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Environmental News Bulletin

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WASTE STRATEGY COULD SEE BIG RECYCLING FEES FOR PRODUCERS AND RETAILERS

According to the reports published by The Guardian, the Secretary of State for the Environment, Michael Gove, aims to introduce a new waste strategy in the coming weeks, which will aim to significantly increase charges for recycling of plastic packaging paid by the producers and retailers.

The Ministers are considering many options to boost recycling in the UK and curb the abuse of the export of almost two thirds of our plastic waste to Turkey, Malaysia, Vietnam and Thailand, as reported by the National Audit Office. A new system must take into account the EU's circular economy obligations, which the UK has signed and will continue to be in place after Brexit. These obligations require food and drink companies and other retailers to cover the net costs of household recycling waste management.

Under the new strategy, supermarkets and other major producers of packaging waste could face a significantly greater bill for their packaging waste. Currently contributions from retailers and producers pay an average of £70 million a year. The new plan could see these contributions increase to between £500 million and £1 billion a year.

Such contributions would significantly help local authorities in managing household recycling waste, which currently costs around £700 million a year on average. Those payments would help to fund the improvements to the recycling infrastructure the UK urgently needs. It has been reported that the Government is likely to implement up to four options to extend producer responsibility payments, which could include direct funds for waste collections paid to the local authorities by the producers, or introduction of a levy that would "trickle down" to local authorities.

Currently, the taxpayers pay up to 90% of the cost of recycled waste management, with the producers covering the remaining 10%. Once the new strategy is implemented, the contributions could interchange. This could also mean that the cost of produce packed in plastic could significantly increase, ultimately affecting the customers.

Further details are likely be set out in the Resources and Waste Strategy.

JUDICIAL REVIEW AGAINST ENVIRONMENT AGENCY DISMISSED

The judicial review sought in R. (on the application of Baci Bedfordshire Ltd) v Environment Agency has been dismissed.

Baci Bedfordshire Ltd, an action group of local residents, sought the review against the Environment Agency, who granted Covanta Energy Ltd an Environmental Permit under the Environmental Permitting Regulations SI 2016/1154.

The Permit was for an energy recovery facility and allowed a proposed operation for an emissions management system in relation to fugitive emissions from Incinerator Bottom Ash (IBA). Baci Bedfordshire Ltd concluded that there was a risk of unmonitored discharge of toxic, heavy metals via surface water damage into the nearby lake. The lake feeds into the River Ouse system and into public drinking water. This would breach Directive 2010/75/EU on industrial emissions and the Environmental Permitting Regulations SI 2016/1154.

Covanta in their Supporting Information stated that any heavy metals within the IBA will be present as salts, these would be retained in solution when mixed with water and would not be expected to dissolve, which was proven wrong.

Information suggested the interceptors in the surface water drainage system would prevent the discharge of suspended solids. As Covanta believed the heavy metals would not dissolve, they assumed the metals would be included in the suspended solids collected, and therefore would not discharge into the surface water systems. This was proved to be incorrect.

Both the Environment Agency and Covanta accepted the error made by Covanta, but denied that the Environment Agency relied upon the error when granting the Permit. The risk of unmonitored discharge of toxic dissolved heavy metals into the surface water drainage system was also denied.

The Judge concluded she was satisfied the Environment Agency had not made the same mistake as Covanta and that necessary measures were in place to ensure only uncontaminated surface water would enter the attenuation pond and lake.

She added "it is impossible to characterise the Defendant's assessment as irrational, or based on incorrect science". The claim was dismissed.

ENVIRONMENT AGENCY RELEASES ANNUAL WHISTLEBLOWING DISCLOSURES

The Environment Agency have an obligation to act on third party disclosures to them concerning malpractice on environmental matters. From 1 April 2017 to 31 March 2018 they received 28 disclosures.

The Agency have published a report including a summary of each disclosure, the action taken and the impact this had on the Environment Agency. These disclosures have been made by 'workers' or other third parties.

One disclosure included issues with: permit conditions; mis-description of waste; acceptance of non-permitted wastes; and storing of waste. Other disclosures involved: unlawful movement of fish; permit breaches; land contamination; illegal disposal of waste; illegal waste sites; land and water pollution; oil and chemical spills.
Actions taken ranged from: site inspections; enforcement notices; National Incident Reporting System used; intelligence stored on the MIMEX database; ongoing investigations; responsible persons notified; and discussions with reporters or other agencies for further information.

One matter disclosed was not within the Environment Agency's remit and was therefore closed. In the case of the illegal waste site, the site operator was prosecuted, with the Agency pursuing a Proceeds of Crime Act case.

The impact these disclosures had included: improved incident handling process; better training for Agency officers; the Agency notified of permit breaches; and better awareness of environmental risk to ensure future compliance.

As a result of such disclosures the Agency is able to protect and improve the environment, as well as support healthier and safer communities.

RADIOACTIVE AND NUCLEAR SUBSTANCES AND WASTE

The Committee on Radioactive Waste Management has issued the following Position Papers:
Why geological disposal? CoRWM position paper.

Published by the Committee on Radioactive Waste Management (CoRWM), this Position Paper reflects the CoRWM's current view on why geological disposal is the best option for disposal of higher activity radioactive waste. This paper gives an overview of CoRWM's work 2003 – 2006 providing a traceable outline of the path that led CoRWM to recommend geological disposal from the six waste streams it considered.

It is noted that the adoption of geological disposal as a policy has been pursued by many countries world-wide and is the subject of several studies and recommendations by the International Atomic Energy Agency and of a policy declaration by the European Union2. However, this paper concentrates on policy development in the UK, and in particular outlines the process followed by CoRWM, which led to its recommendations in July 2006.

Continued....

The techniques to elicit the broadest possible appreciation of the spectrum of stakeholder views. The process of identifying a preferred radioactive waste management option involved four years of concentrated effort with resources and budget to match. This position paper seeks only to outline the process and its outcome, while providing sufficient references to enable more extensive studies to be pursued as required. The Paper stresses the importance of highlighting which waste streams require management. Specialist examination led to the identification of seven waste streams, which, it was believed, had sufficient unique characteristics to merit separate assessment.

These were:

- high level waste
- spent nuclear fuel
- plutonium
- highly enriched uranium
- intermediate-level waste and low-level waste not suitable for the Low-Level Waste Repository (LLWR) (intermediate-level waste and non-LLWR low-level waste)
- depleted, natural and low enriched uranium

reactor decommissioning waste.

These seven streams were then reduced to six, when stakeholder examination pointed out that the small amount of highly enriched uranium in the inventory could and would be mixed with the other uranium streams making just one category of uranium for potential disposal.

Overall the choice of geological disposal was found to be both clear and robust.

This paper summarises the work that led CoRWM to recommend geological disposal for the long term management of higher activity radioactive waste rather than indefinite storage, and confirms that CoRWM is not aware of any analysis and experience that would change this opinion.

In this Position Paper, CoRWM has reviewed and reported the arguments presented in a 2006 paper and looked for any developments in the intervening years which could have led it to modify its position.

Committee on Radioactive Waste Management
January 2019

UK PROGRESS ON REDUCING NITRATE POLLUTION: GOVERNMENT RESPONSE TO THE COMMITTEE'S ELEVENTH REPORT

The Government has recognised in its Clean Air Strategy that ammonia emissions need to be reduced to tackle nitrate pollution, following pressure from the Environmental Audit Committee.

In November 2018, the Committee published its report, UK Progress in Reducing Nitrate Pollution, which concluded that Brexit presents challenges and opportunities to tackle the nitrate pollution 'time bomb'.

The Committee found that high levels of nitrate pollution, used in farming fertilisers, might not peak for another 60 years and expressed concern that the Environment Agency lacks the resources to ensure compliance with the law. The Committee called for a new independent environmental watchdog if the UK leaves the EU, recommended an assessment of future impacts on air, water and soil quality, and requested monitoring and milestones to underpin legally binding targets on water quality.

The Government's response acknowledges the need for a joined-up approach to reducing the agricultural pollution of water, soil and air and states that the Clean Air Strategy, published this month, sets out action to reduce ammonia emissions from farming. However the Committee is disappointed with the Government's reluctance to publish the results of the Environment Agency's strategic review of its water quality monitoring system and at the lack of Government action to take a longer-term approach to river catchment planning.
Chair of the Environmental Audit Committee, Mary Creagh MP, said: "There is a nitrate time bomb in many of our groundwater sources. Farming is one of the biggest sources of nitrate pollution due to the historic over-use of fertilisers.

"The Government's recognition in its Clean Air Strategy that ammonia emissions must be addressed alongside other sources of nitrate pollution - one of our key recommendations - is a first step.

"But I am disappointed by the Government's decision not to publish the results of the Environment Agency's strategic review of its water quality monitoring system. Ministers have failed to grasp our proposed measures for a longer-term approach to river catchment planning, fobbing us off with warm words.

"We'll be assessing the effectiveness of the Government's actions on nitrates and water quality when we begin our scrutiny of the Environment Bill in the coming weeks."

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UK NATIONAL ENERGY AND CLIMATE PLAN

Under the Clean Energy Package negotiated in 2018, EU Member States are required to produce a National Energy and Climate Plan (NECP).

The NECP is the framework by which Member States are required to set out their integrated climate and energy objectives, targets, policies and measures, covering the 5 dimensions of the Energy Union for the period 2021 to 2030.

The UK's draft National Energy and Climate Plan sets out the government's integrated climate and energy objectives, targets, policies and measures:

- decarbonisation
- energy efficiency
- energy security
- internal energy market

research, innovation, competitiveness.

It is noted that the UK is one of the largest contributors of international climate finance, having committed to spending £5.8 billion on this between 2016 and 20213. Additionally, the UK is promoting global alliances to encourage clean growth, such as the Powering Past Coal Alliance, to reduce emissions from the most polluting fuel.

The document notes that, following the publication of the Intergovernmental Panel on Climate Change's (IPPC) special report on global warming of 1.5°C, the UK Government asked its independent experts, the Committee on Climate Change (CCC), for their advice on the implications of the Paris Agreement for the UK's long-term emissions reduction targets, including on setting a net zero target.

Specifically, advice was requested on:

- setting a date for achieving net zero greenhouse gas emissions across the economy
- whether we need to raise our 2050 target of cutting emissions by at least 80% relative to 1990 levels to meet international climate targets set out in the Paris Agreement
- how emissions reductions might be achieved across the economy
- the expected costs and benefits in comparison to current targets.

The CCC's advice is expected in the Spring 2019.

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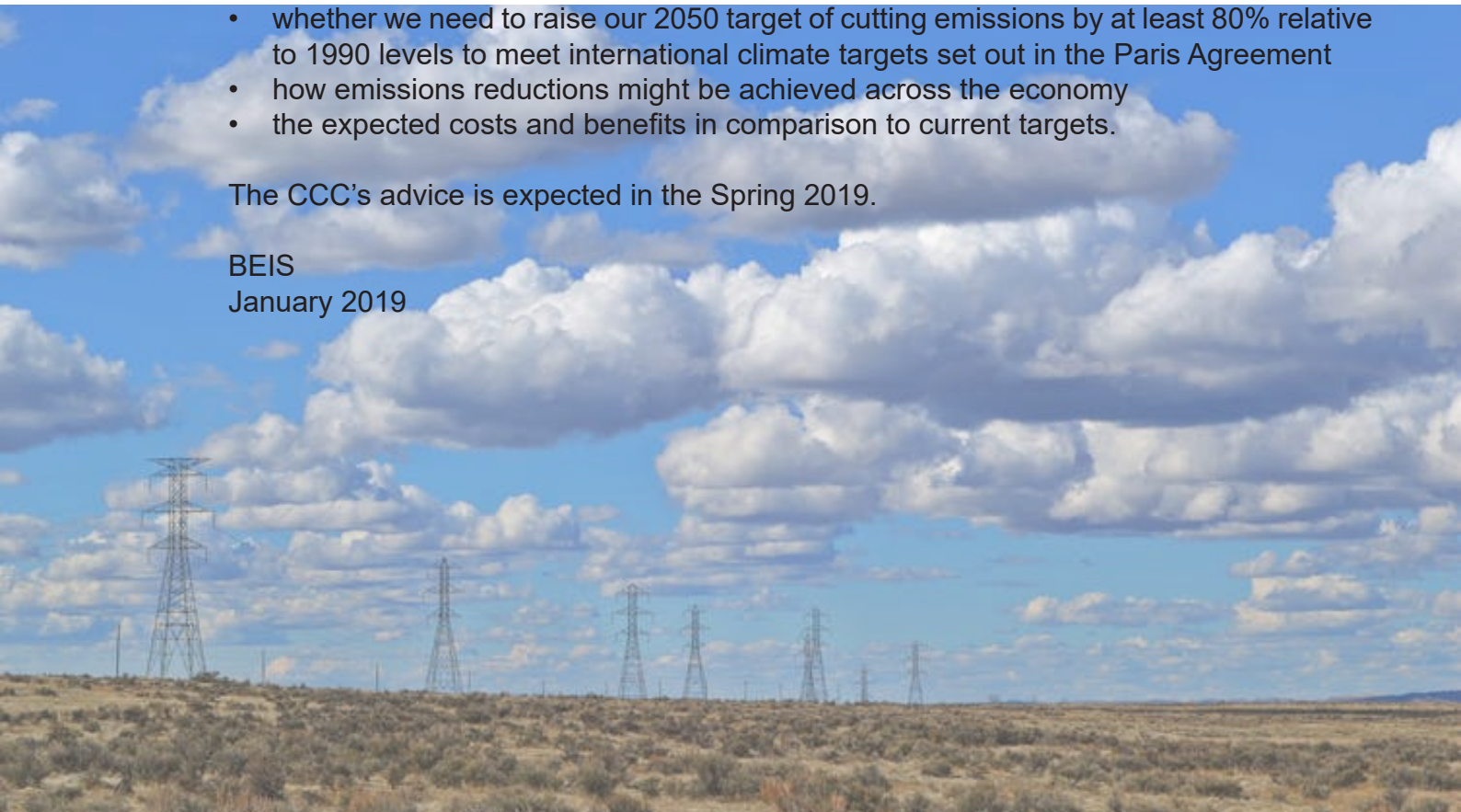

Name of person delivering briefing Environmental News & Bulletins, February 2019

Name	Date	Signature

Persons attending Briefing: New guidance on environmental permitting charges

Name	Date	Sentinel Number	Signature

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