

The regulation of the deposit of unpolluted soil, and of waste arising from prospecting for mineral resources and from peat workings

If you comply with the requirements below, we will allow the deposit of unpolluted soil, non-hazardous waste generated from the prospecting of mineral resources (excluding oil and evaporites other than gypsum and anhydrite) and waste resulting from the extraction, treatment and storage of peat without an environmental permit.

Background

The management of waste from the extraction of peat and of waste from prospecting for mineral resources was previously covered by exempt waste operations developed under the Waste Framework Directive.¹ But with the implementation of the Mining Waste Directive (MWD) in England and Wales through an amendment to the Environmental Permitting (England and Wales) Regulations (EPR) 2007, these operations now fall within the scope of the MWD. The previous exemptions are now obsolete.

Under the terms of the amended Regulations,² the Environment Agency is required to waive the requirements of the MWD for:

- the deposit of unpolluted soil;
- the deposit of non-hazardous waste generated from the prospecting of mineral resources (except oil and evaporites other than gypsum and anhydrite); and
- the deposit of waste resulting from the extraction, treatment and storage of peat;

as long as the requirements of Article 4 of the MWD are satisfied.

We are exploring with Defra the possibility of options that would allow the management of these materials through a different route not involving the permitting framework.

¹ Paragraphs 33 and 35 of Schedule 3 to the Environmental Permitting (England and Wales) Regulations 2007

² Paragraph 9 of Schedule 18B to the Environmental Permitting Regulations – as amended by the Environmental Permitting (England and Wales) (Amendment) Regulations 2009

The Environment Agency's position

We will not pursue an application for an environmental permit for the activity where all the following are met

- the extractive materials are deposited in or on land at the place where the excavation took place;
- the deposit is of:
 - unpolluted soil, or
 - non-hazardous waste generated from the prospecting of mineral resources (excluding oil and evaporites other than gypsum and anhydrite), or
 - unpolluted soil and of waste resulting from the extraction, treatment and storage of peat;
- you notify us of your intention to begin or continue operations by contacting our customer service line on 08708 506 506;
- you meet the relevant objectives of Article 4 of the Mining Waste Directive; ... ensuring that extractive waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without –
 - (i) risk to water, air, soil, plants or animals; or
 - (ii) causing nuisance through noise or odours; or
 - (iii) adversely affecting the countryside or places of special interest; or
 - (iv) abandoning, dumping or depositing extractive waste in an uncontrolled manner.

Enforcement

In not pursuing an application for a permit, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for the Enforcement and Prosecution Policy*. This document can be found on the 'How we regulate you' page in the Business & Industry section of our website.

This regulatory position will be reviewed by April 2010.

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customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188