



Introduction

The Environment Agency encourages the remediation of contaminated sites with process based technologies. The use of these in the treatment of contaminated soils may require a waste management licence. However many treatment technologies can be undertaken through a 'mobile plant' waste management licence.

Waste Management Mobile Plant Licence

Mobile plant is defined under Section 29(9) of the Environmental Protection Act 1990. This has been expanded by regulation 12 of the Waste Management Licensing Regulations 1994 to:

"Plant of the following descriptions, if it is designed to move or be moved by any means from place to place with a view to being used at each such place or, if not so designed, is readily capable of so moving or being so moved, but no other plant, shall be treated as being mobile plant for the purposes of Part II of the 1990 Act"

The relevant description for soil remediation under this regulation is:

12(1)(e) plant for the treatment of waste soil.

What Is The Difference Between A Site Licence And A Mobile Plant Licence?

A mobile plant licence for the treatment of waste soil is granted for the treatment activity/process to which the application relates. Licence conditions will specify the operating standards that the licence holder must attain to protect the environment. A mobile plant licence covers the treatment process, not just individual pieces of equipment.

A mobile plant licence can be taken from one site to another and used by the operator of the plant for similar types of treatment activities, however the licence can only be used to cover one treatment process at one site, at any one time.

Duration of Licensed Activity

The mobile plant licence may specify controls to verify the effectiveness of the treatment process, such as environmental monitoring. These controls may remain in force even when some of the plant has physically left the operating site. The licence may remain in force at that operating site in order to ensure completion of the treatment process as required by licence conditions and working plan. The financial provision arrangements will reflect this requirement.

Mobile Plant Licence Applications: General

The application is made to the Environment Agency office in whose area the operator of the plant has their principal place of business. The applicant will require

an application form and guidance notes. The application form must be completed and returned with the appropriate application fee. The statutory time period for determining a waste management licence application is four months.

Where an applicant is not applying for a mobile plant 'shell' licence, a generic 'working plan' is required to be submitted and assessed as part of the licence application.

Fit and Proper Persons

The applicant must be 'Fit and Proper'¹. The regulations require that for most remediation activities an award from WAMITAB is appropriate. The applicant will therefore be required to gain a WAMITAB certificate within 2 years from the date of issue of the licence and undertake an assessment by the Agency.

The mobile plant licence holder is required to make financial provision to cover obligations arising from the licence, this is found in the Agency's Financial Provision Guidance Manual Appendix J.

Licence Applications

There are currently two licensing options available to applicants:

- Tailored licence applications using the Environment Agency: LIB/V3 (draft 4) Library of Licence Conditions and Working Plan Specifications; Volume 3; or
- Mobile plant 'shell' licensing kit.

In more detail, these are:

Library of Licence Conditions Volume 3.

Mobile plant licences can be drafted using Volume 3 of the Agency's Library of Licence Conditions (currently Draft 4)². This should be used in conjunction with its supporting guidance on risk assessment³ and will contain a "customised" set of conditions reflecting the environmental risks identified by the treatment process specific risk assessment.

Mobile Plant 'Shell' Licence Applications

This 'shell' approach allows mobile plant 'shell' licence applications to be made without the operator submitting a working plan at the application stage. A 'shell' mobile plant licence is a standard licence that has been tailored to provide appropriate environmental controls to established treatment technologies.

¹ see Environmental Protection Act 1990 Section 74

² Environment Agency: LIB/V3 (draft 4) Library of Licence Conditions and Working Plan Specifications; Volume 3

³ Environment Agency National Centre for Risk Assessment and Options Appraisal (NCRAOA): Guidance Note No 25 (GN25) Guidance on the Application of Environmental Risk Assessment to Waste Management Licensing (current version)

Two mobile plant shell kits have currently been developed, one for in-situ and the other for ex-situ remediation processes. Each mobile plant shell licensing kit is intended to stand alone, that is to be used by itself, without recourse to the Library or its supporting guidance unless necessary. Each kit consists of the following:

- Guidance
- Shell Licence conditions template
- Working plan template
- Risk assessment pack
- Shell audit trail

The operating site specific working plan is produced by the licence holder by using the working plan template and the risk assessment pack. The risk assessment pack is used to justify the operating standards in the working plan.

It is important to note that, whilst the shell kits are produced to help both the applicant and the Agency, the applicant is not obliged to make an application using the kit even where this would be appropriate.

Working Plan (Method Statement)

The 'working plan' is the operator's method statement. It will provide details of the mobile plant and any equipment necessary to facilitate the operation of the mobile plant, the treatment process, the waste soil contamination, the treatment standards and the risk management provisions.

The details of the plant, operating site, contamination and aspects of the treatment process will be specific to the remediation project. The working plan will therefore need to be tailored and amended to provide the appropriate details for each remediation project, before the licensed plant can be deployed.

Mobile Plant Deployment

In order to deploy the licensed mobile plant, the operating site specific working plan is required to be agreed with the Agency. It is therefore important that licence holders approach the Agency at the earliest possible opportunity to prevent avoidable delay.

Compliance with Licence Conditions

It is an offence not to comply with the conditions of a waste management licence under section 33(6) of the Environmental Protection Act 1990. A person who commits the above offence shall be liable under Section 33(8)-

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000 or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

When the plant is operating, it may be inspected by Agency Officers, from the local Area Office. The Agency will inspect all aspects of licensed operation with respect to compliance with licence conditions. An

inspection report will be completed on each occasion, a copy of which will be left with the operator. Whenever possible, compliance issues will be brought to the attention of the operator at the time of the inspection.

'Day To Day' Operational Issues.

The operator will contact the Agency office where the remediation is being undertaken to discuss day to day operational issues. This Agency office will liaise closely with the Agency office which issued the licence. If a licence modification is required, the operator must apply to the Agency issuing office.

Is The Output From A Mobile Plant Still Waste ?

This can only be determined on a case by case basis. Reduction in contamination levels alone does not render the waste into a non-waste.⁴ Where the output is still controlled waste then the requirements of waste legislation will continue to apply.

Surrender of Mobile Plant Licences

Unlike a waste management site licence, there is no surrender process or certificate of completion. When the licence is no longer required, the licence holder is required to return it to the issuing authority.

Fees and Charges

It currently costs £3,025⁵ to apply for a mobile plant licence. A subsistence charge of £4,100 per annum is payable whilst the licence is in force. If you wish to change some aspect of the operation that results in a requirement to modify the licence conditions, a modification application will be required, the fee for which is £1,125. If you sell the plant you can apply jointly with the transferee, to transfer the licence. The application fee is £275.

Please note that the 2001/2002 charging scheme for mobile plant is currently under review.

Further Information

For further information please contact your local Environment Agency office. If you are unsure whom to contact, or which is your local office, please call our general enquiry line.

Telephone 0645 333111

Please note: Similar arrangements for mobile plant licensing apply in Scotland. Operators should contact their local SEPA office for guidance. A Mobile Plant licence issued by the Environment Agency or SEPA can be used in England, Wales and Scotland.

⁴ For further guidance on the definition of waste, see Circular 11/94 Environmental Protection Act 1990: Part II Waste Management Licensing: The Framework Directive on Waste produced by the Department of the Environment.

⁵ See Environment Agency Waste Management Licensing (Charges) Scheme 2000 - 2001