

Briefing on EPR Regulation During Severe Weather

Severe weather impacts at facilities we regulate

To help us to manage the impacts of the severe weather for the benefit of all our customers and to protect the environment we would encourage trade associations to pass this note onto to their members.

The recent severe winter weather can present challenging conditions for site managers and operators of the sites we regulate. Extremely low temperatures will affect, for example, the operation of plant and equipment, monitoring arrangements and can disrupt supplies, access to land and the availability of key personnel.

We appreciate that in some circumstances this may lead to potential non-compliance with the requirements of the environmental permit, or may cause some unforeseen environmental impact. Where this is the case, we will work with them to minimize potential impacts on the environment, both now and in the longer term.

Where these extreme conditions may affect an operator's ability to maintain compliance with the conditions of their permit or may lead to an environmental incident, we would urge the operator to contact their local Environment Agency office to explore the options available for minimising and managing the potential impacts.

Operators should contact their local Environment Agency office on 08708 506 506 (Mon- Fri 8.00am – 6.00pm). At other times and in an emergency operators should call our Incident line on 0800 807060.

Principles of our approach

1. We will continue to focus our regulatory efforts based on the relative risks posed by different activities. We will apply our regulation proportionately taking account of all the circumstances on a site by site basis.
2. We will be alert for a reduction in standards at plants we regulate and will continue to take enforcement action in line with our published Enforcement and Prosecution Policy. We would expect operators to continue to comply with permit conditions wherever possible and to maintain their duty of care in respect of storage, transfer, treatment and disposal of waste and wastewater. Many wastewater permits have a condition providing a waiver of consent limits on discharge performance when adverse weather affects the operation, and the operator can demonstrate that they have taken all reasonable actions to prevent it affecting performance.
3. We will expect operators to trigger their business continuity plans where necessary to ensure any disruption to normal activities is minimised.

4. We will aim to maintain, as far as possible and in line with Government advice, our normal regulatory compliance activities including site inspections and environmental monitoring.

5. We will continue to work with central governments (Defra and WAG), local authorities and other partners to promote environmental protection activities, including pollution prevention advice, and environmental positions (see examples below). These will be added to and updated as the need arises.

6. We will work closely with Governments if they decide to relax any specific regulations, direct operators or take other measures to manage impacts

Further information

We have prepared briefings for our staff on specific situations including, for example:

Landspreading on agricultural land; Milk and slurry disposal;

Operator sampling at wastewater treatment plants and operator monitoring of Landfill sites.

Where possible we will publish these guidelines on our website.

Further information on our approach to regulation can be found on the business and industry section of our website at:

www.environment-agency.gov.uk/business/default.aspx

Our Enforcement & Prosecution Policy can be found at: <http://www.environment-agency.gov.uk/business/regulation/31851.aspx>

Note: this will be replaced by new enforcement documents on 4th January 2011 (see: www.environment-agency.gov.uk/business/regulation/116844.aspx)

Environment and Business

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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