

Mineral Products Association Ltd

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Sent via email to: Graham.Winter@environment-agency.gov.uk

Dear Mr. Winter,

MPA response to the draft Regulatory Position Statement (RPS)- “The permitting requirements for small to moderate sized construction depots carrying out waste treatment and recycling for ‘in house’ waste concrete, asphalt and concrete wash wastes.”

Thank you for informing the Minerals Products Association of the draft RPS and welcoming comments- we very much appreciate having this opportunity to respond.

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF) and the British Association of Reinforcement (BAR), it has a growing membership of 450 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production and 70% of precast concrete production. Each year the industry supplies £9 billion of materials and services to the £120 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

As described our members consist of operators who would be required to manage their operations under the proposed RPS. It is difficult to understand why firstly there is a need for the RPS and secondly why more research was not done to discover current industry practice. Once we can understand this we will be a position to further help the EA with a RPS.

The proposed RPS suggests that all “in-house” returned concrete, asphalt and concrete washout water is a waste. MPA disagrees with this entirely; it is the decision of the operator as to whether the material is discarded and therefore becomes a waste or not. In nearly all situations the material will be returned to the process with no intention to discard. This is particularly true when material is moved round a site or within the operators business.

Even before an operator commences production or takes ownership of the relevant constituents the life-cycle of the product will be considered. It is unlikely that the operator would consider discarding any materials under their ownership especially those which have stayed within their chain of utility under their management and control as in most circumstances there is no intention to discard.

We would consider the decision as to whether to discard or not must be entirely the judgement of the operator.

If the EA feels that there is a need to produce RPSs for all returned materials (and we are not necessarily convinced that there is such a need) we would welcome discussions. We consider that individual RPS will be required for each type of material as it is impossible to consider such different materials, which are handled quite differently, under the same RPS. Further clarity will also be required as to the scope of the RPS. It is not clear what is meant by “in house”. In particular the RPS states that it is concerned with “some small sites, receiving, storing and treating unused waste concrete and waste asphalt”. However, in the accompanying email it explicitly states that the RPS is aimed at “unused asphalt and concrete that is returned to a depot and reprocessed into new product”. However, ultimately returned materials and those which arise from the process are one and the same. Both materials may become waste at a later stage depending on the decision of the operator. Likewise they may be used in one or more of the operators processes.

If the EA deems all returned loads to be waste as indicated in the RPS a significant additional burden will be placed both on industry and the EA for no apparent reason. The requirements of the Waste Framework Directive and the subsequent waste regimes, such as the Duty of Care, would have to be applied to every load. This in practice would not work and may prove detrimental to the commercial viability of some operations. The increase in production costs would have to be passed onto the market.

I hope you find our comments useful and informative - I hope that through further discussions we can reach a more appropriate conclusion.

Yours sincerely,

Nicola Owen
Environment and Waste Policy Executive
Mineral Products Association