

*How to comply with your environmental permit. Additional guidance for:
mining waste operations (EPR6.14) and Guidance on financial guarantees
for mining waste facilities*

Consultation Response Form

Respondent details

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Put a cross in this box if you are requesting non-disclosure of your response. <input type="checkbox"/>	

1. 1a) Are the standards and measures in the Technical Guidance Note appropriate for the range of mining waste operations in England and Wales. If not, please specify which one(s) you consider not to be appropriate and why.
1b) Is the guidance provided for category A mining waste facilities sufficient? If not, please explain why.

Comments:

1 (a) No. This is not helpful to a highly regulated industry on a subject where they are more than adequately controlled by HSE and their planning permits on all relevant matters to meet the EU Directive requirements.

The BAA* SME members produce natural aggregates and the only other materials excavated are overburden and topsoil which have defined end-uses under the planning permission – and include predominantly noise/impact bunding during the operational period and ultimately site restoration.

This is the simple approach taken in all other EU countries – and also in Scotland; and a similar approach in England and Wales is essential particularly during the current severe recession where unnecessary and duplicating paperwork is most unwelcome – and also contrary to government and EU requirement to reduce the burden of red-tape on industry!!

For these operators a simple signed self-certification that they do not produce any waste should be the only possible requirement and this should be very clear on the front page of the guidance. There should be no (zero) cost involved.

Please also note our previous comments to DEFRA on the same subject on 30th July 2009. <http://www.british-aggregates.co.uk/documentation/doc103.pdf>

1 (b) Not relevant to our members

*** The British Aggregates Association (BAA) represents the interests of some 90 members. 60 are independent and privately-owned SME quarry companies throughout the UK with some 10% of national output and who operate from over 100 sites. We are part of the consultation and lobbying process both in the UK and Europe – and are also represented through the Minerals group of the CBI (Confederation of British Industry), and CPA (Construction Products Association).**

- 2. 2) Is the guidance clear about what should be included in the waste management plan? If not, please explain why.**

Comments:

No, it is very unclear and demonstrates poor understanding of the minerals industry and the rationale and intention behind the EU Directive which is essentially one relating to H&S stability of man-made structures.

The UK was seen as the prime model for the EU Directive with the measures in place mainly following the Aberfan accident .

There appears to have been little if any involvement between the EA and the key players in UK control, regulation and monitoring of these aspects by the HSE and Planners.

Scotland has avoided these problems with their pragmatic and sensible approach.

3. 3) In section 3.3.2 we have suggested that attenuation ponds that form part of the waste management facility are designed with a capacity for a 1 in 100 year return period storm of any duration. Existing facilities may not have been built to this standard. Please inform us whether or not your facilities meet this standard. If not, what steps will you have to take to achieve it?

Comments:

Our members do not produce waste

This is anyway covered with existing regulation and any consideration is simple duplication.

- 4 4a) We have interpreted the "survey of the condition of the land to be affected by the mining waste facility" (in section 2.2.9) to mean - identification of any aspects of the land which could potentially affect stability and lead to pollution of the environment or harm to human health. Do you agree with this interpretation?
4b) Is it clear what information you would need to submit?

Comments:

This is again over-complication and muddled thinking

- 5) Do the requirements of the Technical Guidance Note mean that you will be able to rely on existing information provided to other regulators in order to produce a waste management plan?

Comments:

All available current information covers the EU Directive requirements. This has been acknowledged throughout the EU and in Scotland – England and Wales seem to be the only exceptions, and industry being subjected and disadvantaged unnecessarily to this.

The proposals are simple duplication and need to be avoided in the interests of better regulation and reducing red-tape and the load on industry

- 6) A list of inert extractive wastes which the Confederation of British Industry Minerals Group has helped develop can be found in Appendix 4 of the Technical Guidance Note.
- a) Do you agree with the approach suggested?
- b) What, if any, other inert extractive wastes do you consider should be included and why?

Comments:

We support and have contributed to the efforts of the CBI Minerals Group

- 7a) Do you consider the 60 year period over which we require a detailed estimate of aftercare costs in the financial guarantee guidance to be reasonable?
- 7b) If not do you consider different timeframes are required depending on the type of facility?

Comments:

7(a) No. This is draconian

7(b) Most facilities will not be subject to financial guarantees or equivalent as required under the Directive.

8 8) Any other comments?

Comments:

No

Thank you for taking the time to complete this form.

Please send us your completed response form by 1 October 2009 via email to:
epp@environment-agency.gov.uk

or by post to: Fran Sykes, Environment Agency Kingsmeadow House,
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