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ENVIRONMENTAL PROTECTION ACT 1990

SECTION 37(1)(a)



ASiantaeth Yr
AMGYLCHEDD CYMRU
ENVIRONMENT
AGENCY WALES

NOTICE OF MODIFICATION OF WASTE MANAGEMENT LICENCE

To: C B Environmental Ltd
Cwm Nant Yard,
Capel Bangor,
Aberystwyth
SY23 3LL



OUTGOING

WHEREAS on 20 April 1995 the Carmarthen District Council granted a Waste Management Licence Reference Number 23 relating to Land at Glanyrafon Industrial Estate, Aberystwyth, Ceredigion subject to the conditions set out therein and in any subsequent Modifications.

AND WHEREAS this licence was transferred to your control on the 25 January 1999

NOTICE is HEREBY GIVEN that the Environment Agency ("the Agency") modifies the said conditions as follows:-

The following Conditions attached to Waste Management Licence Reference Number 23 shall be deleted,

Condition Number(s): 7.2 and 7.2.1

and the attached Conditions shall be substituted.

New Conditions Numbers(s): 7.2 and 7.2.1

7.2 A record shall be kept of all wastes received and of all materials (wastes and recovered materials) removed from the site. The records shall include the following for each vehicle load of waste/material.

for waste received

- (a) origin of waste
- (b) date received
- (c) quantities in tonnes received and waste type as specified in Condition No: 1.2.1
- (d) nature of the waste (solid, liquid or sludge)

for waste/material removed

- (e) date removed
- (f) quantities in tonnes removed and waste and/or material type
- (g) destination of waste and/or materials removed
- (h) nature of the waste and/or materials (solid, liquid or sludge)

7.2.1 A summary of the information, including nil returns shall be submitted to the Agency, in a format required by the Agency. Summaries shall be for each quarter of the financial year and shall be submitted to the Agency within one month of the end of each quarter.

Such modification shall take effect on 31 March 1999 at 24.00 hours.

DATED 25 March 1999

(Signed)

Team Leader Waste Licensing

Environment Agency Wales, South West
154/156 St Helens Road
Swansea
West Glamorgan
SA1 4DF

NB- The person served with this notice may appeal against the Agency's decision to the Secretary of State for Wales within six months or such longer period as the Secretary of State may allow. (See notes overleaf.)



WASTE MANAGEMENT LICENSING APPEALS

Introduction

- 1.1 The purpose of this Appendix is to explain the procedure for, and the provisions relating to, the submission of appeal to the Secretary of State for Wales under:

Section 43 of the Environmental Protection Act 1990 against decisions made by the Environment Agency on waste management licences; (Section 35(12) of the Act provides that "licence" means a waste management licence. The term "licence" is subsequently used in the rest of this Appendix.)

- 1.2 Section 35 (8) and 74 (5) of the 1990 Act duties on the Environment Agency to have regard to any guidance issued to it by the Secretary of State with respect to the discharge of their functions in relation to licences. The Environment Agency should make prospective applicants and licence holders aware of authorities' duties to have regard to this advice; and that the Secretary of State will similarly have regard to this advice in his determination of appeals made to him.

Right to Appeal

- 1.3 Applicants and other persons have a right of appeal to the Secretary of State in the circumstances set out in paragraphs 1.4 below.
- 1.4 Section 43 (1)(a) of the 1990 Act sets out the right of appeal to the Secretary of State by a licence holder where an application to modify the conditions of a licence submitted under Section 37 (1) (b) is rejected by the Environment Agency or is deemed to be rejected under section 37 (b). Section 43 (1)(c) of the 1990 Act sets out the right of appeal to the Secretary of State by a licence holder where the conditions of a licence are modified by the Environment Agency.

Notice of Appeal

- 1.5 Regulation 6 (1) provides that any person who wishes to appeal to the Secretary of State under Section 43 must do so by notice in writing. Regulation 6 (2) provides that the notice of appeal must be accompanied by certain information:

The information to be provided:

- (a) a statement of the grounds of appeal;
- (b) a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to an existing waste management licence (including a waste management licence which has been suspended or revoked), a copy of that waste management licence;
- (d) a copy of any correspondence relevant to the appeal;
- (e) 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
- (f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations.

- 1.6 A copy of a form on which notice of appeal may be given is available from:

Welsh Office
Environment Division
Cathays Park
Cardiff

CF1 3NQ

- 1.7 Regulation 6(3) requires the appellant to serve a copy of his notice of appeal on the Environment Agency together with copies of the documents mentioned in paragraph 1.5 above

The Effect of Making an Appeal

- 1.8 The Environment Agency's decision remains in effect pending determination of the appeal in cases of:

Section 43 (1) (a)

- (a) an application for a licence submitted under Section 36 (1) (a) or (b) is rejected by the Environment Agency or is deemed to be rejected under Section 36 (9);
- (b) an application to modify the conditions of a licence submitted under Section 37 (1) (b) is rejected by the Environment Agency or is deemed to be rejected under Section 37 (6);

Withdrawal of an Appeal

- 1.9 Regulation 6(4) provides that if an appellant wishes to withdraw his appeal he must do so by notifying the Secretary of State in writing and send a copy of that notification to the Environment Agency. Subject to these requirements, an appellant may withdraw his appeal at any time.

Time Limit for Making Appeal

- 1.10 Regulation 7 (1) provides that, subject to Regulation 7 (2), notice of appeal must be given:

Appeals Under Section 43 (1) (a)

- (a) before the expiry date of 6 months beginning with:
 - (i) the date of the decision which is subject to appeal; or
 - (ii) the date on which the E.A is deemed by Section 36 (9), 37(6), 39(10) or 40 (6) of the 1990 Act to have rejected the application; or

- 1.11 Regulation 7 (2) provides that the Secretary of State may, in relation to an appeal under Section 43 of the 1990 Act, at any time allow notice of appeal to be given after the expiry of 6 month period mentioned in paragraph 1.17 (a) above. In the case in which the Secretary of State receives a notice of appeal after the expiry of this 6 month period he will request from the person wishing to appeal, and before considering the exercise of his discretion under Regulation 7 (2), an explanation of the reasons for that person's not giving notice within the time limit provided by Regulation 7 (1) (a). The Secretary of State has no discretion under Regulation 7 (2) to accept an appeal under Section 66 (5) after the expiry of 21 day limit provided by Regulation 7 (1) (b)

YEAR

[illegible]

SECTION 1 continued**MATERIALS TAKEN INTO SITE (in tonnes)**[illegible]

SECTION 1 continued**MATERIALS TAKEN INTO SITE (in tonnes)**[illegible]

SECTION 2

MATERIALS TAKEN OFF SITE FOR DISPOSAL ELSEWHERE (in tonnes)

[illegible]

If you need to attach details of additional waste types, please photocopy this sheet.

SECTION 3

MATERIALS TAKEN OFF SITE FOR RECYCLING (in tonnes)

| Waste Type | State | Destination (Within Wales - see district code list) | | | | | | | | | | | (Outside Wales - see list of codes) | | | | Total Tonnes |
|---------------------|--------|---|-----|-----|-----|-----|-----|-----|-----|-----|--|--|-------------------------------------|--|--|--|--------------|
| | | BRI | CAM | CER | NEA | PEM | POW | RHO | SWA | VAL | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Waste Type / Code | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |
| Total For Each Area | Solid | | | | | | | | | | | | | | | | |
| | Liquid | | | | | | | | | | | | | | | | |
| | Sludge | | | | | | | | | | | | | | | | |

If you need to attach details of additional waste types, please photocopy this sheet.

SECTION 4

VOLUNTARY SUPPLEMENTARY INFORMATION FOR LANDFILL SITES

| | | | | |
|--|--------------------------|----------------|--------------------------------|----------------|
| Remaining Capacity with Planning Consent | Containment (lined site) | m ³ | Non-Containment (unlined site) | m ³ |
| Potential Capacity subject to further Planning Consent being given | Containment (lined site) | m ³ | Non-Containment (unlined site) | m ³ |

| | |
|---|----------|
| Please show how capacity has been calculated by ticking box | |
| Survey (Give Date) | Estimate |
| | |

SECTION 5

DECLARATION

In accordance with site licence conditions, I certify that the information supplied on this form is correct for the quarter indicated.

Name: (Please Print)

Signed:

Contact Address:

Position:

Tel:

Date:

Notes:

1. The Agency has provided advice on both the different waste types and the codes for each relevant district. If you need further copies please contact the office below.
2. Please fill in all the relevant boxes and ensure that the declaration is completed and signed by an appropriate person.
3. Completion of Section 4 is voluntary, but this information would be useful to help develop the future Waste Strategy for Wales and is required by planning authorities for future development planning for waste management facilities.

Please Return to:

Team Leader Programme Co-ordination
 Environment Protection
 Environment Agency Wales South West Area
 Lllys Afon
 Hawthorn Rise
 Haverfordwest
 Dyfed
 SA61 2BH
 Fax. No. 01437 760881

EXAMPLE SHEET FOR RECORDING DAILY LOADS IN/OUT

Day & Date _____
Sheet No. _____

[illegible]

This is not a statutory form, but you could use it to satisfy the Agency's requirements for daily input/output records

Dyddiad/Date: 26 March 1999



ASiantaeth Yr
Amgylchedd Cymru
ENVIRONMENT
AGENCY WALES

C B Environmental Ltd
Cwm Nant Yard,
Capel Bangor,
Aberystwyth
SY23 3LL

Dear Sir/Madam,

MODIFICATION OF WASTE MANAGEMENT LICENCE NO: 23

I refer to earlier correspondence detailing Environment Agency Wales' proposals to modify your waste management licence with regard to site waste input/output returns. I hereby enclose a notice to modify your licence conditions in accordance with Section 37 of the Environmental Protection Act 1990. The modification takes effect from the date on the notice. You are advised to read this letter and enclosures carefully as it contains information important to your business.

The modification

The enclosed licence modification requires you to keep a record for each load of waste or material accepted or removed from the site. The records shall give details of quantities, types and origins/destinations of waste accepted, disposed of and /or recovered at and taken away from the site. I enclose a daily record sheet which you may use if you wish. A summary report must be made for each quarter of the financial year and must be submitted to the Agency on the enclosed return form within one month following the end of the quarter. The first return in the new format covering the three month period from 1st April 1999 – 30th June 1999 should be made by 31st July 1999. Metal Recycling Sites are required to make at least an annual return with the first return in the new format covering the period 1st April 1999 – 31st March 2000 to be made by 30th April 2000.

The Agency requires quantities of wastes to be identified in tonnes. Where you are not able to determine weights then the Agency will require you to measure volumes and convert them into tonnes using conversion factors which are enclosed with this letter.

The Agency recognises that the requirement to identify the origin of wastes by local authority area (Unitary Authority in Wales and District Council in England) for each vehicle load may present difficulties where a vehicle load consists of small amounts of waste collected across several local authority areas. Where this is the case the Agency will not require a record to be kept of district of origin for each part of the load. However, the summary record sent in to the Agency should identify district of origin for wastes types and quantities; this should be worked out from Duty of Care transfer notes or from invoicing details.

Important note

Please note that this exercise will not alter in any way the permitted waste types and quantities which can be accepted at your site as defined in your licence. You are also



strongly advised to ensure that you comply with the Special Waste Regulations 1996 when assessing whether a waste is special. The enclosed list of categories of waste for the returns should not be used to determine whether a waste is special or not.

Right of appeal

If you do not agree with the conditions in this modification you may appeal to the Secretary of State. Details of the appeals procedure is given in the Waste Management Licensing Regulations 1994. Before lodging such an appeal you may first wish to discuss the matter with Environment Agency Wales and should refer to the guidance notes appended to the Notice.

Public Registers

Environment Agency Wales is required to maintain comprehensive registers of information and correspondence relating to the licensing process and the supervision of licensed activities. These registers are open for scrutiny by the public and contain, for example, copies of licences and modifications, monitoring data, summary site returns, legal notices and copies of inspection reports. You may apply to the Agency to have certain information excluded from the register if you believe it to be commercially confidential and it is then up to the Agency to decide whether or not this is the case.

Provision of help

The Agency has commissioned consultants Babbie to help with this work; one of their staff will be contacting your company during the next fourteen days to see whether you require any assistance. A helpline will be available until the end of April to answer further questions on telephone number 0118 988 1508.

Summary of documents enclosed

This package contains the following:

- 1) The Notice of Modification and appeal procedure.
- 2) A standard licence return form for quarterly (annual for metal recycling sites) returns to the Agency that must be used for the from 1st April 1999 until further notice in accordance with your new licence condition.
- 3) Guidance notes for completing the site return form.
- 4) A second copy of the list of 25 waste categories which the Agency requires you to use in your site return.
- 5) A set of standard conversion factors to be used at sites without weighing equipment.
- 6) A list of Unitary Authorities in Wales and adjacent English District Councils to identify the source or destination of wastes/materials.
- 7) A daily record sheet which you could use to record details of vehicles using the site and types, quantities and origin of the wastes

The Agency seeks your full cooperation in this matter which is an important component of the Agency's drive to ensure consistency in Wales and to promote sustainable waste management.

Yours faithfully,

A Evans

Team Leader Licensing

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