

Waste & Material Reuse: Myth Busting and Pitfall Avoidance



A subtle guide to site regulation, pitfalls, and how not to mess it up

Mark Adams *BA (Hons), Adv Dip, PER* - Environment Officer

Metals Sector Lead South Yorkshire

Site Background & History

- The site is a former manufacturing and chemical works which closed in 2004 leaving ground contamination and a history of odour
- The operators proposed to excavate contaminated soils from the ground, treat them, and replace them when remediated. Anything not fit for re-use would be removed from the site
- The project was that the Operator would contain all activities in designated areas of the site, with the aim to facilitate future redevelopment. Windrow remediation proposed
- The site was granted planning permission for the remediation and redevelopment of the site (two consents). The site was a large site flanked by a river to the south-west, with residential dwellings and farms to the North and East, and industrial premises to the south and west
- There had been historical odour emanating from the site since its formal closure in 2004
- Lengthy discussions between Local Authority Planners, Environmental Health Officers, Public Health England, the Developer and Operator, and Environment Agency Permitting and Area Officers took place prior to approval of any application.
- In January 2017 the Environment Agency granted a Mobile Plant Deployment to remediate the site. The Operator was permitted to treat contaminated soils which were to be excavated from the site. This included Air Quality assessments and reporting

...Mobile Plant (Deployment)

- The Deployment consent is read in conjunction with an overall Environmental Permit issued to the Operator. A number of submissions for the Deployment were submitted prior to final approval.
- The Deployment in effect acts as an addendum to the overall management systems approved under the over-arching permit.
- The Operator was keen to commence excavations and treatment on site given time limited funding for some of the operations
- This 'time limit' for the use of funding pressured the Deployment issue, and the speed of commencement
- The Environment Agency was to regulate against both the issued Deployment forms and associated submissions, and the over-arching permit.
- Almost immediately after commencement of operations there was a surge in complaints to the Environment Agency and Local Authority regarding increased odour. Following these reports we have advised the operator to adhere to, and review, their odour management plan.

Commencement of Operations (and Issues)

- Activities on site were initially restricted to building/structure demolition and concrete removal
- Investigating activities, it was clear that the Operator had worked outside of their approved deployment, and have removed large areas of concrete, exposing large areas of contaminated land to the elements including several 'hot-spots'
- This also increased the ability of rainwater to percolate through the surface, leaching out additional contamination, causing large pools of contaminated water to build up. This, combined with large exposed areas was the root cause of increased odour (lunchbox effect)
- An immediate review of the submissions was conducted alongside site inspections, where several concerns were identified
- Operations continued, and proactive and reactive odour monitoring was undertaken by both the Operator, EHO's and EA Officers
- MP and Local Authority Councillor involvement further amplified fears of potential harm to human health from the odour, and with increased Social Media scrutiny. The EA and the Operator issued communications to residents explaining the operations, seeking to manage expectations of the public. Complaints continued to be received

Issues Experienced and Resolution

- By Early March 2017 the operations were under intense scrutiny. The EA lacked confidence from and reassurance of the responses and solutions to the issues from the Operator
- The EA considered other actual and potential breaches of both the Deployment and the overarching permit
- Operator encouraged to stay on top of water management. Sheeting stockpiles of material on site and large areas of land to suppress odour. Odour mitigation sprays ineffective
- Confidence in the Air Quality monitoring data and the speed of obtaining monitoring results was of concern. Additional Data was requested, and queries of the acceptability of on and off site monitoring equipment was raised.
- EA Officers worked closely with EHO's and PHE to assess data received, and considered that additional work and investigation was required.
- Enforcement options considered were the removal of the Deployment, or suspension of the permit (however there would be implications on other operations with the latter). Effectively the Breaches were considered serious Management System Breaches
- An informal suspension was agreed pending further site investigation, odour and Air Quality Monitoring, and revised supplementary documents

Issues Experienced and Resolution

- Unless satisfactory details and monitoring and Air Quality results were received, the EA would not give the go ahead for recommencement of operations.
- There was a query over the quality of data and interpretation. Independent Air Quality consultants and odour specialists were encouraged.
- A greater understanding of the local knowledge of the odour behaviour and local land topography was recommended
- Operator was encouraged to explore more specialist monitoring equipment to gather data
- Equipment used when operations were recommenced briefly in June 2017 was faulty, however further reporting indicated that risk to human health was not an issue
- Decision made to allow only treatment of already excavated material in windrows when sufficient detailed information submitted
- Deployment downtime extrapolated forward to cover interim period. Full Bespoke permit requested for remaining remediation

EO Perspective...

- Not to be pressured into issuing decision
- Recommend independent consultants
- Conflicts in Planning Permissions cause problems
- Better use of Communications by all parties
- Manage expectations (Social Media, positive (and negative) publicity and resolutions)
- Expect the worst
- Despite best intentions, problems will occur
- Encourage proactivity on behalf of Operators and Consultants
- Not everyone will approve (omelettes and eggs)
- Prefer full Bespoke Permits rather than Deployments
- Pre-App, Pre-App, Pre-App
- What's Next?

