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PRESS INFORMATION

Soil Stabilisation Industry affected by Environment Agency direction on non hazardous soils.

Following ongoing discussions with the Environment Agency, clarification was recently received that may well have major ramifications on the soil stabilisation industry.

The good news is that the Environment Agency accepts the principle that contaminated soils that do not require treatment or containment could be considered suitable for use in the same way as uncontaminated soils, provided there is no risk of pollution of the environment. This is due to the fact that the soils are not regarded as being discarded and can therefore be considered suitable for incorporation into the proposed works.

Unfortunately this is not the case however, should the same material need to be re-engineered on purely geotechnical grounds. The addition of lime or cement to stabilise the material, to make it capable of taking the engineering loads required by the finished works, will require the deployment of a waste management licence by the soil stabilisation contractor. In conjunction with this, an exemption licence will also be required to allow the modified waste to be used for construction purposes.

As mentioned previously this is likely to have a major impact on the soil stabilisation industry as many of the specialist soil stabilisation contractors currently do not hold Waste Management Licences, so effectively would be precluded from contracts that include either hazardous or non hazardous contaminated soils, which is likely to be the case on any brownfield site.

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The Environment Agency has been pro-active in simplifying the Mobile Treatment Licence (MTL) process by enabling an MTL operator to operate as many sites as there are agreed deployment forms, whereas previously the operator could only deploy on one site at a time. The requirement however to deploy a waste management licence on purely geotechnical grounds on those contaminated sites where the material could otherwise be incorporated without a licence, would appear to be unnecessary and would appear to have arisen without prior consultation with the stabilisation industry.

The implications of the above is that contractors, consultants, developers, etc who are involved with brownfield sites that will be affected by the new regulations, will need to ensure that they provide stabilisation contractors with a minimum of six weeks notice prior to the works commencing, to allow for the paperwork to be set in place. It will also reduce the number of stabilisation contractors capable of carrying out this type of works, to those that hold an appropriate waste management licence.

In conclusion, the effect of the above would also seem to be contra to the Environment Agency's principle of encouraging the re-use of site materials. The likely effect is that the amount of soil being recycled will decrease, as the ultimate decision makers will take the easy option and elect to send affected material to landfill to simplify the process and minimise project lead times.

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