

Draft standard rules SR2009No10 Use of mobile plant for treatment of land for land reclamation, restoration or improvement

Introductory note

This introductory note does not form part of these standard rules

When referred to in an environmental permit, these rules will allow the operator to operate mobile plant.

The mobile plant shall be for land treatment activities in England and Wales

- on notified non agricultural land provided that treatment results in benefit

The operator is allowed to use the following technology and associated plant necessary for treatment and associated storage:

- plant for the storage and mixing (not for treatment) of permitted wastes outlined in table 2.2; and
- plant for the spreading of wastes in order to carry out treatment of non agricultural land.

The operator must submit a deployment form to the Environment Agency, prior to the activity commencing.

End of Introductory Note

Rules

1 – Management

1.1 General management

1.1.1 The activities shall be managed and operated:

- (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and closure and those drawn to the attention of the operator as a result of complaints; and
- (b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.

1.1.3 Any persons 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 it kept at or near the place where those duties are carried out.

1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Accident management plan

1.2.1 The operator shall:

- (a) maintain and implement an accident management plan;
- (b) review and record at least every 4 years or as soon as practicable after an accident, (whichever is the earlier) whether changes to the plan should be made;
- (c) make any appropriate changes to the plan identified by a review.

2 – Operations

2.1 Permitted activities

2.1.1 The operator is authorised to carry out the activities specified in table 2.1 below ("the activities").

Table 2.1 activities	
Description of activities	Limits of activities
R13: Storage of wastes pending the operation numbered R10.	Secure storage of waste types listed in table 2.3, at the place where it is to be used for land treatment., No more than 3000 tonnes of waste is stored at any one time. Waste is stored for no more than 12 months.
R10: Land treatment resulting in benefit to agriculture or ecological improvement	Treatment of non-agricultural land resulting in benefit using the types of waste listed in table 2.3 Treatment shall only be in accordance with the notified deployment form. No more than 5000 tonnes of waste shall be spread per hectare.

2.1.2 At least 25 working days in advance of starting each land treatment activity the Agency must be notified using the deployment form LPD1.

2.1.3 The recovery and storage activities shall not begin at any site until the Agency has agreed the activities as specified on the deployment form, LPD1, in writing, for that particular site.

2.1.4 The land treatment activities shall only be carried out in accordance with the requirements of the agreed deployment form submitted to the Agency. For each notification:

- a) No greater than 5 waste types can be notified per deployment
- b) The maximum area of land notified per deployment is 50 hectares

2.1.5 All process plant and equipment shall be commissioned, operated and maintained, and shall be fully documented and recorded, in accordance with the agreed deployment form.

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green in the plan submitted with the agreed deployment form.

2.2.2 The activities shall not be carried out within:

- (a) 10 metres of a watercourse;
- (b) 50 metres of any spring or well, or borehole not used to supply water for domestic or food production purposes;
- (c) 250 metres of any spring or well, or borehole used to supply water for domestic or food production purposes;
- (d) Groundwater Source Protection Zone 1.

2.2.3 The location where the spreading will take place must be specified on the deployment form and must identify if the location is within 500m of a European Site and / or SSSI and / or spreading is within a groundwater Source Protection Zone 2

2.3 Waste acceptance

2.3.1 Waste shall only be accepted if:

- (a) it is of a type and quantity listed in tables 2.1 and 2.3 of these rules; and;
- (b) it conforms to the description in the documentation supplied by the producer and holder.
- (c) The waste quantities specified in the notified deployment form shall not be exceeded.

2.3.2 Appropriate sampling and analysis of the waste must be carried out prior to acceptance at the site.

2.3.3 Records of sampling and analysis must be kept and made available for inspection on request.

2.3.4 An assessment shall be made by a properly qualified person that shows that benefit will be conferred by spreading of the waste. Records must be kept of the assessment and made available for inspection on request.

2.3.5 Any waste spread shall not damage the soil structure or cause the unacceptable build up of potentially toxic elements in the soil.

Table 2.3. Waste types

Waste Code	Description
03	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PANELS AND FURNITURE, PULP, PAPER AND CARBOARD
03 03	wastes from pulp, paper and cardboard production and processing
03 03 05	de-inked paper sludge and de-inked paper pulp from paper recycling
03 03 09	lime mud waste
03 03 10	waste from textile and wood fibres
03 03 11	paper sludge and paper pulp from paper recycling
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 08	gypsum-based construction material
17 08 02	gypsum
19	WASTE FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 05	wastes from the aerobic treatment of waste
19 05 02	liquor from aerobic treatment of source segregated biodegradable waste
19 05 99	compost derived from source segregated biodegradable waste
19 05 99	digestate from aerobic treatment of source segregated biodegradable waste
19 05 99	non source segregated compost
19 06	waste from anaerobic treatment of waste
19 06 99	compost derived from source segregated biodegradable waste
19 06 06	liquor from anaerobic treatment of source segregated biodegradable waste
19 06 04	digestate from anaerobic treatment of source segregated biodegradable waste
19 08	waste from waste water treatment plants
19 08 05	sludges from treatment of urban waste water
19 09	wastes from the preparation of water intended for human consumption or water for industrial use
19 09 02	sludges from water clarification

3 – Emissions and monitoring

3.1 Fugitive emissions of substances

- 3.1.1 Fugitive emissions of substances (excluding odour, noise and vibration) 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 Table 3.1 below and any approved fugitive emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

Table 3.1 Appropriate measures for fugitive emissions

Measures
<ol style="list-style-type: none">1. All wastes shall be stored securely2. All liquid waste shall be stored within a secure container or lagoon.3. No waste is stored within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earth bank tank or lagoon.

- 3.1.2 The operator shall:
- (a) if notified by the Agency that the activities are giving rise to pollution, submit to the Agency for approval within the period specified, a fugitive emissions management plan;
 - (b) implement the approved fugitive emissions management plan, from the date of approval, unless otherwise agreed in writing by the Agency.
- 3.1.3 All liquids, 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.

3.2 Odour

- 3.2.1 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 Agency, unless the operator has used appropriate measures, including, but not limited to those specified in Table 3.2 below and any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.

Table 3.2 Appropriate measures for fugitive emissions

Measures
<ol style="list-style-type: none">1. Odorous wastes shall not be stored within 250m of any residential property or workplace.

- 3.2.2 The operator shall:
- (a) maintain and implement an odour management plan;
 - (b) if notified by the Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Agency for approval within the specified period, a revised odour management plan;
 - (c) implement any approved revised odour management plan from the date of approval, unless otherwise agreed in writing by the Agency.

3.3 Noise and vibration

- 3.3.1 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 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.

3.3.2 The operator shall:

- (a) if notified by the Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Agency for approval within the period specified, a noise and vibration management plan;
- (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Agency.

4 – Information

4.1 Records

4.1.1 All records required to be made by these standard rules shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
- (d) be retained, unless otherwise agreed by the 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:
 - (i) off-site environmental effects; and
 - (ii) matters which affect the condition of land and groundwater

4.1.2 All records, plans and the management system required to be maintained by these standard rules shall be held on the site, where practicable, or other location agreed in writing and controlled by the operator.

4.1.3 The operator shall maintain the following records in relation to any spreading activity notified under the deployment form including records of quantity and description of waste, application rate spread to notified land, date of application to land, plan of locations, benefit statement (Agricultural Benefit/Ecological Improvement), soil analysis and waste analysis.

4.2 Reporting

4.2.1 All reports and notifications required by these standard rules shall be sent to the Agency using the contact details supplied in writing by the Agency.

4.2.2 Within one month of the end of each quarter, the operator shall submit to the Agency using the form made available for the purpose, the information specified on the form relating to each site and the waste spread during the previous quarter.

4.3 Notifications

4.3.1 The Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in these standard rules and the notified deployment form; or
- (c) any significant adverse environmental effects.

4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.

- 4.3.3 The Agency shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:
- a) 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.
 - b) 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.
 - c) In any other case:
 - the death of any of the named operators (where the operator consists of more than one named individual); 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 them being in a partnership, dissolving the partnership.

4.4 Interpretation

4.4.1 In these standard rules the expressions listed below shall have the meaning given.

4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"accident" means an accident that may result in pollution.

"agricultural land" has the meaning given by section 109 of the Agriculture Act 1947 and includes land for the production of timber and non-food agricultural crops.

"authorised officer" means any person authorised by the 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.

"deployment form" means the Environment Agency form (LPD1) that requires site specific information and control measures to be provided and agreed prior to the use of any mobile plant.

"emissions to land", include emissions to groundwater.

"European Site" means candidate or Special Area of Conservation (cSAC or SAC) and proposed or Special Protection Area (pSPA or SPA) in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna under The Conservation (Natural Habitats & c.) Regulations 1994. Internationally designated Ramsar sites are dealt with in the same way as European Sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

"fugitive emission" means an emission to air, water or land from the activities from a localised or diffuse source which is not controlled by an emission limit.

"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.

"pollution" means emissions as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) 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 IIB to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste.

"secure storage" means storage where waste cannot escape and members of the public do not have access to it

“*site*” means the location where waste storage and land treatment activities can take place.

“*SSSI*” means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

“*waste code*” means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

“*year*” means calendar year commencing on 1st January.

End of standard rules