



Standard rules consultation no 21

Standard rules for the Environmental Permitting Regulations

Date: 21 October 2019

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We reduce the risks to people, properties and businesses from flooding and coastal erosion.

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We look after land quality, promote sustainable land management and help protect and enhance wildlife habitats. And we work closely with businesses to help them comply with environmental regulations.

We can't do this alone. We work with government, local councils, businesses, civil society groups and communities to make our environment a better place for people and wildlife.

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Introduction

In 2018 the Department for Environment, Food and Rural Affairs (Defra) and the Welsh Government carried out a public consultation [Reducing crime at sites handling waste, and introducing fixed penalties for waste duty of care](#).

The consultation proposed making substantial changes to the waste exemptions regime. The consultation focused on three key areas. These were:

- raising the standard of operator competence across all permitted waste sites
- reforming the exemptions element within the permitting regime
- introducing a fixed penalty notice for household waste duty of care offences

The consultation contained a number of proposals, including withdrawing or changing the following exemptions:

- D7 - burning waste in the open
- T4 - preparatory treatments
- T6 - treating waste wood and waste plant matter
- T8 - mechanically treating end-of-life (ELV) tyres
- T9 - recovering scrap metal
- T12 - manually treating waste
- U1 - use of waste in construction
- U16 - using depolluted end-of-life vehicles for parts
- S1 - storage in secure containers
- S2 - storage in a secure place

The proposals included reducing the sizes of stockpiles of combustible waste. For example tyres under T8 and paper, card and plastic under T4. It was proposed to remove mattresses from exemptions altogether.

The outcome of these changes will mean more activities are regulated by environmental permits. This is so that pollution risks are better controlled. They will also reduce the risk posed by the remaining exempt activities, in particular risks of fire and abandonment.

The Environmental Permitting (England and Wales) Regulations 2016 allow us to make standard rule environmental permits to reduce the administrative burden on business while maintaining environmental standards.

They are based on sets of standard rules that we can apply widely in England. The rules are developed using assessments of the environmental risk posed by the activity.

The rules take considerable time and resources to develop but once in place they make applying for and determining the applications more straightforward.

This consultation focuses on new standard rules sets which we believe will help facilitate the transition from exemptions to environmental permits. The new standard rules sets are for operators of waste sites currently operating under exemptions T8 (tyre recycling), T12 (for mattress recycling) and T4 (for paper, cardboard and plastic baling).

This consultation includes:

- 3 new standard rules sets and the associated generic risk assessments
- charges associated with the new standard rules sets
- revisions to existing standard rule sets

We will take the consultation responses into account and publish our response together with the new standard rules and risk assessments (if any) on GOV.UK. We will include details of the application process for the new standard rules permits.

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1. About this consultation

This document describes:

- what we are consulting on
- provides an overview of the relevant documents
- the standard permitting process

It is designed to help you understand and comment on our proposals. We will consider your answers and comments. We'll use them to revise and finalise the rules. The consultation will be for a period of 15 weeks.

1.1. What we are consulting on

The Environmental Permitting (England and Wales) Regulations 2016 (EPR) allow us to develop standard rules for certain activities. We base the rules on our understanding of the risks.

This consultation is about the following:

- new standard rules sets (see Section 3 for more information) - all of the rules necessary to ensure that the risks to the environment and human health are reduced to an acceptable level for these activities
- generic risk assessments for the new rules sets. We have provided generic risk assessments for the rules (see section 2.3 for more information)
- standard rules application and subsistence charges
- revisions to existing standard rules SR2008 No 12 and No 13
- revisions to existing standard rule SR2015 No 18
- revision to the interpretation of waste motor vehicle in SR2008 No20, SR2011 No3, SR2012 No14, SR2015 No13, SR2015 No17 and SR2015 No18

We are asking for your views on whether the use of new standard rules are appropriate for the environmental permitting of tyre recycling, mattress recycling, and paper, cardboard and plastic recycling sites. Do they consist of all the rules necessary to ensure that the risks to the environment and human health are reduced to an acceptable level for this activity?

We also request your view on the proposed revisions to standard rules sets SR2008 No 12, SR2008 No 13 and SR2008 No20, SR2011 No3, SR2012 No14, SR2015 No13, SR2015 No17.

1.2. What this consultation means to you

We think this consultation will be of particular interest to:

Operators, trade associations and businesses: this is your opportunity to ensure that the revised rules work for you and your industry but also provide the necessary protection to the environment and human health.

Other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues: this is your opportunity to ensure that the revised rules provide the necessary protection to the environment and human health, whilst still being useful to industry.

2. How standard permits work

2.1. What a standard permit is

Standard permits contain one condition which refers to a fixed set (or sets) of standard rules that an operator must comply with. The standard rules define the activities that an operator can carry out and specify necessary restrictions on those activities, such as emission limits or the types of

waste or raw materials that can be accepted at the sites. Standard rules are published on [GOV.UK](https://www.gov.uk) following public consultation.

Any operator who wishes to carry out a particular activity at a particular site or sites can look at the standard rules and if they can comply with them, can decide to apply for a standard permit.

We are able to issue the standard permit more quickly and cheaply because we have no decisions to make on site-specific permit conditions. An operator who cannot meet the requirements of the standard rules must apply for a bespoke permit and provide us with additional information. It takes us longer to issue a bespoke permit because we have to carry out a more detailed assessment of the application. This includes deciding whether to include site-specific conditions and consult in line with our [public participation statement](#).

There is no right of appeal against the rules in a standard permit because applying for a standard permit is voluntary. If an operator wants to change the way their site operates, they must apply to vary the standard permit to a bespoke permit when:

- their operation falls outside the scope of the standard rules
- they feel that the standard permit no longer works for their particular operation

Operators must apply for a bespoke permit for any regulated activities not covered by standard rules. These activities generally have a higher potential impact on the environment or require more complex controls than operations for which standard rules can be used.

Standard rules permits can only be granted where the regulated facilities have one single legal person as the operator. The term 'Operator' is defined in Regulation 7 of the Environmental Permitting Regulations as the person who has control over the operation of a regulated facility. If a regulated facility has not been put into operation, the person who will have control over it when it is in operation is the operator.

The central issue in deciding whether someone is the operator of a regulated facility is whether they are able to exercise control over its operation. The operator must demonstrate they have the authority and ability to ensure that the environmental permit is complied with.

2.2. What standard rules are

When developing sets of standard rules we carry out a single assessment of risk for a commonly undertaken activity. This enables us to define the risk boundary within which the rules can be used. This boundary comprises a number of restrictions such as size, location and operational controls. The restrictions will be those necessary to enable a consistent set of rules to reduce the risk to an acceptable level. The rules are the same for each operator carrying out that particular activity. Rules and risk assessments are published in advance so that operators and the public know precisely what controls we will apply to a proposed activity.

In developing the risk boundary for each set of standard rules, we have to protect the environmental quality of some specific sensitive receptors. For example, standard rules sets may contain a rule which prohibits activities taking place within an air quality management area (AQMA).

The rules specify the standards we want operators to achieve, but do not tell them how to achieve them. That is their responsibility.

2.3. The generic risk assessment for these activities

We have done a generic risk assessment for each activity. These list the potential risks and how to properly manage them. We did it by identifying possible pathways from the sources of the risks to the receptors (these are people, animals, property and anything else that could be affected by the hazard). The risk assessment is split into three sections.

1. **Data and information** - this section is made up of receptor, source, harm and pathway information that is relevant to the activity under consideration.

2. **Judgement** - we have done the risk assessment to work out the likelihood of the receptors being in danger from the hazard, the consequences of the hazard happening and the overall size of the risk.
3. **Action** - risks will be controlled by setting standard rules. For noise and vibration management, compliance with a relevant noise and vibration management plan will be required where necessary. We will control residual risks by doing compliance assessment, such as site inspections, to ensure that the operators comply with the rules.

A set of standard rules may contain a rule which requires an operator not to carry out an activity within a certain distance of specified nature conservation sites. The broad sensitivity of habitats and species groups to the potential hazards from facilities we regulate through EPR is well understood. Harm can occur through hazards such as toxic contamination, nutrient enrichment, habitat loss, siltation, smothering, disturbance and predation.

We use specified distances to identify which activities could affect the interest features of these sites and species. Activities that do not can be eligible for a standard rules permit. In line with our public participation statement we do not consult the nature conservation bodies on an individual applications for standard rules permits.

3. Proposed set of rules, risk assessments and revision to rules

We would like your views on the proposed revisions to the following standard rules sets:

3.1. SR2019 No 6 - Treatment of waste tyres for recovery

Government may change or withdraw the T8 exemption: mechanically treating end-of life tyres. We are proposing a new standard rules set for this activity.

This standard rules set will allow the operator to:

- operate a tyre recovery facility at a specified location.
- accept the following permitted waste types: end-of-life tyres and shredded/granulated end-of-life tyres only.
- accept no more than 3,500 tonnes of waste each year. The combined storage limit of all wastes stored on the site at any one time is limited to 60 tonnes (approximately 1,200 commercial tyres or 4,800 car or van tyres).
- carry out treatment which must only be for waste recovery, and must be done indoors. Treatment is limited to cleaning tyres and separating from rims, re-treading tyres for re-use, baling, shredding, peeling, shaving, or granulating.

The potential risks of the activity and how to properly manage them are covered in the generic risk assessment.

3.2. SR2019 No 4 - Treatment of waste mattresses for recovery

Government may remove mattresses as a waste type allowed under the T12: manually treating waste and S2: storage in a secure place exemptions. We are proposing a new standard rules set for this activity.

This standard rules set will allow the operator to:

- operate a mattress recovery facility at a specified location.
- accept the following permitted waste type: mattresses only.
- accept no more than 3,500 tonnes of waste each year. The operator can store no more than 220 tonnes of waste on the site at any one time.

- carry out treatment which must be for waste recovery only. Treatment is limited to sorting, separation, baling, crumbing and shredding. Storage and treatment of waste must be indoors
- except for specified wastes.

The potential risks of the activity and how to properly manage them are covered in the generic risk assessment.

3.3. SR2019 No 5- Treatment of waste paper, cardboard and plastic for recovery

Government may significantly reduce the quantity limits for paper and cardboard allowed under the T4 exemption: preparatory treatments, such as baling, sorting, shredding. We are proposing a new standard rules set for this activity.

This standard rules set will allow the operator to;

- operate a paper, cardboard and plastic recovery facility at a specified location.
- accept the following permitted waste types, waste paper and cardboard and plastic only.
- accept no more than 75,000 tonnes of waste each year. The operator can store no more than 1,500 tonnes of waste on site at any one time. It must be stored inside unless it is a specified waste.
- carry out treatment which must be for waste recovery only. Treatment is limited to sorting, shredding, cutting, bale-breaking and baling, and must be performed indoors.

The potential risks of the activity and how to properly manage them are covered in the generic risk assessment.

3.4. Proposed charges

We have also set out the proposed charges for these rules. We have selected these charges from the application table, subsistence table and default standard rules charging table in the [EPR charging scheme](#). These charges aim to precisely recover the regulatory costs incurred by the Environment Agency as a result of the applications and subsistence of these permits. The application charge includes the assessment of the Fire Prevention Plan charge (FPP).

Activity	Permit application	Minor Variation	Normal Variation	Substantial Variations	Transfer application	Surrender application
SR2019 No 4 Includes FPP charge	£3,926	£1,178	N/A	N/A	£2, 529	£2,356
SR2019 No 5 Includes FPP charge	£3,926	£1,178	N/A	N/A	£2, 529	£2,356
SR2019 No 6 Includes FPP charge	£3,926	£1,178	N/A	N/A	£2, 529	£2,356

The proposed annual subsistence fee for each activity is:

Activity	Subsistence fee
SR2019 No 4	£2,875
SR2019 No 5	£4,169
SR2019 No 6	£2,875

3.5. Revisions to standard rules sets SR2008 No 12 and SR2008 No 13.

We propose to add two new waste codes to existing standard rules permits for household waste amenity sites SR2008 No 12 and SR2008 No 13.

We propose to add 16 01 03 (end of life tyres). This is following feedback from operators that many household amenity sites accept waste tyres from members of the public but can currently only do so if they hold a bespoke permit. We propose to limit storage to 1 tonne of intact vehicle tyres.

We also propose to add 17 09 04 (mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03). This is following feedback from operators that they often receive mixed construction and demolition type wastes from householders. Operators are not always able to segregate or provide segregated storage and so are not able to accept these wastes types under the current standard rules permit.

There are no proposed changes to the associated generic risk assessments.

3.6. Revisions to standard rules set SR2015 No 18 (Metal recycling, vehicle storage, depollution and dismantling (authorised treatment) facility)

We propose to include the following conditions to this rule set.

The acceptance and storage of up to 10 tonnes of intact waste vehicle catalytic converters (waste code 16 01 21* or 16 01 22) at any one time.

There shall be no treatment of catalytic converters including decanning, other than sorting and separating from other wastes.

Catalytic converters will be stored in a manner that prevents the metal casing being damaged or pierced. If the metal casing becomes damaged the catalytic converter should be either double bagged or wrapped in a minimum of 400 gauge polyethylene.

We propose to remove the following waste types because, from our waste returns data, these do not appear to be accepted at End-of-Life Vehicle or Metal Recycling Sites:

- 16 01 07* oil filters
- 16 01 11* brake pads containing asbestos
- 16 01 12 brake pads other than 16 01 11*

We also propose adding/amending the following conditions:

- Lead acid batteries shall be stored upright in containers. The containers shall be impermeable with an acid resistant base and, unless stored under weatherproof covering, a lid to prevent ingress of water.
- Other batteries and accumulators from ELVs shall be stored under weatherproof covering or in suitable containers.
- Batteries of different types and chemistry shall be stored separately.
- Catalytic converters will be stored in a manner that prevents the metal casing being damaged or pierced. If the metal casing becomes damaged the catalytic converter should be either double bagged or wrapped in a minimum of 400 gauge polyethylene.
- For clarity we are adding the following wording "air conditioning system fluids and gases".

We also propose changing the interpretation of waste motor vehicle to bring it in line with that of the Environmental Permitting (England and Wales) Regulations. See section 3.7 for the detail.

3.7. Revision to standard rules sets SR2008 No20, SR2011 No3, SR2012 No14, SR2015 No13, SR2015 No17 and SR2015 No18

For the rule sets mentioned in the title we are proposing a change to the interpretation of waste motor vehicle. The reason for the change is to bring the interpretation in line with that of the Environmental Permitting (England and Wales) Regulations.

We propose to change it from:

- waste motor vehicle means a wheeled vehicle for use on land and that does not operate on rails that is waste within the meaning of Article 3(1) of the Waste Framework Directive

to:

- waste motor vehicle means any motor vehicle that is waste within the meaning of Article 3(1) of the Waste Framework Directive

3.8. Business Impact

The Growth Duty requires us and other national regulators to have regard to the desirability of promoting economic growth, alongside our other statutory duties. As part of this duty we are carrying out an assessment of the financial impacts of this proposed new standard permit. You can help by responding to the questions we have included in Section 4 to determine these impacts and inform our decision making.

4. Consultation questions

This consultation is your opportunity to comment on our proposed new rules and amendments to existing rules. Once we have considered all the consultation responses, and made any changes, we aim to publish the revised standard rules and risk assessments by April 2020.

We particularly want your feedback on the following questions. You will need to look at the draft standard rules permits.

4.1. The standard rules and risk assessments

Question 1: Do you agree with our approach to use standard rules to cover the new activities?

Question 2: Do you understand the requirements of the proposed standard rules?

Question 3: Do you agree with the requirements of the proposed standard rules?

Question 4: Please let us know what you think would prevent people from using the proposed standard rule sets.

Question 5: Do you agree that the waste quantity limits are viable?

Question 6: Do you agree that the waste storage duration limits provide a viable throughput?

Question 7: Do you believe the requirements for having certain activities carried out inside a building are proportionate to the pollution risks?

Question 8: Please list any other types of treatment or processing activities that you believe should be included in the standard rule sets.

Question 9: Do you agree that the right waste codes have been listed? If no, please let us know which ones to include and why.

Question 10: Would the exclusion distances from receptors prevent you from finding a site from which to operate?

Question 11: Please let us know your views on our proposals for operating techniques in Table 2.4, relating to the site's surfacing and drainage requirements, and where different types of waste can be stored or treated.

Question 12: An alternative option for the operating techniques would be to require all waste to be stored and treated on an impermeable surface with a sealed drainage system at all times. Would you support this option? If so, why?

Question 13: Do you intend to apply for one of the standard rules sets when published?

Question 14: Do you think the introduction of the new standard rules sets or the revisions to the existing standard rules sets will have a significant financial impact overall on your business?

4.2. Revisions to SR2008 No 12 and SR2008 No 13

Question 1: Do you agree with the addition of the new waste codes for SR2008 No 12 and SR2008 No 13?

4.3. Revisions to SR2015 No 18

Question 1: Do you agree with our proposal to add catalytic converters and the associated conditions to the permit?

Question 2: Do you agree with our proposal to remove 16 01 07* oil filters?

Question 3: Do you agree with our proposal to remove 16 01 11* brake pads containing asbestos?

Question 4: Do you agree with our proposal to remove 16 01 12 brake pads other than 16 01 11*?

Question 5: Please let us know if you have any comments or views on our proposals to add in some extra conditions around battery storage.

Question 6: Do you agree with our proposal to change the interpretation of waste motor vehicle?

4.4. Revisions to SR2008 No20, SR2011 No3, SR2012 No14, SR2015 No13, SR2015 No17.

Question 1: Do you agree with our proposal to change the interpretation of waste motor vehicle?

4.5. Any additional comments?

Question 1: Please let us know if you have any other comments on these proposed rules that have not been covered by the previous questions.

5. Responding to this consultation

5.1. Important dates

This consultation will start on 21 October 2019 and end on 31 January 2020.

5.2. How to respond

You can view the consultation documents and questions online at:

<https://consult.environment-agency.gov.uk/environmental-permitting/standard-rules-consultation-no-21>

Here you can submit your response using our online tool which will enable you to manage your comments more effectively. It will also help us to gather and summarise responses quickly and accurately as well as reducing the costs of the consultation.

If you prefer to submit your response by email or letter, or if you would like to ask for a printed version of the document to be posted to you, please contact our National Customer Contact Centre on 03708 506 506 (Minicom, for the hard of hearing; 03702 422 549), Monday to Friday, 8am to 6pm, or email.

If you would like to send your response by post, please send your completed response form by 31 January 2020 to:

Future Regulation - Permitting [Standard Rules Consultation no 21]
Environment Agency, Horizon House, Deanery Road, Bristol BS1 5AH

5.3. How we will use your information

We will use your information to help shape these standard rules.

We will look to make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

We will not respond individually to responses. After the consultation has closed we will publish a summary of the responses on our website and contact you to let you know when this is available.

In line with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

For more information see our [Personal Information Charter](#).

5.4. Privacy notice

The Environment Agency would like to keep you informed about the outcomes of the consultation. If you would like to receive an email acknowledging your response and be notified that the summary of responses has been published please give us your email address in your response to this consultation.

By providing us with your email address you consent for us to email you about the consultation. We will keep your details until we have notified you of the response document publication.

We will not share your details with any other third party without your explicit consent unless required to by law.

You can withdraw your consent to receive these emails at any time by contacting us at:

standard-rules@environment-agency.gov.uk.

5.5. Consultation principles

We are running this consultation in line with the guidance set out in the government's [Consultation Principles](#).

If you have any queries or complaints about the way this consultation has been carried out, please contact:

Lucy Payne, Consultation Co-ordinator

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Email: lucy.payne@environment-agency.gov.uk

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