

Standard rules

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



Standard rules SR2008No27 – mobile plant for the treatment of soils and contaminated material, substances or products

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 the treatment of soils and the treatment of contaminated material, substances or products, for the purpose of remedial action with respect to land or controlled waters.

The operator is allowed to use the following technology and associated plant necessary to facilitate the treatment or remedial action, including the use of that technology and plant in combination with others listed:

- Air sparging
- Bioremediation – insitu and exsitu (windrows, biopiles, in-vessel bioreactors)
- Biosparging
- Bioventing
- Chemical Treatment (including oxidation, dehalogenation)
- Ex-situ treatment of pumped groundwater (chemical treatment, biological treatment, air stripping, filtration, carbon adsorption)
- Soil Vapour Extraction (including dual phase SVE)
- Soil Flushing (including steam injection)
- Soil Washing
- Solidification
- Stabilisation
- Thermal treatment (including thermal desorption and steam injection), and
- Treatment plant for blending, mixing, bulking, screening, shredding, particle size reduction and / or particle separation in order to facilitate remedial action.

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 activities specified in table 2.1 below ("the activities").
- 2.1.2 Treatment activities under these rules shall not begin at any site until Natural Resources Wales has agreed a deployment form in writing for that particular site.
- 2.1.3 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.

Table 2.1 activities	
Description of activities	Limits of activities
<p>R13: Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p> <p>R3: Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R4: Recycling/reclamation of metals and metal compounds</p> <p>R5: Recycling/reclamation of other inorganic materials</p>	<p>Storage and treatment for recovery consisting only of use of the following technology and associated plant including the use of that technology and plant in combination with others listed:</p> <ul style="list-style-type: none"> ▪ Air sparging ▪ Bioremediation – insitu and exsitu (windrows, biopiles, in-vessel bioreactors) ▪ Biosparging ▪ Bioventing ▪ Chemical Treatment (including oxidation, dehalogenation) ▪ Ex-situ treatment of pumped groundwater (chemical treatment, biological treatment, air stripping, filtration, carbon adsorption) ▪ Soil Vapour Extraction (including dual phase SVE) ▪ Soil Flushing (including steam injection) ▪ Soil Washing ▪ Solidification ▪ Stabilisation ▪ Thermal treatment (including thermal desorption and steam injection), and ▪ Treatment plant for blending, mixing, bulking, screening, shredding, particle size reduction and / or particle separation in order to facilitate remedial action.

2.2 Waste acceptance

- 2.2.1 The total quantity of waste soils and contaminated material, substances or products treated at any site shall not exceed that stated in the agreed deployment form for that particular site.
- 2.2.2 Only those waste soils and contaminated materials, substances or products types listed in the agreed deployment form can be stored and treated under these standard rules.

2.3 Operating techniques

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

Table 2.3 Operating techniques	
1.	Unless otherwise stated in the agreed deployment form, waste soils and contaminated materials, substances or products shall be kept and treated on an impermeable surface with sealed drainage system.
2.	Inert wastes shall be kept and treated on hard standing or on an impermeable surface with sealed drainage system.

2.4 Hazardous waste storage and treatment

- 2.4.1 Hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials, unless it is authorised by table 2.1 and appropriate measures are taken.

3 – Emissions and monitoring

3.1 Emissions to air, water or land

- 3.1.1 There shall be no point source emissions to air, water or land, except from the sources listed in the agreed deployment form.
- 3.1.2 The limits given in the agreed deployment form shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

- 3.2.1 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.
- 3.2.2 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.
- 3.2.3 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.

3.3 Odour

- 3.3.1 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.
- 3.3.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to 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.

3.4 Noise and vibration

- 3.4.1 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.
- 3.4.2 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.

3.5 Monitoring

- 3.5.1 The operator shall undertake monitoring for the parameters, at the locations and not less than the frequencies specified in the agreed deployment form.
- 3.5.2 The operator shall maintain records of all monitoring required by these standard rules including records of the taking and analysis of samples, instrument measurements (periodic and continual), calibrations, examinations, tests and surveys and any assessment or evaluation made on the basis of such data.

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 each 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 and the agreed 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 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.

"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.

"contaminated material, substances or products" means contaminated material, substances or products for the purpose of remedial action with respect to land and controlled waters.

"deployment form" means Natural Resources Wales form that requires site specific information and control measures to be provided and agreed prior to the use of any mobile plant at a site.

"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.

"emissions to land", include emissions to groundwater.

"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.

“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.

“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, all liquids entering the system are collected in a sealed sump.

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

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

End of standard rules