



ENVIRONMENT
AGENCY

ENVIRONMENTAL PROTECTION ACT 1990.
TREATMENT SITE LICENCE.

LICENCE REF No :- 43465

FACILITY TYPE :- TREATMENT

The Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990, hereby grant a waste management licence authorising the treatment of controlled waste on the land specified in schedule 1 to this licence to J. E. Churchill (Plant) Ltd., 201, Dyke Road, Hove, East Sussex BN3 1TL Company Reg.No:860123 being in occupation of the said land, the said licence being subject to the conditions specified in schedule 2 to this licence.

In this licence the words and expressions contained in schedule 3 shall have the meaning assigned to them therein.

SCHEDULE 1 - SPECIFIED LAND.

The licence relates to the land at Pit Bottom, Winterton Road, Scunthorpe, N. Lincolnshire Grid Ref: SE902 123 (hereinafter called "the site") shown edged red on Drawing Reference Number: 98104/102D, dated June 1999, and attached to this licence.

Signed *Suzanne Davies*
(Environment Planning Manager)

Name *Suzanne Davies*

Dated *26 May 2000*

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED IN THE NOTES AT THE END OF THIS LICENCE.

Environment Agency, Trentside Offices, Scarrington Road, West Bridgford, Nottingham. NG2 5FA



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Working Plan including Planning Permission : North Lincs 96/1714

Schedule 2 – CONDITIONS

1: General Considerations

1.1: SPECIFIED WASTE MANAGEMENT OPERATIONS

1.1.1 No waste management operations shall be authorised by this licence unless specified in and undertaken in accordance with section 1.6 of the working plan and in accordance with the limitations in the following table:

Specified Waste Management Operation	Permitted Waste Types which shall be subject to the Specified Operation	Limits on Specified Waste Management Operations
Storage	Inert	Storage max: 150 tonnes External/ Internal storage
	Scrap Metal	Storage max: 200 tonnes External/ Internal storage
	Asbestos	Storage max: 10 tonnes Internal storage only on bunded impermeable pavement
	Degradable Household/Commercial/Industrial	Storage max: 50 tonnes Internal storage only on bunded impermeable pavement
Sorting/ Bulking	Inert	Internal/ External
	Scrap Metal	Internal/ External
	Degradable Household/Commercial/Industrial	Internal only on bunded impermeable pavement
Screening	Inert	Internal/ External
	Scrap Metal	Internal/ External
	Degradable Household / Commercial/ Industrial	Internal only on bunded impermeable pavement
Crushing	Inert	Internal/ External
	Scrap Metal	Internal/ External

Exempt Waste Management Activities

1.1.2 Where wastes are being brought onto the site for waste management activities which are exempt from licensing under the Waste Management Licensing Regulations 1994 or any statutory provisions amending or replacing them, then those wastes shall be kept clearly segregated and identified from wastes which are being kept on the site for the specified waste management operations under these licence conditions.

1.2: PERMITTED WASTE TYPES AND QUANTITIES:

Permitted Categories and Types of Wastes

1.2.1 No wastes other than those which are both categorised below in Table 1.2 and specified in detail in section 4.2 of the working plan shall be accepted at the site.

Permitted Quantities of Wastes

1.2.2 The quantities of wastes accepted shall not exceed those listed in Table 1.2 and specified in detail in section 4.2 of the working plan.

Table 1.2:

Permitted Waste Categories	Maximum Permitted Quantities (tonnes/year)
Inert wastes	45,000
Scrap Metal	600
Special Wastes-Asbestos only	10
Degradable Household Wastes Degradable Commercial Wastes Degradable Industrial Wastes	25,000
Other wastes:	Not Permitted

Exclusion of Wastes With Other Specified Characteristics

1.2.3 Notwithstanding the specification of permitted waste types under conditions 1.2.1 and 1.2.2 above, wastes shall not be accepted at the site which have any of the following characteristics:

Waste Characteristic	Type
<i>Form and Type:</i>	<i>Powders Sludges Liquids Wet wastes Consisting of or containing List I substances Consisting of or containing List II substances</i>
<i>Properties:</i>	<i>Dust producing</i>

1.3: HOURS OF OPERATION

1.3.1 The specified waste management operations authorised by this licence shall only be carried out within the times specified in section 4 of the working plan.

1.4: STAFFING AND UNDERSTANDING OF REQUIREMENTS OF LICENCE CONDITIONS AND WORKING PLAN

Minimum Staffing And Supervision

1.4.1 Whenever the site is open to receive waste it shall be supervised in accordance with section 4.3 of the working plan by at least two members of staff who are fully conversant with the requirements of the licence and the working plan regarding:

1. waste acceptance and control procedures;
2. operational controls and environmental monitoring;
3. maintenance;
4. record-keeping;
5. emergency action plans;
6. notifications to the Agency.

Availability Of Licence And Working Plan

1.4.2 A copy of this licence and the working plan shall be kept available on site for reference when required by all site staff carrying out work under the requirements of the licence.

Understanding Of Licence And Working Plan

1.4.3 All site staff shall be, or shall work under the direct supervision of a member of staff who is, fully conversant with those aspects of the licence conditions and working plan which are relevant to their specific duties.

1.5: CHANGES IN TECHNICALLY COMPETENT PERSONS

- 1.5.1 Any changes in the technically competent management of the site and the name of any incoming person together with evidence that such person has the required technical competence shall be submitted to the Agency in writing within 5 working days of the change in management.

1.6: RELEVANT CONVICTIONS

Notification of Relevant Convictions

- 1.6.1 In the event of the Licence Holder and/or any relevant person being convicted of any relevant offence (as defined in Regulation 3 of the Waste Management Licensing Regulations 1994 or any amendment to the aforementioned Regulation) and which is in addition to any already notified to the Agency, then full details shall be provided to the Agency within 14 days of conviction, whether or not the conviction is subsequently appealed. Such details shall include, in respect of each relevant person (as defined in section 74(7) of the Environmental Protection Act 1990 or any subsequent amendments to that section), the nature of the offence, the place and date of conviction, any sentence, and any fine or other penalty imposed.

Notifications of Appeals Against Convictions

- 1.6.2 In the event that the Licence Holder lodges an appeal against any such conviction, the Licence Holder shall notify the Agency of this within 14 days of the lodging. The Licence Holder shall notify the Agency of the results of that appeal, within 14 days of the appeal being decided.

1.7: MAINTENANCE OF FINANCIAL PROVISION

- 1.7.1 The financial provision for meeting the obligations under this Licence set out in the Agreement made between the Licence Holder and the agency dated Friday 26th May 2000 shall be maintained by the Licence Holder throughout the subsistence of this Licence and the Licence Holder shall produce evidence of such provision whenever required by the Agency.

1.8: AMENDMENTS TO WORKING PLAN AND SUPPORTING INFORMATION

Amendments To Working Plan Requiring Prior Consent from the Agency

1.8.1 The Licence Holder shall give the Agency prior notice in writing of any proposed change to those sections of the working plan which are specified in Table 1.8A below, and to any appendices, drawings and figures which are referenced from those sections.

Table 1.8A:

Number and Heading of Working Plan Sections and Appendices	Sections, Subsections and Appendices requiring Prior Consent for Amendments
1 – general Considerations	1.1, 1.2, 1.5, 1.6, 1.7,
2 – Site Infrastructure	All Sections
3 – Site Engineering	All Sections
4 – Site Operations	All Sections
5 – Environmental Control & Monitoring	All Sections
6 – Site Records	All Sections
Risk Assessment	All sections
Drawings: 98104/103B, 98104/104C, 98104/102D, 98104/SK01	All drawings

- 1.8.2 The notice shall be accompanied by a copy of the proposed changes, and by a written assessment of the effect that implementing the proposed change to the working plan would have on the risk posed by the site to human health and the environment.
- 1.8.3 The Licence Holder shall provide up to 6 additional copies of the proposed change and supporting risk assessment to the Agency, when required by the Agency in writing.
- 1.8.4 The proposed change to the working plan shall not be implemented unless the Agency has given its written consent to it. Following consent, the Licence Holder shall give the Agency prior written notification of the implementation date of the change, and from that date the changed section shall be deemed to be incorporated in the working plan in replacement of the previous version of that section.
- 1.8.5 Except where it is specified under the other conditions of this licence that the amendment of specified sections of the working plan requires the prior consent of the Agency, the Licence Holder shall give the Agency prior written notice of any change to the working plan.
- 1.8.6 The notice shall be accompanied by a copy of the specified changes.
- 1.8.7 The Licence Holder shall provide up to 6 additional copies of the proposed change to the Agency, when required by the Agency in writing.
- 1.8.8 Such changes to the working plan shall be deemed to be incorporated in the working plan and implemented on the date specified to the Agency in the amendment notification.

1.9: NOTIFICATION OF CHANGE OF OPERATOR'S OR HOLDER'S DETAILS

1.9.1 The following information shall be notified in writing within 5 working days to the Agency:

- a) where the Licence Holder is an individual or named individuals in a partnership:
 - i) the death of the Licence Holder;
 - ii) any steps taken with a view to the Licence Holder going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of a partnership, dissolving the partnership;
 - iii) any change in the operator's trading name, registered name or registered office address (if different from the Licence Holder);
- b) where the Licence Holder is a registered company:
 - i) any change in the Licence Holder's trading name, registered name or registered office address;
 - ii) any steps taken with a view to the Licence Holder going into administration, entering into a company voluntary arrangement or being wound up;
 - iii) any change in the operator's trading name, registered name or registered office address (if different from the Licence Holder).

1.10: NOTIFICATION OF PREPARATORY WORKS

1.10.1 No preparatory works shall be undertaken unless at least 7 days notice in writing have been given to the Agency of the intention to do so. The notification shall include details of what work is being done and when.

1.11: NOTIFICATION OF COMMENCEMENT, CESSATION AND RECOMMENCEMENT OF WASTE HANDLING OPERATIONS

Commencement of Waste Management Operations

1.11.1 No specified waste management operation shall be carried out until at least 7 days notice in writing has been given to the Agency of the intention to commence carrying out the specified waste management operation.

Cessation and Recommencement of Waste Management Operations

1.11.2 In the event that the site ceases all waste management operations either permanently or for longer than one month then no later than 5 working days following the cessation of waste management activities the Licence Holder shall inform the Agency in writing of the date of cessation and the planned date of recommencement. In the event that the site recommences waste management operations sooner than the notified date then the Licence Holder shall give the Agency at least 5 working days notice in writing.

1.12: NOTIFICATIONS AND SUBMISSIONS TO AGENCY

1.12.1 Except where otherwise specified, all notifications and submissions to the Agency under the requirements of these licence conditions:

- a) shall be made in writing to the address specified by the Agency in writing at the time of issue of this licence, or as subsequently specified by written notification to the Licence Holder;
- b) shall quote the licence reference number and the name of the Licence Holder.

2: Site Engineering For Pollution Prevention and Control

2.1: ENGINEERED SITE CONTAINMENT AND DRAINAGE SYSTEMS

Provision and Maintenance of Site Containment and Drainage Systems

- 2.1.1 No waste shall be deposited or handled in any area of the site from the date of issue of this licence until the engineered site containment and drainage system for that area has been constructed and completed in accordance with this condition and section 3 of the working plan and the following documents; 98104/104C, 98104/102D and 98104/103B.
- 2.1.2 The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and to meet the standards specified in section 3 of the working plan.

Construction Quality Assurance of New Site Containment and Drainage Systems

- 2.1.3 No wastes shall be deposited or handled in any area or in any fixed tank for which an engineered site containment and drainage system has been newly constructed to meet the requirements of this condition unless:
- a) details of the identities, relevant experience and relevant qualifications of the personnel who will be providing Quality Assurance of the engineered site containment and drainage systems have been submitted in writing to the Agency and acknowledged in writing by the Agency;
 - b) the engineered site containment and drainage system has been constructed in accordance with section 3 of the working plan and the other requirements of this condition;
 - c) the Validation Report on the construction of the engineered site containment and drainage system has been submitted in writing to the Agency and has been acknowledged in writing by the Agency.

2.2: SURFACE PREPARATION – UNENGINEERED SITES

- 2.2.1 No waste shall be received on the site until all materials with significant organic content (greater than 5% w/w), including surface vegetation and surface soil, which may have the potential to generate landfill gas or leachate have been stripped from the surface in the areas where waste is to be deposited.

2.3: REMOVAL OF RESIDUAL WASTES FROM SITE

- 2.3.1 In the event that the permitted waste management operations on the site cease and the Agency has reasonable grounds to believe that they will not be resumed, all wastes remaining on the site shall be removed by the date specified in writing by the Agency.

3: Site Infrastructure

3.1: PROVISION OF SITE IDENTIFICATION BOARD

- 3.1.1 No wastes shall be received at the site unless an identification board has been provided at or near the site entrance.
- 3.1.2 The identification board shall be inspected once each working day. In the event of damage or defect, the board shall be repaired or replaced within 7 working days.
- 3.1.3 The board shall be easily readable from outside the site entrance in daylight hours, and shall display the following information:

Specify necessary information on the basis of the following list:

Site name and address;

Licence Holder name (company name, not individual name unless justified as necessary);

Operator name (company name, not individual name unless justified as necessary);

Licence number;

Emergency contact name and telephone number (for security reasons, personal names and home phone numbers should not be used except where no alternative is practicable);

Agency national numbers: 0845 9333111 and 0800 807060; unless otherwise informed in writing by the Agency

Days and hours site is open to receive waste.

The location of the noticeboard should be such that it is clear that it does not designate areas outside the licensed site and does not encourage illegal tipping.

3.2: SITE SECURITY

Site security systems shall be provided and maintained at all times during the subsistence of this licence, to prevent access by humans and livestock which is not authorised either by the Licence Holder or under legal powers of entry. These shall be installed, operated and maintained, and shall be fully documented and recorded, in accordance with section 2 of the working plan.

4: Site Operations

4.1: CONTROL OF MUD AND DEBRIS

Prevention of Mud and Debris on Road

- 4.1.1 Whenever the site is receiving or despatching wastes, measures shall be provided, operated and maintained in accordance with section 4 of the working plan.
- 4.1.2 All vehicles leaving operational areas of the site shall be cleaned using the specified equipment and checked to ensure the security of the loads.

Remediation of Mud and Debris on Road

- 4.1.3 In the event that mud or debris arising from the site is deposited onto public areas outside the site, remedial measures shall be implemented immediately, in accordance with section 4 of the working plan

4.2: POTENTIALLY POLLUTING LEAKS AND SPILLAGES OF WASTE

Potentially Polluting Leaks And Spillages From Vehicles, Plant And Equipment

- 4.2.1 All vehicles used on the site which are under the operator's control, and all plant and all equipment used on the site in connection with waste management operations, shall be operated and maintained so as to prevent potentially polluting leaks and spillages of wastes.

Potentially Polluting Leaks And Spillages From Fixed Tanks

- 4.2.2 Each tank used to hold wastes which consist of or contain potentially polluting liquids, sludges or powders, shall be:
 - a) loaded and unloaded in accordance with specified filling and emptying procedures;
 - b) clearly and unambiguously labelled regarding its contents;
 - c) provided with means for measuring the quantity of material and the void space in the tank, which shall be maintained and calibrated as specified;
 - d) monitored for quantity of material and void space and the monitoring measurements recorded;
 - e) inspected and maintained according to the specified maintenance schedules and procedures, which shall be fully documented and recorded;
 - f) in the event of damage or deterioration to a tank that is, or is likely to cause, a leak, that tank shall be repaired immediately;

and these actions shall be carried out in accordance with section 3 of the working plan.

Control and Remediation of Leaks and Spillages

- 4.2.3 In the event of any potentially polluting leak or spillage occurring on site documented control and remediation procedures shall be implemented immediately in accordance with section 4 of the working plan. The details of any remediation procedures shall be recorded in the facility logbook. A record shall be kept of the clearance and correct disposal of any leaks and spillages materials.

Leak and Spillage Action Plan

- 4.2.4 In the event of any leak or spillage which may compromise the effectiveness of the pollution control regime and which either is leading or may imminently lead to pollution of the environment, harm to human health or serious detriment of the amenities of the locality, a Leak and Spillage Action Plan shall be implemented immediately and recorded, in accordance with section 4.13 of the working plan

4.3: FIRES ON THE SITE

Prohibition of Unauthorised Fires on Site

- 4.3.1 No wastes shall be burned on the site other than through a specified waste management operation authorised under the other conditions of this licence.

Fire Action Plan

- 4.3.2 In the event of a fire on the site (except those which are specified waste management operations under these conditions), a fire action plan shall be implemented immediately and recorded, in accordance with section 4.14 of the working plan.

4.4: WASTE ACCEPTANCE AND CONTROL PROCEDURES

Waste Acceptance Procedures

- 4.4.1 All wastes shall be received, inspected, accepted or rejected, and recorded in accordance with section 4.15 of the working plan.

Waste Control Procedures

- 4.4.2 All wastes accepted at the site shall be handled, kept and recorded in accordance with section 4.19 of the working plan.

Waste Despatch Procedures

- 4.4.3 All outgoing wastes shall be inspected, despatched and recorded in accordance with section 4.16 of the working plan.

Incompatible Wastes

- 4.4.4 Incompatible wastes which are likely, in combination with each other or with other material at the facility, to give rise to pollution of the environment or harm to human health outside the site, shall be clearly identified and kept physically separate in designated areas, in accordance with section 4.21 of the working plan

4.5: WASTE QUANTITY MEASUREMENT SYSTEMS

Means Of Measurement

- 4.5.1 All wastes accepted at and despatched from the site shall be measured in accordance with section 4.15 and 4.16 of the working plan.

4.6: WASTE TREATMENT PROCESSES, PLANT, EQUIPMENT AND PROCEDURES

Waste Treatment Processes

- 4.6.1 Treatment processes shall only be carried out on the site in accordance with section 4.19 of the working plan.

Design, Construction, Installation, Testing, Commissioning, Operation, and Maintenance of Plant And Equipment

- 4.6.2 The plant and equipment used for treatment processes shall be designed, constructed, installed, tested, commissioned, operated and maintained, and these activities shall be fully documented and recorded and be included in the working plan. The details will be submitted and agreed in writing with the Agency prior to their implementation.
- 4.6.3 The treatment processes shall not receive waste inputs, other than those required to carry out identified commissioning tests agreed in writing by the Agency, unless a Validation Report on the construction and commissioning of the plant and equipment for that process has been submitted in writing to the Agency, and the Agency has acknowledged its receipt in writing.

Process Quality Control

- 4.6.4 The treatment processes shall only be carried out in accordance with a fully documented and recorded quality control and quality assurance programme specified in accordance with details submitted and agreed in writing with the Agency.

4.7: SPECIAL REQUIREMENTS FOR HANDLING ASBESTOS BEARING WASTES

- 4.7.1 Notwithstanding the other conditions in this licence, all asbestos bearing wastes shall be kept in accordance with section 4.20 of the working plan.

4.8: SPECIAL REQUIREMENTS FOR HANDLING WASTE BATTERIES

- 4.8.1 Notwithstanding the other conditions in this licence waste batteries shall be kept in accordance with section 4.21 of the working plan.

5: Pollution Control, Monitoring And Reporting

5.1: GROUNDWATER MONITORING AND REPORTING SYSTEMS

5.1.1 No wastes shall be accepted on the site unless:

- a) a Construction Quality Assurance Plan covering all elements of the engineered groundwater monitoring system for the site has been submitted in writing to the Agency, and the Agency has given its written consent to it;
- b) details of the identities, relevant experience and relevant qualifications of the personnel who will be providing Quality Assurance of the construction have been submitted in writing to the Agency and acknowledged in writing by the Agency;
- c) the engineered external groundwater monitoring system has been constructed and recorded in accordance with the Construction Quality Assurance Plan;
- d) changes to the Construction Quality Assurance Plan, quality assurance, and detailed method statements as referenced in section 5 of the working plan have been notified in writing to the Agency, and the Agency has given its written consent to those changes prior to their implementation;
- e) the Validation Report on the construction of the engineered groundwater monitoring system has been submitted in writing to the Agency and acknowledged in writing by the Agency.

Groundwater Monitoring and Sampling Programme

5.1.2 Monitoring and sampling of groundwater external to the engineered containment shall be carried out and recorded in accordance with section 5 of the working plan.

Monitoring and Sampling Records

5.1.3 A record of the groundwater monitoring and sampling results shall be kept and maintained in accordance with section 5 of the working plan.

Groundwater Monitoring Action Plan

5.1.4 In the event that any results exceed the trigger level specified in section 5 of the working plan

- a) the results shall be notified to the Agency immediately and confirmed in writing immediately;
- b) the groundwater generation action plan specified in section 5 of the working plan above shall be implemented immediately.

5.2: SURFACE WATER QUALITY MONITORING AND REPORTING SYSTEMS

Provision of Surface water Monitoring System

5.2.1 Surface water quality monitoring shall be carried out in the vicinity of the site, in accordance with this condition and section 5 of the working plan.

Surface Water Monitoring and Sampling Programme

5.2.2 Monitoring and sampling of surface water in the vicinity of the site shall be carried out and recorded in accordance with section 5 of the working plan.

Monitoring and Sampling Records

5.2.3 A record of the surface water monitoring and sampling results shall be kept and maintained in accordance with section 5 of the working plan.

Surface water Monitoring Action Plan

5.2.4 In the event that any results exceed the trigger level specified in section 5 of the working plan:

- a) the results shall be notified to the Agency immediately and confirmed in writing immediately;
- b) the surface water generation action plan specified in section 5 of the working plan shall be implemented immediately.

6: Amenity Management And Reporting

6.1: CONTROL, MONITORING AND REPORTING OF DUSTS, FIBRES AND PARTICULATES

Prevention And Control Of Releases Of Dusts, Fibres And Particulates

- 6.1.1 Measures shall be implemented and maintained throughout the operational life of the site, in accordance with section 5.3 of the working plan.
- 6.1.2 All emissions to air from the specified waste management operations on the site shall be free from visible concentrations of dusts, fibres or particulates as are likely to cause pollution of the environment outside the site boundary, as perceived by an authorised officer of the Agency.
- 6.1.3 In the event that any dusts, fibres or particulates arising from the site are released or are likely to be released outside the site boundary in such quantities or concentrations that they are likely to cause pollution of the environment, the actions specified in section 5.3 of the working plan.

6.2: CONTROL OF ODOURS

Prevention and Control of Odours

- 6.2.1 Measures shall be implemented and maintained throughout the operational life of the site, in accordance with section 5.4 of the working plan, to prevent and minimise the release of offensive odours from the site beyond the site boundary, as perceived by an authorised officer of the Agency.
- 6.2.2 In the event that any offensive odours arising from the site are released or are likely to be released outside the site boundary in such quantities or concentrations that they are likely to cause pollution of the environment, the actions specified in section 5.4 of the working plan.

6.3: CONTROL OF NOISE

- 6.3.1 Measures shall be implemented and maintained throughout the operational life of the site, in accordance with section 5.5 of the working plan, to prevent and minimise the levels of noise from the site beyond the site boundary.

6.4: CONTROL OF PESTS

- 6.4.1 Measures shall be implemented and maintained throughout the operational life of the site, in accordance with section 5.6 of the working plan.

6.5: CONTROL OF LITTER

- 6.5.1 Measures shall be implemented and maintained throughout the operational life of the site, in accordance with section 5.7 of the working plan.

7: Site Records

7.1: SECURITY AND AVAILABILITY OF RECORDS

Security of Records

7.1.1 All records which are required to be made under the other conditions of this licence and the working plan shall be maintained and kept secure from loss, damage or deterioration, and shall be kept in accordance with section 6 of the working plan.

Availability of Records

7.1.2 All records which are required to be made under the other conditions of this licence and the working plan shall be made available for inspection at the place where they are kept immediately when required by an authorised officer of the Agency.

7.2: RECORDS OF WASTE MOVEMENTS

Recording of Wastes Accepted and Removed

7.2.1 A record shall be kept of each load of waste accepted and each load of waste removed from site. This record shall include the following details:

- a) Loads in:- Nature (solid, sludge or liquid), waste type as specified under condition 1.2, quantity (tonnes), date received, date accepted.
- b) Loads out:- Nature (solid, liquid or sludge), waste type as specified under condition 1.2, quantity of waste removed (tonnes), date removed.

Summary Records of Wastes Accepted and Removed

7.2.2 A summary record of the waste types accepted and removed from the site shall be made for each quarter of the financial year, and shall be submitted to the Agency within 1 month following the end of the quarter. The summary record shall be in a format agreed by the Agency in writing.

7.3: SITE DIARY

7.3.1 A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency. This shall include a record of the events listed in 6.3 of the working plan.

7.3.2 Each record shall be completed within 24 hours of the relevant event.

Schedule 3 – INTERPRETATION

In these conditions and their interpretation, unless the context otherwise requires, the following terms have the specified meanings:

“accepted”

for waste being delivered to the site, shall mean accepted as waste input to the site for storage and/or processing and/or disposal under the specified waste management operations;

“authorised officer of the Agency”

means any person(s) authorised in writing by the Agency pursuant to section 108(1) of the 1995 Act to exercise any of the powers specified in subsection (4) of that section;

“clinical waste”

has the meaning as defined in regulation 1(2) of the Controlled Waste Regulations 1992 or any statutory provisions amending or replacing them;

“consequences”

for **risk assessments** carried out within these conditions, means the adverse effects of harm as a result of realising a **hazard** which cause the quality of human health (other than health and safety of site staff or visitors to the site covered under the Health and Safety at Work Act 1974) or the environment to be impaired in the short or longer term;

“engineer”

for engineering works specified in these conditions, means a person who works in the relevant branch of engineering, as a qualified professional;

“engineered”

for works specified in these conditions, means carried out and completed using the relevant engineering process specified in these conditions;

“engineered landfill containment system”

means all elements (other than leachate and landfill gas management systems, and intermediate and final caps), relating to engineered liners for final disposal to land, and incorporating liners for individual cells and the site as a whole, and including methods of liner protection and leakage detection;

“engineered site containment and drainage system”

means all elements relating to engineered containment of activities on the site, other than final disposal to land, and incorporating site surfacing, bunding and drainage systems, buildings and fixed tanks;

“engineering”

for engineering works specified in these conditions, means the relevant process of design, construction or installation, quality assurance or validation or commissioning specified in these conditions;

“engineering survey”

means a survey carried out in accordance with recognised or approved standards by a suitably qualified competent person;

“environmental targets or receptors”

for **risk assessments** carried out within these conditions, shall mean identified human and environmental populations or components, as specified in these conditions or otherwise agreed by the Agency within these conditions;

"groundwater"

means any water contained in underground strata;

"hazard"

means a property or situation that in particular circumstances could lead to harm;

"immediately"

for carrying out of actions under the conditions, shall mean without delay and within a reasonable time, taking into account any more immediate direct action necessary to prevent or minimise risk to human health and the environment. For carrying out notifications to the Agency, shall also mean by the fastest effective means available (for example, telephone) and confirmed in writing within 1 working day (or such other time as may be agreed by the Agency within the conditions);

"inert waste"

means waste which when disposed of in or on land does not undergo any significant physical, chemical or biological transformation;

"landfill gas management system"

means all elements relating to landfill gas extraction from individual landfill cells and the landfill mass as a whole, and incorporating methods of landfill gas drainage, containment and the subsequent disposal system, whether it be a methane oxidation system, landfill gas flare, landfill gas engine(s) or otherwise, either on or off the site;

"leachate management system"

means all elements relating to leachate extraction from individual landfill cells and the landfill mass as a whole, and incorporating methods of leachate drainage, containment and the subsequent treatment and/or disposal system, either on or off the site;

"maintenance"

for engineering maintenance specified in these conditions, means the process of inspection, testing, repair of the relevant engineering works specified in these conditions;

"preparatory works"

means engineering works required prior to the carrying out of the activities authorised by this licence;

"probability"

means the quantified expression of chance, denoted either as:

- the ratio or percentage of the occurrence of a particular event as one among a number of possible events;
- or as the frequency of occurrence of a particular event in a given period of time;

"received"

for waste being delivered to the site, shall mean delivered to the site and undergoing the waste acceptance procedures specified in the working plan, including storage of those wastes during those procedures prior to acceptance of the waste;

"release pathways"

for **risk assessments** carried out within these conditions, shall mean the routes by which defined **hazards** may potentially realise their **consequences**, defined in terms of releases or emissions from the site that go beyond the site containment or boundary via one or more of the following routes, either directly or indirectly: **Land; Groundwater; Surface water; Atmosphere;**

"relevant offences"

are offences within the meaning of regulation 3 of the Waste Management Licensing Regulations 1994 or any statutory provisions or regulations amending or replacing them;

"risk"

means a combination of the **probability** and **consequences** of occurrence of a defined **hazard**;

"risk assessment"

means the systematic identification, analysis, estimation and evaluation within a defined **scope** of the defined **risks** of a particular activity, operation, process or design, carried out and reported by suitably qualified or competent persons, using recognised quantified or semi-quantified methods and techniques.

Unless otherwise agreed by the Agency within these conditions, a risk assessment shall include and record the following:

- definition of the **hazards** associated with an activity, operation, process or design;
- assessment of the **probability** of those **hazards** occurring;
- determination of the potential **consequences** of those hazards for defined **environmental targets or receptors**, taking into account defined **release pathways** and defined protective measures;
- evaluation of the potential **magnitude** of those consequences and the **probability** of their occurrence;

"scope of risk assessment"

means the boundaries of the **risk assessment** and the **risks** to be assessed within those boundaries, as defined in the conditions or otherwise agreed by the Agency within the conditions;

"special waste"

has the meaning as defined by regulation 2 of the Special Waste Regulations 1996 or any statutory provisions or regulations amending or replacing them;

"specified waste management operations"

means the waste management operations authorised by condition 1.1 of this licence;

"surface water management system"

means all elements relating to collection of rain water or surface water from individual landfill phases and the landfill site as a whole, and incorporating methods of water collection, containment and the subsequent treatment and/or disposal system, either on or off the site;

"surface water"

means any lake, pond, river or watercourse whether natural or artificial;

"the 1994 Regulations"

means the Waste Management Licensing Regulations 1994 and any statutory provisions or regulations amending or replacing them.

"the Agency"

means the Environment Agency;

"the Licence Holder"

means the Licence Holder specified in this licence or other person to whom the licence has been transferred in accordance with section 40 of the Environmental Protection Act 1990;

"the operator"

means a person who is in occupation of the site and has responsibility for carrying out day to day activities at the site;

"the site"

means the land, structures, plant and equipment to which this licence relates;

"time periods, e.g. annually, quarterly, monthly, per year, etc. "

Where periods are referred to in conditions, they shall be calculated in the following way:

- annually or per year: 1 April to 31 March;
- quarterly: 1 April to 30 June, 1 July to 30 September, 1 October to 31 December, 1 January to 31 March;
- monthly: calendar month;
- weekly: Monday to Sunday.

Where the issue of the licence does not coincide with the start of any of these periods, then any relevant limits for the first period shall apply pro rata;

"waste"

means controlled waste as defined in section 75(4) of the 1990 Act and the Controlled Waste Regulations 1992 or any statutory provisions or regulations amending or replacing them;

"working plan"

means the working plan identified in writing by the Agency at the time of issue of this licence and any subsequent amendments to it made in accordance with the conditions of this licence.

EXPLANATORY NOTES

RIGHTS OF APPEAL

Section 43(1) of the Environmental Protection Act 1990 provides that:

Where, except in pursuance of a direction given by the Secretary of State,

- (a) an application for a licence or a modification of the conditions to the licence is rejected
- (b) a licence is granted subject to conditions,

the applicant may appeal from the decision to the Secretary of State

Therefore if you feel aggrieved by the decision or any of the conditions to the licence as granted you may obtain the appropriate form on which to give written notice of an appeal from:-

The Planning Inspectorate,
Room 14/13,
Tollgate House,
Bristol,
BS10 9DJ.
TEL 0117 987 8812
FAX 0117 987 6093

This notice of appeal should be accompanied by the following information: a copy of the licence; a copy of any correspondence relevant to the appeal; a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission, established use certificate or certificate of lawful use or development; and a statement indicating whether you wish the appeal to be in the form of a hearing or on the basis of written representations. You are also required to serve a copy of your notice of appeal, together with copies of any the above documents that have accompanied your notice of appeal, on the Environment Agency (at the address overleaf). You should appeal within 6 months of the date that this notice takes effect but the Secretary of State may allow notice of appeal to be given after the expiry of this time period.

Waste Management Licensing

This licence relates only to the requirements of the Environmental Protection Act 1990 in respect of the deposit, treatment, keeping and disposal of waste. This licence does not constitute a consent required by any other legislation.

Purpose of Licence

The purpose of this licence is to regulate the operation of your facility in order to prevent pollution of the Environment, harm to human health or serious detriment of the amenities. However, your compliance with any or all of the Conditions attached to the licence does not relieve you of your responsibility not to pollute the Environment, cause harm to human health and/or serious detriment of the amenities. (Please refer to Section 33(1)(c) of the Environmental Protection Act 1990.)

Inspections

Your facility will periodically be inspected by officers of the Environment Agency, who are authorised in writing, to carry out such inspections. These visits will be unannounced. At the end of each visit you will be provided with an inspection report which details non-compliance with licence conditions.

In Waste Management Paper Number 4, issued by the Department of the Environment in 1994, there is a advice to the Environment Agency on the minimum frequency at which licensed waste management operations should be inspected. The guidance, however does allow for an increase or decrease in the recommended frequency if the Agency considers a change is necessary.

Technical Competence

The technical competence of the licence holder for this facility falls within the WAMITAB scheme of assessment (For further information please see Waste Management Paper Number 4, page 26, Table 3.1.) and Technical Competence will be assessed by certificate from WAMITAB.

Convictions and the Reporting Thereof

Part of the proof required for a licence holder's suitability to hold a licence is that they are either free of relevant convictions or have insufficient to be considered as a potential re-offender. During the life of this licence, the licence holder must advise the Environment Agency of any convictions they gain. The purpose of this is to ensure that the licence holder remains competent to hold a licence, and to provide information on a public register in accordance with the Environmental Protection Act 1990, Section 64.

The licence therefore requires you to inform the Environment Agency of all such offences by relevant persons. However, because of the need to be reasonable, it has been decided that where a conviction is less than 6 (six) months old and therefore possibly subject to an appeal, this Agency will not place the information on the Public Register until the conviction is 6 (six) months old and no appeal has been lodged or in the case of an appeal against the conviction, until the appeal Court has made its decision.

Change in Facility Management

If there is a change in the facility management, the new manager must be technically competent and relatively conviction free. The licence requires you to provide information relating to the manager/s of the facility because if there is no competent management in charge of the facility, you cannot continue to operate. Similarly, new licence applicants must be deemed fit and proper to hold a licence and will need to provide proof of financial status, nil or few relevant convictions and be technically competent or have technically competent management of the facility.

Notification Address

Any notification the Licence Holder is required to make by the conditions of this licence shall be made to:

Team Leader – Waste Licensing
Environment Agency
Lower Trent Area
Trentside Offices
Scarrington Road
West Bridgford
NOTTINGHAM
NG2 5FA

Telephone: (0115) 945 5722
Facsimile: (0115) 981 7743

Guard Dogs

Any operator of the licensed facility should be aware that the Guard Dogs Act 1975 covers the requirement that dogs are not to be left in such a way that they give rise to a potential risk to members of the public or authorised visitors to your premises.

Any guard dog at your premises shall not prevent access by any authorised visitors.

Overlap With Other Regulatory Controls

This licence cannot address matters which other regulatory bodies control, such as water discharge consents and health and safety legislation. You are, however, reminded that the operation of the facility must be carried out in accordance with all legislative or regulatory body's requirements.

Your attention is drawn to the provisions of Sections 33, 34, 37, 39, 40, 41, 42, 43, 59, 64, 65, 66 and 71 of the Environmental Protection Act 1990, as well as Section 108 of the Environment Act 1990.

IMPORTANT SECTIONS OF THE ENVIRONMENTAL PROTECTION ACT 1990

Section 33

Prohibits under penalty the deposit, treatment, keeping or disposal of controlled waste in or on any land otherwise than in accordance with the terms of a Waste Management Licence.

Non compliance with any licence condition may lead to prosecution under this Section. A person who contravenes Section 33 subsection (1) shall, subject to subsection (7), be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 (six) months or a fine not exceeding £20,000 (at the date of issue of this licence) or both, or on conviction on indictment, to imprisonment for a term not exceeding 2 (two) years or a fine or both, or in relation to special waste for a term not exceeding 5 (five) years or a fine or both.

Section 34

Places a duty on any person who imports, produces, carries, keeps, treats or disposes of controlled waste to take all such measures applicable to him or her as are reasonable in the circumstances to prevent any other person contravening Section 33, and to prevent the escape of waste from his control or that of any other person and, on the transfer of the waste, to ensure that it is only to an authorised person, or to a person for authorised transport purposes, and that a written description is transferred with it.

A person who contravenes Section 34 subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 (at the date of issue of this licence) or on conviction on indictment to a fine.

Section 35

A site licence may be granted by the Environment Agency authorising the treatment, keeping, or disposal of specified wastes on specified land, to the occupier of that land. The licence may be granted subject to such conditions that the Agency considers appropriate, in accordance with directions and guidance issued by the Secretary of State.

Section 37

The Environment Agency may modify the conditions of a licence on its own initiative, or on the application of the licence holder (accompanied by the appropriate fee), or on the direction of the Secretary of State. The licence holder may appeal to the Secretary of State if he or she is aggrieved by the decision of the Agency in modifying the conditions of a licence.

Section 38

Provides for the Environment Agency to revoke or suspend all or part of a licence if the licence holder has ceased to be a "fit and proper person" or activities authorised by the licence have caused or is about to cause pollution of the environment, harm to human health or become serious detriment to the amenities of the locality, and the pollution, harm or detriment cannot be avoided by modifying the conditions.

A person who continues to operate whilst the licence has been suspended or after it has been revoked, without reasonable excuse shall be guilty of an offence liable to a fine, imprisonment, or both.

Section 39

If the licence holder wishes to surrender this licence, he or she must apply to the Environment Agency (enclosing the prescribed fee). The Agency will only accept the surrender if it is satisfied that the condition of the land is such that it is unlikely to cause pollution of the environment or harm to human health as a result of the use of the land for the treatment, keeping or disposal of waste.

Section 40

If the licence holder wishes to transfer the licence to another person ("the transferee,") the licence holder and the transferee shall jointly make an application to the Environment Agency (enclosing the prescribed fee). The Agency will not effect the transfer unless it is satisfied that the transferee is a Fit and Proper Person.

Section 41

Provides a scheme of charges which are payable in respect of the subsistence of the licence and, on application, for modification, transfer or surrender of the licence. Non payment of the subsistence charge may lead to partial revocation of the licence.

Section 42

Places a duty on the Environment Agency to ensure that activities authorised by the licence do not cause pollution, harm to health, or serious detriment to the amenities of the locality, and that the conditions of the licence are complied with. If a person obstructs an employee of the Agency in carrying out this duty, they may commit an offence under Section 110 of the Environment Act 1995. If it appears to the Environment Agency that a condition of a licence is not being complied with, the Agency may serve notice on the licence holder to comply with the condition, and if he or she fails to comply so revoke or suspend all or part of the licence.

Section 43

Provides for the applicant for a licence or modification to appeal against all or any of the conditions in a licence or modification to the Secretary of State, or in certain circumstances, for a licence holder to appeal against any revocation or suspension of all or any part of a licence or modification to the Secretary of State.

Section 59

The Environment Agency is empowered to require the removal of any controlled waste deposited in breach of Section 33(1), or to require the undertaking of such works as are required to reduce or eliminate the consequences of such deposits.

Section 64

The Environment Agency is required to maintain a register of Waste Management Licences granted by the Agency, associated Working Plans, and matters relating to the transfer, modification, revocation, suspension and supervision of licences. Members of the public have free access to this register and may obtain copies of entries in the register.

Section 65

The Secretary of State may direct the Environment Agency to exclude certain information from the public register in the interests of national security.

Section 66

Provides for a licence holder to identify information submitted to the Environment Agency as being commercially confidential and to apply for that information to be excluded from the public register. The Agency will determine whether the information is commercially confidential and notify the licence holder accordingly. The licence holder has a right of Appeal to the Secretary of State if the Agency refuses to exclude the information from the public register.

Section 71

Provides for the Environment Agency to serve a notice in writing on any person, requiring that person to furnish such information specified in the notice within a specified period. If that person fails to comply with the notice or knowingly makes a false or reckless statement, he or she may be liable to a fine, imprisonment or both.

IMPORTANT SECTIONS OF THE ENVIRONMENT ACT 1995

Section 108

Provides the Agency with a series of powers to enter and inspect land by force, if necessary, collect evidence, confiscate articles, take samples and photographs. This section also allows warranted officers to require any person to answer questions regarding pollution control. Refusing to, or making reckless or misleading statements is illegal.

Section 109

Provides the Agency with powers to seize and render harmless any article or substance that is a cause of imminent danger of serious pollution or harm to health.

Section 110

Makes it an offence for any person to obstruct warranted officers of the Environment Agency in the carrying out of their duties.

memo

ENVIRONMENT AGENCY
LOWER TRENT AREA
GAINSBOROUGH
REC'D 01 Jun 2000



ENVIRONMENT
AGENCY

To Bob Shorthose
Gainsborough

Our ref SLD/HC/43465

From Sharon Dron

Your ref BS

Ext. Number 3737

Date 31 May 2000

**THE ENVIRONMENTAL PROTECTION ACT 1990
LICENCE NUMBER: 43465**

Please find enclosed a copy of the above Licence, which was issued to J.E. Churchill (Plant) Ltd., 201, Dyke Road, Hove, East Sussex on 26 May 2000.

Should you require any further information, please contact **Sharon Dron on ext. 3737.**

SHARON DRON
Waste Licensing Officer