

Transcript of Facebook Q & A event 27/07/2022

PRES: Presenter

ML: Marc Liddeth

MJ: Mike Jenkins

PRES: Hello there thank you for joining us. I'm Neil and I'm a Communication Manger for the Environment Agency here in the Midlands. Today with me is Marc Liddeth and Mike Jenkins they are both Project Executive in the Environment Agency with a responsibility for the regulation of Walleys Quarry. Both Marc and Mike answering some of the questions that you sent in during the July questions thread.

Now you will notice that we are recording this in the afternoon of the 27th when we would have been live at half past 4. This is due to technical problems and to make sure we got the message out to you we are recording this, but it is working in the exact same way it would of done if it were live. Now lots of you are new to the group if you are we open a new questions thread at the beginning of every month with the Facebook Live event coming at month end. Thanks also if you voted in our poll, you've told us you would like to keep the Facebook Live event as it is but with more videos and Marc will have more about this later on. Before we start though a reminder there are some questions which we're not able to answer for legal reasons, some which may fall outside our regulatory remit and some we have grouped together because they were on the same theme.

So, let's kick of then, and first up this month it's a question from June, the month of June we didn't get a chance to answer, and the question is as follows; post closure costs for well-run landfill sites average at around £261,000 per acre. Walleys Quarry Limited has an active area of 21 acres therefore, post closure costs are likely to be in the order of 5.4million and in the case of an extremely problematic site such as Walleys Quarry Limited considerably higher. Do you believe the surety held at 1.2 million is anywhere near adequate in the event of the business failure of the current economic operator? Follow up to this who sets the surety level for landfill operators, what was the level set for Lafarge the previous operator?

Let's go over to Marc for an answer on this one please.

ML: Thanks Neil and thank you for whoever posed that question. So, when we talk about surety, we word it as Financial Provision or FP. Now FP is calculated on a site-specific basis, so it's not based on a cost per acre just to clarify that element of the question. It's all about a site-specific basis calculation so the FP sum is agreed with the Environment Agency, and it's based on an expenditure plan and on cost profile which is then subject to an annual what's called an annual RPA adjustment so every year that is reviewed where it is necessary to do so. So, the Financial Provision sum assumed each operator will be permit compliant and will consider to be sufficient to meet the permit obligations that are set in their permit themselves. So, the calculation of the Financial Provision sum includes Environment Monitoring offside and that's both off landfill gas and groundwater fill quality it includes capping and also the maintenance of the capping and it also includes the management and monitoring of both landfill gases and leachates on site as well. There is a whole raft of information on Financial Provision which that you can find on the.gov.uk website and if you just type in Financial Provisions for landfills that should come up within the search engine.

Now in terms of commercial confidentiality we cannot discuss specific details on individual financial provision basis and with respect to the question about Lafarge and just to clarify for those who not familiar Lafarge where the operator that held the permit prior to Walleys Quarry Limited who are

the current operator which was previously names Red Industries RM Limited. Now their calculations would have been carried out at the time when they held the permit which was six years now and so therefore their costs would not be reflective based on the annual RPI adjustments which would need to be place now.

PRES: Ok, thank you very much indeed Marc. And another question from last month we go to Nigel and Nigel has written to say to ask us, what are the correct acceptance and disposal procedures for powered materials on site? Is it ok for banks to be dumped on top landfill that towers over fence lines and the neighbouring housing estate and then repeatedly is driven over releasing clouds of powder that blow over houses and gardens just over 150 metres away? Should the community be reporting this when witnessed and if so, what exact action would you be taking when you receive such reports and if the above-mentioned practice is acceptable what reassurances can you give that the powders been breathed in by those closest to the site are non-hazardous to our health.

Mike Jenkins is listening in, and he's got a response for us now.

MJ: Thanks Neil and thank you Nigel for the question. I will just of saying that if activities on the site are causing any nuisance including from dust, then please do report those to us. Ideally via our new online reporting tool form the same way you would with odour and obviously the telephone and email is there as well but we would encourage people to use the online reporting form. Under the permit emissions which do include dust should not cause pollution however, a breach to this emission condition does not occur than it is Walleys Quarry Limited is taken appropriate measures to prevent or minimise those emissions. Walleys Quarry is required to manage and operate the activities in accordance with the Environment Management System or EMS which identifies that minimises the risk of pollution including dust emissions. Walleys Quarry has a Dust Emissions Plan or DMP which is part of its Environment Management System. If Walleys Quarry Limited is not following its EMS, we will treat this as a breach of its permit under the permit they are also required to operate activities using techniques in the manner described in its Dust Management Plan which is a specified operating technique. So, if necessary, we can require Walleys Quarry Limited to revise both their Environmental Management System and that Dust Management Plan.

PRES: Ok, Mike thank you. Let's change tack then and we go over to Mary and to Nick for questions on suspension. And to Mary first of all Mary writes why had the permit not been suspended yet or why has the permit not been suspended yet? What's the ratio with permit breaches of other landfill site compared to this one and how serious if any are other breaches at other landfill locations? That's Mary and Nick writes to say it has been said that compelling reasons and evidence required to suspend the permit and the EA does not rule this out please explicitly define what this includes and why the situation current does not meet the criteria? How often is this being revisited and does that include consideration of all aspects such as known health impacts and long-term deterrence or just things the EA are specifically accountable for? So that's Nick and Mary.

PRES: And will go over to Mark Liddeth please for a response.

ML: Thanks Neil and thank you Mary and Nick for those question. So, we assess the appropriate enforcement response to any permit breach following an inspection and record all the findings from that inspection on what we call a Compliance Assessment Report or a Carform and that is always sent to the operator. Where permit breaches or permit breach is identified we require an operator to remedy that breach and we specify a specific deadline date for them to take that remediation action and that again is all captured within that Carforms. If this happens basically if the operator complies, they put the right measures in place within the deadline date than obviously it is not

reasonable for us to serve any regulatory notice. Whilst we have not obviously suspended the permit in this incident, we obviously have had calls in the past why we haven't done that we have obviously taken appropriate regulatory action alongside our continuation of regulation of the site and in terms of where we have been asked in comparisons to other landfill site decisions are always made the site-specific basis. And therefore, comparisons to other sites are therefore unhelpful for us. We can only suspend in circumstances that are clearly set out in the regulations that are in place which namely the Environment Permitted Regulations of 2016 for England and Wales and that is where the manner of an operation of a permitted facility involves a risk of serious pollution or a permit breach that involves a risk of pollution and that is very clearly defined within those regulations. Now the definition of pollution from a waste operation includes harm to human health as well. As always, the Environment Agency continues to take the advice from UK Health Security Agency or UKHSA who were formally known as Public Health England, and we share their monthly risk assessment reports that they provide to us on our webpage which is the Citizen Space webpage. Now in terms of the latest report we have on there so that is the May 2022 UKHSA risk assessment report it shows all four Air Quality Monitoring Units that have been deployed around the landfill show a monthly average concentration that is below the long-term lifetime health-based guidance value and that value is what's classed as two micrograms. The cumulative average concentration, which is also calculated within the report, of the four Air Quality Monitoring Units, three of them which are called MMF1, MMF2 and MMF6 and they are the ones based on Cemetery Road, Silverdale Road near the Silverdale Pumping Station and the one that's deployed at Staffordshire Fire and Rescue Service Headquarters. They are all below the long-term lifetime health-based guidance value again that two micrograms per cubic metre. At MMF9 the cumulative average concentration does remain above that value that lifetime value however, regarding MMF9 the monthly average concentration for May was at 1.4 micrograms per cubic metre which is below that 2 microgram value. The cumulative average that we have seen for the month of May is now down to 8.8 and that is down from 9.3 micrograms per cubic metre in April 2020, so we are seeing a downward trend. What we also have published on our Citizen Space page is the Weekly and Monthly Air Quality Monitoring data we gather from all 4 MMF's and again you can see that data on our Citizen Space page. Now what we can see from the recent data that we captured in 2022 is that the levels have been obviously spiked points in January and March but since those early parts of 2022 we have not seen more repeats of those spikes and we are now starting to see a downward trend of Hydrogen Sulphide Levels. And I just apologise for the lack of light in terms of where we are recording this, we will get this back on once I hand over to Neil.

PRES: Ok, thanks very much Marc. Up next then is Mick and it is a question that quite a few of you have been asking since our Facebook Group began back in April time. It's the subject of Town Hall star meetings this one and will there be any more. Before we get a response here's Mick's question for you. Just in time for the light as well.

Mick says when will the next in person town hall star meeting happen so those unable to access the internet are not discriminated against. This would need to be advertised widely says Mick and include notification by post. Let's go to Mick Jenkins on this one.

MJ: Thank you Mick for the question and thank you for raising on behalf of the community. Just to highlight really, we're using Facebook and Citizen Space as the preferred method of communication. This follow what members of the community told us on the doorstep and it was their preferred method. We have seen our videos are being wide watched, sorry being widely watched so we recognise we are engaging with lots of people which is really really positive. That said we are not going to say that we wouldn't conduct a face-to-face event but from our point of view we would

partners there as well so they could be on hand to answer a lot of the questions that are of interest to them. We are looking into this further and update everybody as soon as possible.

PRES: OK, Mike thank you. We do have a bit of a freeze on the screen so do bear with us I'm sure it will catch up. Ok, so let's go over to Adam and Adam has written this month to ask about the deodoriser system used by Walleys Quarry Limited. Let's get his question then, Adam writes what is the composition of the deodoriser they use to circle the site and is it not another breach that they keep on making the road keep having poor visibility with this deodoriser as surely chemicals should not be leaving their site? I know in your video you said the roads are the Council responsibility but surely it is the Environment Agency responsibility to ensure chemicals from Walleys do not leave their premises. Adam goes on to say also how harmful is it to the Environment and human health as walking and driving through the mist keeps surrounding their site cannot be healthy surely?

Let's go to Marc Liddeth.

ML: Thanks Neil and thank you Adam for that question. I can appreciate the concerns that have been raised by the community and also, we tried to answer this question before. So just to recap around the deodorising systems so typically these deodorisers are industrial vaper-based systems, and they are widely used across sectors that could have the potential of producing odours and it is used as odour control method around site perimeters. Now as the Environment Agency we do not consider the use of a deodoriser to be an appropriate measure for controlling odour when used as a sole control method, but we do understand and accept that some operators see this as a technique to choose to use as part of their Odour Management Plan and in the case of Walleys Quarry they have chosen to use a deodorising systems for that affect. Now we talk about the roads clarify there again that any hazards that are caused on the highway would need to be reported to the responsible highway authority which is in this case is Staffordshire County Council and/or recommend to contact the police to notify them as well if there is an immediate hazard the community are worried about. Now in respect to this situation as we have mentioned previously our officers have been on site to look at this and I have also personally spoken to the operator about this and to give an update in terms of what they have done. Now the advice I had back from the operator is that they have investigated into what potentially has caused this around the deodorising system and what they have said that they have done is they have decommissioned that part of the system so no longer is the system being present in that area which they believe may have caused this issue. And from what I have seen from recent kind of traffic on things like Twitter where this has initially been reported and also from communications with partners in case, they have been informed of this I don't believe there has been any reoccurrence of this situation recently since the operator has taken that action. But if it does reoccur then obviously, please adhered advice of reporting any hazards to those respectable authorities and also do contact us as well to report that so we can follow it up with the operator.

PRES: Ok, thanks Marc, let's move on to 2 questions, one from Steven and one from Tim. Both of these would fall under the planning remit. Steven's question first of all would planning being altered in writes in brackets (without public consultation as far as I can see) to allow trucks on site an hour earlier has there been any calculations as to how long the smog car produced by diesel fumes lingers for? And Tim, Tim writes what measurements of the diesel exhaust emissions are being made to determine the effects and impacts of vehicles accessing the site and what do these measurements indicate?

So that was Tim and the earlier question from Steven. Let's go to Mike Jenkins now for a reply.

MJ: Thanks Neil and thank you both for those questions. Odour which we as the Environment Agency has control over operating hours and the number of vehicle movements that matters which involve control solely by the planning permission. We recommend you get in touch Staffordshire County Council if you wish to pursue that side of things if you have general enquiries about local Air Quality, we recommend you raise that with Newcastle under Lyme Borough council. Thank you.

PRES: OK, thank you very much. Just to make you aware gentlemen this end the pictures are out of sync with your voices unfortunately, but we can hear what you are saying so we will press on. I did mention on at the beginning we were suffering from technical problems today. We will continue though I can hear you so hopefully people watching this can as well.

Right next up is Becky then and Becky writes to say if I open a non-permitted landfill but follow the strictest landfill management procedures and maintain the best standards of environmental protection would you prosecute, fine, or penalise me in some way? Slightly different question but same idea and she writes again if I run a permitted landfill but fail to maintain management practices and environmental standards would you prosecute, fine, or penalise me? If yes, to the first and no to the second, could you please explain why? Interesting question that one lets go to you Marc.

ML: Thanks Neil and thank you Becky for that question. So, in terms of a yes, no I will have to go into a bit of an explanation as to what the difference is and hopefully that will answer why where you have asked if you could explain why. So, quite simply a non-permitted landfill or any type of waste sector that does not carry environment permit is classed as an illegal site therefore operating illegally. So even if an operator is following the strictest management procedures and not causing any issues they are still classed as an illegal site, and they would have to have a permit to carry out those activities. So, an operator of an illegal site if that was brought to our attention we would go and visit them and give them the opportunity to apply for a permit but then we would normal then require them whilst they are going through that permit application to cease all operations until that permit is issued. And just to be clear the grant of a permit is not automatic so they would have to meet the very stringent application criteria to give that permit. If operations do not stop or the permit is not granted, then we would expect to take further enforcement action which may also include prosecution. So that is the steps we would take that someone is operating a landfill site or a waste operation site where they would require an environmental permit. If you have a permitted waste site and, in this case, a permitted landfill site and if the operator of that site breaches or does a breach of the permit conditions then the Regulatory Officer would take steps to secure compliance. Our first response which I have given in the previous answer about doing an inspection and writing up our findings Compliance Assessment Report Form will provide all the advice and guidance in terms of what they need to do to remediate to secure that compliance against any breach or breaches they have caused. Now, if the advice and guidance does not lead to a resolution so for example the operator to not listen to that advice and guidance or they try to implement it but fail to do so then we may consider taking other forms of enforcement action which includes serving regulatory notices and or prosecution. So, there's a lot more information you can find out about environments and sanctions policy which is on the.gov.uk webpage and that is all explained the use of our environmental powers. The Environment Agency just to be clear in this aspect the Environment Agency must also have regards to what's called the Regulators Code again that Regulators Code can be found on the.gov.uk webpage and we also need to be proportionate in our regulation to go through each of these. And hopefully Neil that's answered that question the difference between a permitted site and a non-permitted site.

PRES: Ok, thank you Marc. The picture seems to have caught up now as well so we will keep going I hope it's not causing problems for you if you're watching this. Right onto the subject of animals and plants now and two questions here from Tim and from Angela. Tim writes to say I have concerns as to the effects upon vegetation and plant life with the need for soil samples to be taken and analysed in areas beyond the site boundaries plus some research into people's health and wildlife including pets to determine if there are any reported unusual or unexpectedly high clustered of health-related issues? What in ways of studies have been carried out and / or planned? Any Angela says when I spoke to your Agency at a drop-in session last year you advised you did not monitor whether the noxious gas was having an adverse effect on the local wildlife, given the local community have observed adverse effects on pets and changes in local wildlife will the EA look to do some research into this? For example, she goes onto saying survey a local veterinary practices or work with Staffordshire Wildlife Trust or other charities to establish whether the gas is affecting local wildlife which of course will have consequences for human physical and mental health should that be the case? And she goes onto to say this is Angela if not why not, and if it is not in your remit will you look to ensuring another agency will do so?

Let's go to Mike Jenkins on this one.

MJ: Thank you Neil and thank you Tim and Angela for the questions. We have not received any evidence of sick animals or impact on garden plants clearly, we recommend that any residents with sick animals should seek advice from a vet. We continue to gather data on Air Quality using our Mobile Monitoring Facilities the MMF's Marc mentioned earlier, and we publish monthly reports on that data. We have published the first of our interim reports the study of ambient Air Quality on Silverdale covering March to September 2021. That study identifies the local sources of Hydrogen Sulphide and quantifies the environmental impact the emissions from these sources on the surrounding area and the local community. A copy of that is on our website our Webpage Citizen Space page. The Environment Agency regulates landfill operators including Walleys Quarry Limited under their permits by reference to the Environmental Permit Regulations including provisions relating to pollution and the impact on the environment generally. The EA has required Walleys Quarry to continue to implement measures identified to reduce Hydrogen Sulphide emissions from the landfill as quickly as possible. We also continue to work closely with all partners through Strategic Coordination group including both UKHSA and Public Health at Staffordshire County Council.

PRES: Ok, thanks for that Mike. Next up 2 questions around something called Regulation 36 and its withdrawal. Nick and Mick have both been in touch. First of all, what can't you comment further on the withdrawal of Regulation 36 enforcement notice dated 10th May 2022 and please can you advise whether Walleys Quarry Limited complied with the Regulations 36 enforcement notice by the 10th of June 2022 deadline?

Marc Liddarth has an answer for us.

ML: Thanks Neil again for that, thank you Nick and Mick for those questions. So, I will come to the second question first then the first so we received a response by the deadline date of the 10th of June from the operator and we obviously as you can see from our communications withdrew the Regulation 36 enforcement notice on the 4th of July 2022. As we were satisfied with the operators that they complied with the required steps that were set up within the enforcement notice. Now in terms of the first question there is more information that is contained within the Compliance Assessment Report Form that was issued on the same day that is not currently available on the public register because of the time frames and the process that we discussed previously we talked

about we have to go through. But when that is available on the public register, we will be able to say more about it and because it's on the public register it will be a public document that anyone can require access too.

PRES: Ok, Marc thank you and I know we've have had a few technical issues during this Facebook Q & A session. I hope you've managed to bear with us. Apologies these things out of our control unfortunately. Before we finished Marc will give us an update on how Facebook Live will work going forwards.

ML: Thanks Neil and again thank you to everyone who have taken the time to submit questions to us with this one and from myself as well sorry that we've had some IT issues that's meant we haven't been able to do this live, but we are obviously looking into that and see what we can do in the future. So, this month we have been asking you how you would like this Facebook Live type of event take place in the future. This is because from the data we have been gathering since we have been doing this it is showing us that you have been watched more of our shorter videos then the longer ones. We are aware obviously the timing of this does not necessarily work for a number of people videos of the work elements people have and other issues that mean you can't make this time and we have always said we will try and be flexible as possible in about answering your questions. So, we did a poll and we asked in that poll the three options were, keep the format the same which is once a month Facebook Live event, keep this live event but have more shorter explainer videos as well or just produce shorter videos. We've obviously had responses back there are as always people with different views of what they would like but the majority have come back to us and have asked us to keep this monthly live event but add more of those explainer videos that is what we will take forward. So, thank you to everyone who took the time to vote this means for the present purposes that are in today the monthly events stays the same. Neil will obviously be publishing very shortly and have more dates ready for, that after I finish speaking about when the next thread of questions to answer my questions to answer your questions sorry to us will open and we will also be uploading some shorter videos as of, when possible, for us to clarify to explain things for you. So, again thank you very much for your time for today and the questions asked us, and I will head back to Neil just to close.

** END OF Q&A, Presenter wraps up asking for feedback and advises Questions Thread to open below.

PRES: Ok, thank you so yes Marc's quiet correct we expect to open the next questions thread for the month of August for the 1st of August, which is a Monday, but we will update you if anything changes to the Facebook Group. For now, from myself, and from Marc Liddeth and from Mike Jenkins thank you very much indeed for watching.