agency,
				2. take the measures necessary to limit the environmental consequences of such an incident or accident, and
				3. take the measures necessary to prevent further possible incidents or accidents;
			2. of a breach of any permit condition the operator must immediately-
				1. inform the Environment Agency, and
				2. take the measures necessary to ensure that compliance is restored within the shortest possible time;
			3. of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.
		3. Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.
		4. The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:
2. Where the operator is a registered company:
* any change in the operator’s trading name, registered name or registered office address; and
* any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
1. Where the operator is a corporate body other than a registered company:
* any change in the operator’s name or address; and
* any steps taken with a view to the dissolution of the operator.
1. In any other case:
* the death of any of the named operators (where the operator consists of more than one named individual);
* any change in the operator’s name(s) or address(es); and
* any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
	1. Interpretation
		1. In these standard rules the expressions listed below shall have the meaning given
		2. In these standard rules references to reports and notifications mean written reports and notifications, except where reference is made to notification being made as soon as possible in which case it may be provided by telephone.

“accident” means an accident that may result in pollution

“air quality management area” means within the meaning of the Environment Act 1995 an area which has been designated by the Local Authority where it has concerns that the Air Quality Objectives will not be met and needs to put in a Local Air Quality action plan.

“approved waste recovery plan” means a plan that has been approved by the Environment Agency that demonstrates and gives evidence that the operation carried out under these standard rules meets the definition of waste recovery, and will continue to do so throughout the duration of the permitted operation.

“aquifer” means subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.

“authorised officer” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“construction work” means the carrying out of any building, civil engineering or engineering work and includes the building, alteration, conversion, repair, upkeep or other maintenance of a structure and the preparation of a site for an intended structure. It includes drainage works.

“days” means calendar days (not working days)

“disposal” means any of the operations provided for in Annex IIA to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste.

“ecological improvement” means providing, maintaining or improving the soils ability to provide a growing medium including for growth of vegetation on landscaping and for recreational and amenity uses.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from the emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission or background concentration limit.

“emissions to land” means includes emissions to groundwater.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2010 No.675 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“european site” means a European site within the meaning of Regulation 8 of the Conservation of Habitats and Species Regulations 2017.

“good habitat” means rough (especially tussocky) grassland, scrub and woodland.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“groundwater Source Protection Zone” has the meaning given in the position statement document “The Environment Agency’s approach to groundwater protection” published by the Environment Agency in March 2018.

“historical landfill” means any area of land previously used for the disposal of waste that is no longer regulated by an environmental permit.

“List of Wastes” means the list of wastes established by Commission Decision [2000/532/EC](http://www.legislation.gov.uk/european/decision/2000/0532) replacing Decision [94/3/EC](http://www.legislation.gov.uk/european/decision/1994/0003) establishing a list of wastes pursuant to Article 1(a) of Council Directive [75/442/EEC](http://www.legislation.gov.uk/european/directive/1975/0442) on waste and Council Decision [94/904/EC](http://www.legislation.gov.uk/european/decision/1994/0904) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](http://www.legislation.gov.uk/european/decision/1991/0689) on hazardous waste, as amended from time to time (including by decision 2014/955/EU).

“nearest sensitive receptor” means The nearest place to the permitted activities where people are likely to be for prolonged periods. This term would therefore apply to dwellings (including any associated gardens) and to many types of workplaces. We would not normally regard a place where people are likely to be present for less than 6 hours at one time as being a sensitive receptor. The term does not apply to the operators of the permitted facility, their staff when they are at work or to visitors to the facility, as their health is covered by Health and Safety at Work legislation. N.B. the term would apply to dwellings occupied by an operator’s family.

“pipe bedding” is material laid in the bottom of a trench that has been excavated for drainage pipes or other pipelines.

“pollution” means Emissions as a result of human activity which may –

1. be harmful to human health or the quality of the environment
2. cause offence to a human sense
3. result in damage to material property, or
4. impair or interfere with amenities and other legitimate uses of the environment.

“quarter” means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

“R” means a recovery operation provided for in Annex II to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste.

“recovery” means any of the operations provided for in Annex IIB to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste.

“secure” means that all reasonable precautions are taken to ensure that the waste cannot escape and that members of the public are unable to gain access to the waste.

“sub-water table” is any location below the typical maximum upper level of the saturated layer of an unconfined aquifer. “Typical” in this context would employ a representative winter water table level, based on hydrogeological records and/or expert opinion, and discounting extremes in weather, or artificial suppression by engineering techniques e.g. pumping.

“surface water body” is a relevant territorial water, coastal water, or inland freshwater (as defined by the Water Resources Act 1991).

“structural platform” is an engineered base for an overlying construction feature, for example a building, car park, retaining wall, storage tank, road or pavement.

“topographical survey or other form of measurement” is the means by which the levels prior to commencement of the recovery activity and on completion are determined. This is then used to produce a plan for submission to the Environment Agency to demonstrate compliance with the approved waste recovery plan.

“waste code” means the six digit code referable to a type of waste in accordance with the List of Wastes and in relation to hazardous waste, includes the asterisk.

“WFD” Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

“water body” the whole (or part) of a stream, river or canal, lake or reservoir, transitional water (estuary) or stretch of coastal water. A ‘body of groundwater’ is a distinct volume of groundwater within an aquifer or aquifers.

“watercourse” means all rivers (including underground and artificial rivers), streams, estuaries, canals, lakes, ponds, and ditches as far out as the fresh-water limit.

“year” means calendar year ending 31 December.

End of standard rules