

Our Ref: 21/011d LT03
Your Ref: EPR/HB3802HF/V003

[Email only]

FAO: Miriam Townsend

20th July 2022



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Dear Miriam,

I write in response to your request for information in email dated 28 June 2022 in relation to the Permit Variation Application for Cornets End Recycling Facility, on behalf of NRS Meriden Aggregates Limited.

For ease of reference, I have included your questions in bold and our response, in-line, below.

Installation activities

- **Form C2 Q3b – You have not provided a copy of the certificate of technical competence. In the Application document it is listed as being in Appendix 12 but it is not present.**

Tracey Baxter will be the TCM initially, I have provided her Certificates, see Attachment 1 Tracey Baxter TCM Certificates.

- **Form C2 Q5a – The plan provided does not show the same boundary as the current permitted area, but you have said that no additional land needs to be included in the permit. This needs to be clarified as the application for the landfill was returned.**

As it was anticipated that the landfill permit would be picked up by a Permitting Officer before this application, the permit boundary in this application represented the changed boundary included in that application.

The proposed area for the hazardous waste treatment activities largely falls within the boundary of the existing permit, however there is an additional area required. I have provided a new permit boundary plan to show the proposed permit boundary, see Attachment 2 Permit Boundary Plan. I have provided a Site Condition Report for the area to be included within the permit boundary, see Attachment 3 Site Condition Report.

- **Form C2 Q5f – The Technical Summary referenced in response to this question does not include a baseline report required by this question.**

The new proposed permit boundary for this application includes a new area to be included in the permit. I have provided a Site Condition Report for this new area, see Attachment 3 Site Condition Report. I have amended the response to question C2 Q5f and provided an updated version of this application form, see Attachment 4 Application Form C2 V2.

- **Form C2 Q6 – The sensitive receptor plan is based on a different site boundary than that in the current permit so the Environmental Risk Assessment may not be correct in terms of the distance to the receptors.**

I have prepared a new sensitive receptor plan based on the proposed permit boundary. This plan has been included in the Environmental Risk Assessment and distances to receptors have been recalculated, see Attachment 5 Environmental Risk Assessment V2.

The sensitive receptor plan is also included within the Dust Management Plan as part of the permit variation application. I have therefore provided an updated version of the Dust Management Plan to include the new sensitive receptors plan and the recalculated distances, see Attachment 6 Dust Management Plan V2.

- **Form C3 Q1 – You have only provided a single waste list and the application does not provide sufficient information regarding:**

o **which wastes will be treated by which activity**

Both non-hazardous and hazardous wastes will be treated by handpicking, washing, screening and screening. Only hazardous waste types will be treated biologically / chemically following washing/screening operations.

o **what hazardous substances will be accepted**

Typically, contaminated construction / demolition waste will contain a mixture of substances that can lead to the classification of the waste as hazardous. It is not possible to list the potential substances that may be present in the contaminated waste.

o **what hazardous properties will and will not be accepted**

Hazardous waste with the following hazardous properties will not be accepted:

- HP1 Explosive Waste
- HP 9 Infectious Waste
- HP12 Release of an acute toxic gas waste
- HP15 Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste.

Waste with other hazardous properties will be accepted for treatment on the Site.

o **what the purpose of each treatment activity is.**

The Technical Summary has been amended to include comprehensive information on the types of contaminated wastes that will be treated by which activity and the purpose of each activity, see Attachment 7 Technical Summary V2.

I have provided a separate waste code list for each waste treatment activity, see Attachment 8 Waste Codes V2.

• **Form C3 Q2 – You have marked the tables as not applicable, indicating that there are no point source emissions from the activities. However, in section 6 of the Technical summary you refer to surface water being tested and discharged from a lagoon under a consent. If there is a discharge of surface water, further information will be required as follows:**

I can confirm that there will be no point source emission from the activities. The surface water mentioned in the Technical Summary only refers to surface water that has not been in contact with the waste and will therefore not be contaminated. For avoidance of doubt, I have provided Water Drainage Design Plan to provide details of the management of water on this site, see Attachment 9 Surface Water Drainage Design and Discharge Consent. This plan describes how both clean surface water and potentially contaminated water will be managed on the site. Potentially contaminated water – from the waste treatment area of the site will be stored prior to re-use on the site or removal from the site. Water used in the washing equipment will be treated and re-circulated within the wash plant itself.

o **A drawing showing the drainage system, the site surfacing, any kerbing to prevent run off, the locations of the lagoon, interceptor and discharge point.**

A drawing showing the drainage system, site surfacing, lagoon, interceptor and discharge point are included in the Surface Water Drainage Design, see Attachment 9 Surface Water Drainage Design and discharge consent.

o **Details of the consent, if one is required.**

Details of the Discharge Consent for the discharge of surface water from the facility is included in the Surface Water Drainage Design, see Attachment 9 Surface Water Drainage Design and Discharge Consent.

o **An assessment of the impact of the discharge on the receiving water using our H1 tool and any modelling if the H1 does not screen out, where there is a discharge of potentially contaminated surface water.**

I can confirm that no contaminated surface water from the permitted activities will be discharged from the site. Only uncontaminated surface water from an area where no waste activities are undertaken, will be discharged under the Discharge Consent. Therefore, no assessment of the impact of the discharge on the receiving water has been completed.

o **A completed form B6 detailing the discharge, where there is a discharge of potentially contaminated surface water.**

I can confirm that there will be no discharge of potentially contaminated surface water from the site. Water that has been in contact with the waste is treated and recirculated in the wash plant, see Attachment 9 Surface Water Drainage Design and Discharge Consent.

- **Form C3 Q3a BAT Assessment –This is listed as being in Appendix 13, but it is not present and I understand it was not sent with the application. As I have not reviewed this document I am unable to comment on its appropriateness. However, you have not provided sufficient information to describe the activities to be undertaken and there are no infrastructure plans or location plans. For each treatment activity you need to provide a list of wastes, details of the treatment to be carried out, how emissions from the treatment process are managed, storage times and capacity for wastes, how you will test that the treatment is successful, location plans, infrastructure plans. The BAT assessment should describe how the activities are to be managed to prevent or minimize pollution having regard to the BAT Conclusions.**

I have completed a BAT Assessment to support the application, see Attachment 10 BAT Assessment

- **Form C3 Q3a1 – You say you have referenced documents in the previous permit but have not provided any detail of these document references, so it is not clear what documents are being replaced.**

My apologies, this is incorrect, the existing permit for this site does not include any reference to Operating Techniques. I have updated this application form, see Attachment 11 Application Form C3 V2.

- **Form C3 Q3b – The Noise Impact Assessment is based on the incorrect boundary and relates to production of recycled aggregates. Therefore, it is not relevant to the installation activities. I understand that a revised Noise Impact Assessment has been completed. This should be relevant to all activities applied for.**

A new Noise Impact Assessment has been prepared to support this application. This Noise Impact Assessment is more closely aligned with the location and proposed operations to be undertaken, see Attachment 12 Noise Impact Assessment June 2022.

While I have included this assessment as an attachment to this letter, I have since noticed that an amendment needs to be made to this report. Unfortunately, I have been unable to get the noise consultant to deal with this at short notice due to his work at festivals currently. He anticipates being able to get this sorted by the end of next week, at which time I will forward it to you.

- **Form C3 Q3c – You have marked this section as not applicable implying there are no raw materials used. However, elsewhere in the application you have stated that the recycled wash water is treated and that lime and other additives are added to the biopiles. Therefore, raw materials are used and details of all of these should be provided.**

I have amended Application Form C3 to include details of the raw materials that will be used, see Attachment 11 Application Form C3 V2.

- **Form C3 Q6 – All these questions are applicable and need to be completed and relevant information provided.**

I have prepared a Resource Efficiency and Climate Change Report to include the information required by all the relevant questions included in Q6 of form C3. I have amended Application Form C3 to include a reference to Appendix 16, Resource Efficiency and Climate Change Report. I have provided this document, see Attachment 13 Resource Efficiency and Climate Change Report.

Treatment activities:

There is insufficient information about each of the treatment activities proposed as follows:

- **Removal of bonded asbestos must be carried out within a building with asbestos fibre abatement via a HEPA filter. The operator should consider the requirements of the Control Of Asbestos Regulations and the guidance here: Asbestos in Soil (claire.co.uk). Where wastes are contaminated with other pollutants as well as asbestos, the asbestos has to be removed first before any other treatment is carried out.**

I can confirm that the removal of bonded asbestos will be carried out within a building with appropriate abatement.

The operator will train relevant staff in the requirements of the Control of Asbestos Regulations and guidance.

I confirm that the requirement to remove asbestos pieces from the waste first, prior to other treatments, will be implemented. This is already included on the Process Flow Diagrams and Technical Summary provided in this letter and the application submitted.

- **Biological treatment – You have not provided sufficient detail regarding the wastes to be treated by this method as it is not suitable for all organic pollutants. We expect this treatment to be carried out under cover. Covering of the biopiles will improve the treatment as it maintains temperature, prevents water ingress and emissions. Air drawn through will assist the rate of degradation, which must be complete within six months. Any air drawn through needs to be abated. You have not provided any detail about the management of leachate produced by the treatment. There is minimal information about the additives to be used to assist the treatment.**

Further information on the proposed biological treatment of suitable wastes has been included in the Technical Summary V2. This describes the type of contaminants that will be removed by this treatment and the types of waste contaminants that will not be treated by this process. I can confirm that the biopiles will be covered. It is not proposed that air will be drawn through the biopiles as this is not considered to be required due to the concentration and type of contaminants being treated in the waste.

- **There is very little information about the proposed washing activity such as the wastes to be treated, the purpose of the treatment or the chemicals used to assist the process. There is no information about the wastes produced from the treatment of the wash water or how these are managed.**

Further information on the washing activity has been included in the Technical Summary V2, see Attachment 7 Technical Summary V2. This describes the purpose of the activity, type of contaminants that will be removed by this treatment and the wastes produced from this activity.

The descriptions provided for the following activities suggest that we would not be able to permit them, even with additional information. Explanation is provided as follows:

- **There is no acceptable treatment method for removing asbestos fibres from wastes and loads of wastes contaminated with fibrous asbestos need to be disposed of at landfill.**

There is no proposal to treat waste containing >0.1% asbestos fibres. It would be useful to discuss this aspect of the application with you.

- **The proposal to screen hazardous waste and test the different size fractions and re-classify them as non-hazardous waste based on the testing is not an acceptable treatment method for hazardous waste. These wastes remain as hazardous wastes until they are treated to remove the hazardous substance. If the description of the process is incorrect then further details will need to be provided, as discussed.**

The purpose of the screening process (both wash plant and dry screening plant) is to separate the fraction of the waste that is non-hazardous from the fraction that contains substances causing hazardous properties. In this way the process accomplishes a reduction in the volume of hazardous waste and as such is an acceptable hazardous waste treatment process. The removal of the fraction of the waste that contains the substances causing the hazardous property will allow the resultant fraction of waste to be re-classified as non-hazardous waste.

I welcome the opportunity to discuss this aspect with you as I feel it is important to ensure that we are both in agreement on this fundamental aspect of the application. I have previously obtained pre-application advice on a similar application on this aspect, and we can go through that if it helps.

- **Testing of batches of hazardous waste to re-classify them as non-hazardous waste is not an acceptable treatment method.**

It would be useful to discuss with you this aspect of the application to determine whether this needs to be removed from the application.

- **The description of the acceptance of unclassified wastes from Utility companies and the waste code proposed are incorrect. RPS 211 allows Utility contractors to classify the excavated wastes as non-hazardous waste where there is no obvious asbestos or hydrocarbons (odour) present. Therefore, any wastes accepted under this process will be non-hazardous and testing of them for the purpose of re-classification will result in them being hazardous.**

I understand that while RPS211 is in force that these wastes can be assumed to be non-hazardous in cases where there is no haz waste assessment to prove this. However, as the RPS will no longer apply at some time (it has only just been extended again) it may be the case that waste from this source may be coded as 17 09 03* and assumed to be hazardous in the absence of a WM3 Hazardous Waste Assessment. I was therefore keen to allow the site to receive such wastes, assumed but not evidenced to be hazardous, to be able to be imported then sampled, tested and correctly classified in accordance with WM3. I welcome the opportunity to discuss this aspect of the proposal with you.

Waste operations

You have submitted a part C4 application form to add “hazardous waste treatment construction/demolition waste”. However, there do not appear to be any specific details about this in the application and this appears to be the same as the installation activity applied for. In any case, this is not a relevant waste operation activity as the treatment capacity would be aggregated with that of the installation activity and would be considered part of the installation.

My apologies, this is the Installation Activity and should not have been included on this form. I would like to discuss with you the need to update or replace this application form.

As discussed, I understand that the operator is proposing to wash non-hazardous wastes as well as hazardous wastes. If this is the case, then this is a normal variation to the current waste operation activities on the permit and further detail is required.

Agreed.

You also state in section 5 of the Application document that there is no waste list in the current permit so you are adding a list of non-hazardous codes. However, a variation was issued on 13/08/2022 that includes a list of wastes using the EWC codes. However, the non-hazardous codes listed in this application include wastes not listed in the variation. Clarification is required whether the waste operation is being varied to add these new waste codes and, if so, further information is required.

This variation was issued after the submission of the permit application. I have therefore made sure that the proposed non-haz waste codes in the application now match the codes in the permit. No further waste codes are proposed to be included within this application.

Where additional activities are being proposed to be added to the waste operation (those involving non-hazardous waste), the following information is needed, either with an update to the existing documents or by provision of new documents:

- **a revised Part C4 form detailing the additional activities and the new wastes to be added**
- **the documents required by the questions in the Part C4 form relevant to the waste operation**
- **a risk assessment for the new activity and to demonstrate if there is any additional risk as a result of the acceptance of new wastes**
- **a description of the process, the pollution prevention measures to be taken and reference made to the “Chemical waste: appropriate measures for permitted facilities” guidance (Chemical waste: appropriate measures for permitted facilities - Guidance - GOV.UK (www.gov.uk), including the measures that will be taken to prevent mixing of hazardous and non-hazardous waste in the same washing plant.**

No new waste codes are proposed to be included. The only change to the non-haz waste activity is the addition to the tonnage limits and the addition of washing activities. I believe this has been covered in the application documents provided already.

Application fees

Based on the activities applied for, you have not paid the correct fee. You have paid £16,001 for one activity. However, in accordance with your application and our charging scheme and guidance the total application fee in relation to the installation activities should be £36,619.90. This is calculated as follows (see section 2.12 of our charging guidance):

- 1.16.1.1 - 5.3 Part A(1)(a)(i) biological treatment £16,001 (1st activity)
- 1.16.1.2 - 5.3 Part A(1)(a)(ii) physico-chemical treatment 50% £8,000.50 (2nd activity)
- 1.16.1.3 - 5.3 Part A(1)(a)(iii) blending 50% £8,000.50 (3rd activity)
- 1.16.4 - 5.6 Part A(1) Haz waste storage 10% £1,351.90

In addition, you have not paid the additional assessment charges as set out in table 3 of the Part F1 application form and in table 1.19 of the charging scheme (section 2.8 of our charging guidance), as follows:

- 1.19.2 - Habitats £779 (applicable as the surface water discharge drains into the River Blythe SSSI and if the risk to habitats sites increases as a result of the addition of the washing plant to the waste operation activities)
- 1.19.5 - Emissions management plan (dust) £1,241
- 1.19.7 - Noise £1,246

You have not paid any application fee in relation to changes to the existing waste operation activities. As stated above, it appears that this permit is being varied to add additional non-hazardous wastes and to add a non-hazardous waste washing plant. This is likely to be a normal variation, which will cover both changes.

The application fee is 1.16.12 – Physical treatment of non-hazardous waste £3,965.

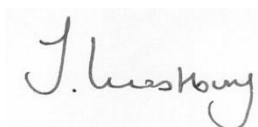
Therefore, provided the assumption regarding the changes to the waste operation is correct and that a habitats assessment is required, the total fee is £40,584.90, or if you do not require a habitats assessment, £39,805.90. There is £24,583.90 outstanding or £23,804.90 without the habitats fee.

Please submit an updated Form F1 that includes all the relevant fees.

I have requested payment to be made by NRS for the above additional application fee. However, I would appreciate the opportunity to discuss this with you on Monday.

I trust the above information addresses your queries. Please do not hesitate to contact us should you require anything further.

Yours sincerely



Tracey Westbury BSc (Hons), MCIWM

Attachments

- Attachment 1 Haz Transfer Level 4 and Haz Treatment Level 4 Certificates for Tracey Baxter
- Attachment 2 Permit Boundary Plan
- Attachment 3 Site Condition Report
- Attachment 4 Application Form C2 V2

- Attachment 5 Environmental Risk Assessment V2
- Attachment 6 Dust Management Plan V2
- Attachment 7 Technical Summary V2
- Attachment 8 Waste Codes V2
- Attachment 9 Surface Water Drainage Design and Discharge Consent
- Attachment 10 BAT Assessment
- Attachment 11 Application Form C3 V2
- Attachment 12 Noise Impact Assessment June 2022
- Attachment 13 Resource Efficiency and Climate Change Report