



CONTROL OF POLLUTION ACT, 1974 (PART 1)



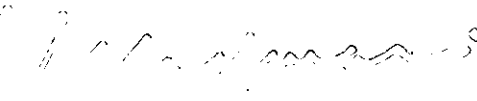
THE COUNTY COUNCIL OF SOMERSET, being the WASTE REGULATION AUTHORITY, for the said Administrative County, HEREBY GRANT A LICENCE for the deposit of controlled waste pursuant to the provisions of Part I of the Control of Pollution Act, 1974 and of the Collection and Disposal of Waste Regulations, 1988 to the application of:

S Roberts and Son (Bridgwater) Ltd
The Drove
Castlefields
Bridgwater
Somerset

Ordnance Survey Reference	NGR: ST.303 379
Position and Nature of Proposal	Transfer Station for Controlled Waste at The Drove, Castlefields, Bridgwater in the town of Bridgwater.

This Licence is granted subject to the conditions set out on the attached sheet.

Dated: 7 MAR 1994


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Director for the Environment

County Hall,
Taunton.

IT IS IMPORTANT THAT YOU READ ALL THE ATTACHED NOTES

1. This licence relates only to that area edged in red on the attached plan (Ref.No.WDL/547/01).

Type of Waste

2. The type of waste accepted at the site shall be limited to the following:
 - a) Soil, subsoil and other naturally occurring excavated materials;
 - b) General skip-waste comprising solid, non-hazardous wastes arising from the construction, demolition, repair or improvement of a building or structure;
 - c) Solid, non-hazardous commercial waste;
 - d) Green wastes comprising grass cuttings, hedge trimmings, tree cuttings and similar naturally occurring vegetative wastes;
 - e) Large bulky household items;

The following waste shall not be accepted at the site:

- i) Chemicals or chemical waste or any material controlled by Regulations made under Section 17 of the Control of Pollution Act 1974 or section 62 of the Environmental Protection Act 1990;
 - ii) Waste oil, clinical or noxious waste;
 - iii) Liquid waste;
 - iv) Animal carcasses and waste consisting wholly or mainly of animal or fish waste;
 - v) Foodstuffs or other putrescible (rotting) waste;
3. No wastes allowed in condition 2 are permitted if they are mixed or contaminated with hazardous concentrations of any noxious, poisonous or polluting substances.
 4. No items contaminated with polychlorinated bi-phenyls (PCBs) or any hazardous substitute for PCB (such as Ugilec - 141) or free asbestos shall be accepted at the facility. All transformers and capacitors shall be assumed to contain PCBs unless there is written evidence to the contrary. Such evidence shall be made available to the Waste Regulation Authority on request.
 5. Each load shall be inspected before and after deposit and any unpermitted biodegradable and other waste shall be removed immediately. Waste removed from the loads shall either be immediately taken to an authorised site or placed into a suitable sealed container for disposal at an authorised site within a time limit of 4 days for putrescible waste, 7 days for chemical waste controlled by Section 17 of the Control of Pollution Act 1974 or Section 62 of the Environmental Protection Act 1990 and 21 days for all other unpermitted wastes.

Working Plan

6. A Working Plan shall be prepared and submitted for consideration by the Waste Regulation Authority prior to the issue of the licence. The Working Plan shall be updated at twelve monthly intervals (or at periods specified by the Waste Regulation Authority) to take into account changes in the site and contemporary waste management practice and advice. Any subsequent amendments to the Working Plan shall be agreed in writing with the Waste Regulation Authority on request. It shall consist of a 1:500 scale plan supported by a written statement and shall include the following details:-
- (1) location of site office, toilet, and washing facilities;
 - (2) concreted and walled areas;
 - (3) drainage and interceptors;
 - (4) locations of areas for;
 - a) storing empty skips
 - b) storing full skips
 - c) material sorting
 - d) storing skips for recycleable/reusable waste
 - e) site entrance and vehicle turning area
 - (5) methods of handling, sorting and storing of waste materials;
 - (6) site security and site supervision arrangements;

All documents and drawings submitted as part of the working plan shall form part of this licence for the purposes of section 6(2) of the Control of Pollution Act 1974 or Section 35 of the Environmental Protection Act. Any reference to the working plan shall include a reference to any previous modification or addition to the working plan as approved by the Waste Regulation Authority.

Drainage Arrangements

7. Details shall be provided of on-site and boundary drainage arrangements as part of the Working Plan. These shall be agreed in writing with the Waste Regulation Authority. Any works undertaken in this connection shall be agreed in writing and be undertaken to the satisfaction of the Waste Regulation Authority.
8. No polluting matter shall be allowed to enter sewers or surface water drains without the appropriate agreement of the National Rivers Authority or the relevant sewage undertaking.

Site Preparation and Works

9. All construction works required to be undertaken to comply with the conditions of this licence shall be completed within six months from the date of issue of the licence and shall be to a standard agreed in writing with the Waste Regulation Authority.
10. A lockable gate and fencing shall be provided at the site to prevent both unauthorised entry and deposit of waste. When the site is not in use or staffed the gates shall be locked.

11. A site identification board of durable material and finish shall be erected at the entrance to the site before operations commence. This shall be maintained in a legible form and shall display the following wording and information:-

The name of the transfer station and WDL/547
Name, address and telephone number of operator
"Licensed under the CONTROL OF POLLUTION ACT 1974 by Somerset County
Council, County Hall, Taunton, TA1 4DY tel: (0823) 333451

12. On-site fuel tanks (when used) shall be positioned and bunded to a standard agreed in writing by the Waste Regulation Authority. Fuel tanks shall be stored within a bunded area capable of containing:

- i) 110% of the volume of the largest tank retained within the area; and
- ii) a minimum of 25% of the total volume of liquids retained within the area.

There shall be no flexible or permanent pipe connections outside the bunded area. When not in use all valves and taps shall be locked.

Site Operation

13. The deposit and removal of wastes and other operations at the site shall only take place on Mondays to Fridays between the hours of 0800 and 1800 and on Saturdays between the hours of 0800 and 1300. No deposit or removal of waste or other operations shall take place outside these hours or on Sundays or public holidays.
14. No waste operations shall take place outside of these hours without the prior written agreement of the Waste Regulation Authority.
15. All vehicles entering and leaving the site shall do so in forward gear.
16. All waste transfer operations shall take place within the confines of the area indicated on the submitted plan (Ref.No.M/965/2.November 1993). At no time shall waste be deposited, treated or kept outside of the licensed area.
17. The processing of waste on site shall consist of depositing, sorting and loading only. No other processes shall take place without the prior written agreement of the Waste Regulation Authority.
18. All waste material shall be stored in skips or within the designated waste reception bay as defined in the Working Plan. No waste materials shall be tipped on the ground outside of the designated waste reception bay except in the case of an emergency.
19. The Waste Regulation Authority shall be notified immediately of any unpermitted waste delivered to the site and a record of the types and quantities of any unpermitted wastes shall be kept and made available to the Waste Regulation Authority on request.
20. At no time shall the quantity of waste at the site exceed the capacity of the waste reception bay or the receiving containers. The maximum quantity of wastes that may be stored on site at any one time shall be limited to a quantity agreed in writing with the Waste Regulation Authority.

21. Measures shall be taken to prevent the carriage of mud and other material from the site onto the public highway by vehicles leaving the site. Any such materials that may be so deposited are to be removed as soon as possible and the access swept. If required by the Waste Regulation Authority wheel cleaning facilities shall be installed to a standard agreed in writing by the Waste Regulation Authority.

Environmental Control

22. No waste material shall be burnt on site and an outbreak of fire shall be regarded as an emergency and immediate action shall be taken to extinguish it. All outbreaks of fire shall be notified forthwith to the Waste Regulation Authority.
23. No degassing of fridges or similar domestic appliances containing refrigerant gases shall occur on site without the prior written agreement of the Waste Regulation Authority.
24. Any loose waste which is likely to be moved by the wind, lying on or adjacent to the site shall be gathered up and disposed of in such a way as to keep the site tidy.
25. Precautions shall be taken to deal effectively with any vermin and other pests on site. Details of such measures shall be forwarded to the Waste Regulation Authority.
26. If required by the Waste Regulation Authority during dry weather the site access roads shall be sprayed with water to suppress dust.
27. All plant and equipment used on site shall be equipped with silencers to the manufacturers specifications and shall be maintained in good working order with all covers in position so as to keep noise levels to a minimum at all times.

Records

28. Records shall be kept detailing the types and quantities of waste deposited and processed at the facility. Site records shall be made available to the Waste Regulation Authority on request and shall detail:
 - i) the total quantity and types of waste delivered to the facility;
 - ii) the total quantity and types of material removed from the waste stream for the purposes of recycling; and
 - iii) the total quantity and types of non-recyclable waste disposed of off-site;

A quarterly return of the estimated quantity and types of waste dealt with at the facility (in tonnes) shall be forwarded to the Waste Regulation Authority.

General

29. Any temporary cessation of operations for a period in excess of 3 months shall be notified to the Waste Regulation Authority. Not less than 14 days notice shall be given to the Waste Regulation Authority of the date on which operations are to recommence.

30. The terms of the site licence and any subsequent amendments shall be made known to any person given responsibility for the management or control of the site and a copy of this licence shall be made available at the premises of the licence holder.
31. The activities to which this licence relates shall not be carried on so as to contravene Section 33(1)(c) of the Environmental Protection Act 1990, thereby to treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

GENERAL GUIDANCE NOTES TO LICENCE HOLDERS

These notes are provided for general guidance and do not constitute an authoritative statement of the law. It is important that they are read and understood and for further information you are advised to contact the Waste Regulation Authority on Taunton (0823) 255694.

- 1.0 The licence relates only to the requirements of the Control of Pollution Act 1974 for the deposit of waste and the use of plant and equipment subject to the conditions set out herein. The licence does not constitute a consent required by any other legislation. In particular, it is the responsibility of the licence holder to comply with any requirements of, amongst others:

The Water Resources Act 1991;
The Environmental Protection Act 1990;
The Health and Safety at Work Act 1974;
The Town and Country Planning Acts;
Building Regulations;
The Scrap Metal Dealers Act;
Relevant Environmental Health Legislation;

which may also cover the licensed activities.

This is not a comprehensive list and it is recommended that the operator seek further advice regarding his or her responsibilities in this respect.

- 1.1 In the event of an accident resulting in the death or serious bodily injury of any person as a consequence of operations on the site, the operator shall inform the Health and Safety Executive.
- 1.2 All working practices in the vicinity of electric power cables/installations should be in accordance with the latest Health and Safety Guidance Note (currently GS6). The applicant is advised to consult with the appropriate area electric company should such installations infringe on the licensed area or any access road leading to the licensed area.
- 1.3 All discharges to sewers require the consent of the relevant sewage undertaking and those to any watercourse, soakaway or other surface water feature, may require the consent of the National Rivers Authority.
- 1.4 Regular inspections will be undertaken by officers of the Waste Regulation Authority without prior notice to ensure full compliance with the licence.
- 1.5 If the licence holder ceases to occupy the land to which this licence relates, the licence may be transferred to the new occupiers after giving due notice to the Waste Regulation Authority which reserves the right to decline the transfer.
- 1.6 The spread of various invasive plant species, in particular Japanese Knotweed (*Fallopia japonica*) but also species such as ragwort and thistle must be controlled. Advice regarding this matter should be sought from the Waste Regulation Authority, the Ministry of Agriculture Fisheries and Food or the Agricultural Development and Advisory Service.

- 1.7 Specific operations at the site may require an authorisation under Part 1 of the Environmental Protection Act 1990 which is concerned with Integrated Pollution Control and local authority air pollution control. Advice regarding authorisations should be sought from the Waste Regulation Authority, Her Majesty's Inspectorate of Pollution or from the Environmental Health Department of the relevant local authority.

Licence Review

- 2.0 This licence shall be reviewed from time to time in line with recommendations detailed in Waste Management Paper No.4 "The Licensing of Waste Facilities".
- 2.1 The review will be carried out after consultation with the licence holder and amendments (if any) to the licence issued as necessary to reflect current operating practices and legislation.
- 2.2 An amendment shall be implemented within a given timescale and at no cost to the Waste Regulation Authority. An appeal system is provided by the Control of Pollution Act 1974 and details will be provided with any amendment issued.

Contravention Of Licence Conditions

3.0 Control Of Pollution Act (COPA) 1974

Your attention is drawn to the provisions of Sections 3, 9, and 16 of COPA 1974. A brief summary is detailed below.

- 3.1 **Section 3** - Prohibits under penalty the deposit of waste, or use of plant or equipment, otherwise than in accordance with the terms of a licence. This section applies to all conditions including any that may be subject to appeal to the Secretary of State under Section 10 of the Act. Any deposit which takes place without compliance with all the licence conditions may lead to prosecution under this section.
- 3.2 **Section 9** - Non compliance with any condition may lead to revocation or modification of the licence.
- 3.3 **Section 16** - The Waste Regulation Authority is empowered to require the removal of any controlled waste deposited in circumstances contrary to the terms of this licence.

Penalties Under Section 3

- 3.4 A person who contravenes Section 3 (1) of the Act shall, subject to Section 3 (4), be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding scale 5 (currently £2,000), or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

Where a person contravenes Section 3 (1) and the waste is poisonous, noxious or polluting, or it is likely to give rise to an environmental hazard the person would be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding scale 5 or both, or on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

4.0 The Environmental Protection Act (EPA) 1990

The legislative framework for Waste Regulation is about to be changed considerably as relevant sections the EPA are implemented. The following sections have already been enacted and are particularly relevant:

4.1 **Section 29**

Section 29 of the EPA 1990 gives the following guidance:

The "environment" consists of all, or any, of the following media, namely land, water or the air.

"Pollution of the environment" means pollution of the environment due to the release or escape (into any environmental medium) from the land on which controlled waste is treated, kept or deposited of substances or articles consisting or resulting from the waste and capable (by reason of the quantity or concentration involved) of causing harm to man or any other living organism supported by the environment.

("Harm" means harm to health of living organisms or other interference with the ecological systems of which they form part and in the case of man includes offence to any of his senses or his property).

4.2 **Section 33 (1) (c)**

Section 33 (1) (c) prohibits the treatment, keeping or disposal of controlled wastes in a manner likely to cause pollution of the environment or harm to human health.

A person who contravenes Section 33 (1) (c) above (subject to Section 9 - contravention pertaining to "Special Wastes") shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 or both, and on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

A person who contravenes Section 33 (1) (c) with respect to Special Waste shall be guilty on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 or both and on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both.

4.3 **Section 34 (1)**

Section 34 of the Act imposes a new "Duty of Care" with regard to controlled wastes. The duty applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste. Breach of the duty of care is an offence, with a penalty of an unlimited fine if convicted on indictment.

Those subject to the Duty of Care must try to achieve the following:

- a) to prevent any other person committing the offences of disposing, treating or storing of controlled waste
 - without a waste disposal/management licence; or
 - breaking the conditions of a licence; or

- in a manner likely to cause pollution or harm to health;
- b) to prevent the escape of waste, that is, to contain it;
- c) to ensure that, if the waste is transferred, it goes only to an "authorised person" or to a person for "authorised transport purposes";
- d) when waste is transferred, to make sure that there is also transferred a written description of the waste, a description adequate enough to enable each person receiving it
 - to avoid committing any of the offences under (a) above; and
 - to comply with the duty at (b) to prevent the escape of waste.

Advice regarding the Duty of Care should be sought from the Waste Regulation Authority, and licence holders are advised to read "Waste Management, The Duty of Care, A Code of Practice." The Code of published by the Department of the Environment and is available from all HMSO Publication Centres.

RIGHTS OF APPEAL

- (1) If an applicant/licence holder is aggrieved by the decision of the Waste Regulation Authority
- (a) in refusing to grant a disposal licence
 - (b) in refusing to modify a disposal licence
 - (c) in granting a licence subject to conditions
 - (d) in modifying conditions specified in a disposal licence
 - (e) in revoking a disposal licence

he may appeal to the Secretary of State in accordance with Section 10 of the Control of Pollution Act 1974. Appeals must be notified within 6 months of the date of this notice to the Secretary, Department of the Environment Waste Disposal, (NNW2), Room A2.22, Romney House, 43 Marsham Street, London SW1P 3PY.

The Secretary of State has power to allow a longer period for the giving of notice of an appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of an appeal.

FOR DECISIONS UNDER HEADINGS (d) or (e) ONLY

Where a notice giving this authority's decision to modify or revoke a disposal licence includes a statement that for the purpose of preventing pollution of water or danger to public health Section 10(2) of the Control of Pollution Act should not apply to the decision, the notification of an appeal against the decision will not of itself render the decision ineffective pending determination of the appeal. This decision does/does not* contain such a statement.

If you consider that such a statement has been unreasonably included in the notice of decision you may apply, under Section 10(3) of the Control of Pollution Act, to the Secretary of State to determine whether the authority's action was unreasonable or not (the address to write to is as given above). If the Secretary of State determines that the authority acted unreasonably in including such a statement, the authority's decision will become ineffective while an appeal is pending and you will be entitled to recover compensation from the authority in respect of any loss you have suffered in consequence of the statement. Any dispute as to your entitlement to compensation or its amount shall be determined by arbitration.

WASTE MANAGEMENT LICENSING - LICENCE MODIFICATIONS - 1st MAY
1994

The following conditions are to be added to Waste Management Licence WML No./547.0, Castlefields which is held by S Roberts & Son Ltd.

Condition (32) At no time shall the quantity of waste materials deposited, disposed of or dealt with at the site exceed 25,000 tonnes on an annual basis without the prior written agreement of the Waste Regulation Authority.

Condition (33) At no time shall the responsibility for the management of the day to day activities authorised by this licence be subject to control by an individual who is not technically competent for the purposes of section 74 (3) (b) of the Environmental Protection Act 1990.

Condition (34) The licence holder shall provide all necessary information as required by the Waste Regulation Authority with regard to elucidating the technical competence of all persons concerned with the management of the facility. All such information shall be submitted in writing to the Waste Regulation Authority and updated prior to any changes in the Technically Competent Management.

This page (or a photocopy) should be attached to the original licence and referred to in all future correspondence.