

Standard rules

Chapter 4, The Environmental Permitting
(England and Wales) Regulations 2016



Standard rules SR2010No11

Mobile plant for the treatment of waste to produce soil, soil substitutes and aggregate

Introductory note

This introductory note does not form part of these standard rules.

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

These standard rules may be used to treat waste at the place where it is produced or at the place where the waste is to be used. This allows its use on temporary sites of construction or demolition in England and Wales to produce soil, soil substitutes or aggregate from specified wastes produced on the site or from specified wastes brought to the site for use on that site after treatment.

The operator is permitted to use the following technology and associated plant necessary for treatment and associated storage.

Plant for the treatment of wastes listed in table 2.2 using mobile plant consisting only of sorting, separation, screening, crushing and blending of waste for recovery as a soil, soil substitute or aggregate.

These standard rules limit the quantity of waste to be treated by the plant under any one deployment to 75,000 tonnes.

The permitted activities shall not be within:

- 10 metres of any watercourse;
- 50 metres of any spring or well, or any borehole not used to supply water for domestic or food production purposes; and
- 50m of any well spring or borehole used for the supply of water for human consumption. This must include private water supplies.

The operator shall submit a deployment form to Natural Resources Wales prior to the activity commencing.

These standard rules do not allow any point source emissions into surface waters or groundwaters.

End of Introductory Note

Rules

1 – Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.
- 1.1.3 Any person 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 them 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 Avoidance, recovery and disposal of wastes produced by the activities

- 1.2.1 The operator shall take appropriate measures to ensure that:
- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
 - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
- 1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 – Operations

2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the operations specified in table 2.1 below (“the activities”).

Table 2.1 Activities	
Description of activities	Limits of activities
<p>R13: Storage of wastes pending the operations numbered R3 and R5</p> <p>R3: Recycling or reclamation of organic substances which are not used as solvents;</p> <p>R5: Recycling or reclamation of other inorganic materials</p>	<p>Treatment of wastes listed in table 2.2 using mobile plant consisting only of sorting, separation, screening, crushing and blending of waste for recovery as a soil, soil substitute or aggregate.</p> <p>Treatment shall be at the place where the waste is produced or the treated waste is to be used.</p> <p>Secure storage of wastes listed in table 2.2.</p> <p>Storage under these standard rules shall only be in association with the treatment taking place as notified in the deployment form.</p> <p>No more than 5,000 tonnes of imported wastes shall be stored on site at any one time and shall be stored for no longer than 6 months prior to use on the site.</p> <p>No more than 75,000 tonnes of waste shall be treated under any one deployment under these standard rules.</p>

- 2.1.2 At least 25 working days in advance of starting each treatment activity Natural Resources Wales shall be notified using the deployment form MPD1.
- 2.1.3 The activities shall not begin at any site until Natural Resources Wales has agreed a deployment form in writing, for that particular site.
- 2.1.4 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.
- 2.1.5 Records demonstrating compliance with rules 2.1.2, 2.1.3 and 2.1.4 shall be maintained.
- 2.1.6 The activities shall not be carried out within:
- (a) 10 metres of any watercourse;
 - (b) 50 metres of any spring or well, or any borehole not used to supply water for domestic or food production purposes; and
 - (c) 50 metres of any well, spring or borehole used for the supply of water for human consumption. This must include private water supplies.

2.2 Waste acceptance

- 2.2.1 Waste shall only be accepted if:
- (a) it is of a type listed in table 2.2 of these standard rules;
 - (b) it conforms to the description in the documentation supplied by the producer and holder;
 - (c) its chemical, physical and biological characteristics make it suitable for its intended treatment;
 - (d) any excavated soil from potentially contaminated sites has been shown by prior chemical analysis and assessment to be suitable for the intended use without significant risk of pollution; and

- (e) it is visually inspected on arrival and before it enters the treatment process to ensure that it complies with these standard rules.

2.2.2. Any waste that does not comply with 2.2.1 shall be rejected and shall be;

- (a) removed from the site; or
 (b) moved to a designated quarantine area pending removal.

2.2.3 Records demonstrating compliance with rule 2.2 (including analysis and assessment of any excavated soil from potentially contaminated sites) shall be maintained.

Table 2.2 Waste types	
Exclusions	
Wastes having any of the following characteristics shall not be accepted:	
<ul style="list-style-type: none"> • Consisting solely or mainly of dusts, powders or loose fibres • Hazardous wastes • Wastes in liquid form 	
Waste Code	Description
01	WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
02 02	waste from preparation and processing of meat, fish and other foods of animal origin
02 02 02	shellfish shells from which the soft tissue or flesh has been removed only
03	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PANELS AND FURNITURE, PULP, PAPER AND CARDBOARD
03 01	wastes from wood processing and the production of panels and furniture
03 01 01	waste bark and cork
03 03	wastes from pulp, paper and cardboard production and processing
03 03 01	waste bark and wood
10	WASTES FROM THERMAL PROCESSES
10 01	waste from power stations and other combustion plants
10 01 01	bottom ash and slag only
10 01 02	pulverised fuel ash only
10 01 05	gypsum (solid) only
10 01 07	gypsum (sludge) only
10 01 15	bottom ash and slag only from co-incineration other than those mentioned in 10 01 14
10 12	wastes from manufacture of ceramic goods, brick, tiles and construction products
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13	wastes from manufacture of cement, lime and plaster products and articles and products made from them
10 13 14	waste concrete only
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 01	concrete, bricks, tiles and ceramics
17 01 01	concrete
17 01 02	bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 02	wood, glass and plastic

17 02 01	wood
17 02 02	glass
17 03	bituminous mixtures, coal tar and tarred products
17 03 02	road base and road planings only (other than those containing coal tar) only
17 05	soil (including excavated soil from contaminated sites) stones and dredging spoil
17 05 04	soil and stones other than those mentioned in 17 05 03
17 05 06	dredging spoil other than those mentioned in 17 05 05
17 05 08	track ballast other than those mentioned in 17 05 07
17 08	gypsum based construction material
17 08 02	gypsum based construction materials other than those mentioned in 17 08 01
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION / INDUSTRIAL WASTE
19 05	wastes from aerobic treatment of solid waste
19 05 03	compost from source segregated biodegradable waste only
19 08	wastes from waste water treatment plants not otherwise specified
19 08 02	washed sewage grit (waste from de-sanding) free from sewage contamination only
19 08 99	stone filter media if free from sewage contamination only
19 09	wastes from the preparation of water intended for human consumption or water for industrial use
19 09 02	sludges from water clarification
19 12	wastes from the mechanical treatment of wastes
19 12 05	clean crushed glass only
19 12 09	minerals (for example sand, stones)
19 13	wastes from soil and groundwater remediation
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 02	garden and park wastes
20 02 02	soil and stones

2.2 Operating techniques

2.2.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques

1. When located within groundwater Source Protection Zone 1 or 2 all permitted wastes shall be stored and treated on an impermeable surface with a sealed drainage system, unless the risk assessment submitted with the deployment form demonstrates that the risk can be controlled using alternative measures.
2. When located outside groundwater Source Protection Zones 1 or 2 all permitted wastes shall be stored and treated on hard-standing or on an impermeable surface with sealed drainage system unless the risk assessment submitted with the deployment form demonstrates that the risk can be controlled using alternative measures.

3 – Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

- 3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.1.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the period specified, an emissions management plan;
 - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.
- 3.1.3 All liquids in containers, 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 Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.
- 3.2.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to odour, submit to Natural Resources Wales for approval within the period specified, an odour management plan;
 - (b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

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 Natural Resources Wales, 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 Natural Resources Wales that the activities are giving rise to pollution outside the site due to noise and vibration, submit to Natural Resources Wales 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 Natural Resources Wales.

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 Natural Resources Wales, for at least 6 years from the date when the records were made.
- 4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by Natural Resources Wales

4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by these standard rules to Natural Resources Wales using the contact details supplied in writing by Natural Resources Wales.
- 4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

- 4.3.1 Natural Resources Wales shall be notified without delay following the detection of:
- (a) any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
 - (b) the breach of a limit specified in these standard rules; 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 Where Natural Resources Wales has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform Natural Resources Wales when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to Natural Resources Wales at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 Natural Resources Wales 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);
- any change in the operator's name(s) or address(es); 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.

4.3.5 The operator shall notify Natural Resources Wales at least 7 days prior to commencement of agreed deployment.

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.

"Annex II" means Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

"authorised officer" means any person authorised by Natural Resources Wales 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 Natural Resources Wales form (MDF1) that requires site specific information and control measures to be provided and agreed prior to the use of any mobile plant.

"domestic purposes" has the same meaning as in section 218 of the Water Industry Act 1991.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, either from emission points specified in these standard rules or from other localised or diffuse sources, which are not controlled by an emission limit.

"food production purposes" means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition "food production purposes" means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises.

"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.

"groundwater Source Protection Zone" has the meaning given in the document titled "Groundwater Protection: Policy and Practice" published by the Environment Agency in 2006.

"hardstanding" is a compacted solid surface capable of withstanding the operation and the loading / unloading of wastes.

"impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface, and should be read in conjunction with the term "sealed drainage system" (below).

“Natural Resources Wales” means the Natural Resources Body for Wales established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. The Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

“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 II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“sealed drainage system” in relation to an impermeable surface, means a drainage system with impermeable components which does not leak and which will ensure that:

- (a) no liquid will run off the surface otherwise than via the system;
- (b) except where they may lawfully be discharged to foul sewer, all liquids entering the system are collected in a sealed sump.

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

“site” means the place where mobile plant is deployed as detailed in the agreed deployment form(s).

“waste code” means the six digit code referable to a type of waste in accordance with the list of wastes established by Commission Decision 2000/532/EC as amended from time to time (the ‘List of Wastes Decision’) and in relation to hazardous waste, includes the asterisk.

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

End of standard rules