

Department for Environment, Food and Rural Affairs

Environmental Permitting

Consultation on Draft Environmental Permitting (England and Wales) (Amendment) Regulations 2013.

**To transpose Directive 2011/97/EU which specifies
criteria for the storage of metallic mercury waste
when stored for greater than 12 months.**

A Summary of Responses to the Consultation Government Response

April 2013

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Background

- 1.1 In December 2012 Defra consulted stakeholders, seeking their views and comments on proposed amendments to The Environmental Permitting (England and Wales) Regulations 2010¹ (EP Regulations 2010).
- 1.2 The consultation sought comments on the desirability, consequences and practical impacts, including costs, of the proposed amendments required under Council Directive 2011/97/EU.

Objectives of the Proposals

- 2.1 The proposed amendments arise from the need to transpose criteria for the safe storage of metallic mercury wastes as detailed in Directive 2011/97/EU².
- 2.2. Defra consulted on three proposals:
 - i) to take up the derogation from the prohibition on the landfill of liquid waste in the case of metallic mercury allowed by EC Regulation 1102/2008, by amending the Environmental Permitting Regulations (England and Wales) 2010,
 - (ii) to include the storage of metallic mercury wastes within the scope of the Control of Major Accident Hazards Regulations 1999, by amending the Environmental Permitting Regulations (England and Wales) 2010,
 - iii) to implement the requirements of Directive 2011/97 by amending the Environmental Permitting Regulations (England and Wales) 2010 and enable the storage of liquid metallic mercury waste for more than 12 months if other relevant requirements are complied with.

Analysis of the responses

- 3.1. **8 responses** were received:
 - 1 came from The Scottish Environment Protection Agency
 - 1 came from The Institution of Civil Engineers (Wales)
 - 1 came from Milton Keynes Council
 - 1 came from The National Trust
 - 1 came from Weblight Limited

¹ S.I. 2010/675 as amended.

² Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste.

- 1 came from Euro-Chlor
- 1 came from Ineos-Chlor
- 1 came from a waste management company

Three respondents stated they had “no comment” and 2 supported the proposals. A further 2 were questions from producers of mercury waste who wished to know how the proposals would affect them; neither was affected by the proposals. The other response consisted of comments on the subject of mercury waste exports.

Brief summary of the views of respondents

- 4.1. Most of those that specifically responded to the proposals had “no comments”, (3 of the 5).
- 4.2 Two responses supported the proposals.
- 4.3 Three respondents submitted additional comments on the proposals. These can all be summarised as supporting a pragmatic, cost effective and proportionate approach to the interim storage of metallic mercury waste.

Summary table

Questions	Comments
Question 1: Do you have any comments about the practical impacts or consequences of the proposed amendments which are required under Council Directive 2011/97/EU?	2 respondents supported the proposal. The remaining respondents (3) provided no comments.
Question 2: If you are a producer of metallic mercury waste or a waste management company that handles waste of this type, do you have any comments about the desirability or practical consequences, including costs, of the proposed amendments?	3 respondents supported the adoption of a pragmatic, cost effective and proportionate approach to the interim storage of metallic mercury waste. The remaining respondents (2) provided no comments.

Government response: the way forward

- 6.1 The Regulatory Policy Committee has reviewed these proposals and considers them to be a low-cost regulatory measure. Consequently a full impact assessment was not included in the consultation.
- 6.2 There was limited public interest in the consultation. The majority of responses received on the specific proposals were “no comment”. Two responses were in support of the proposal. There were no responses that opposed the proposals.
- 6.3 The responses received do not indicate that there any reasons to alter the way in which Defra has proposed to transpose Directive 2011/97/EU in respect to England or amend the Control of Major Accident Hazard Regulations in respect to England, Wales or Scotland. Defra will therefore now look to finalise the explanatory memorandum and the statutory instrument before gaining the clearances that will enable the amendments to the Environmental Permitting Regulations (England and Wales) 2010 to be laid in order to meet the transposition deadline in Directive 2011/97/EU.
- 6.4 The Welsh Government will publish a Decision Report on the proposed amendments to the Regulations in respect to Wales.
- 6.5 If you have any queries about the Consultation please contact: Patrick McKell on 020 7238 4407 or email: patrick.mckell@defra.gsi.gov.uk.

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<http://www.defra.gov.uk/consult/>

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