

FOI requests and responses about IBA from Andrew Wood

21 requests received from Mr Wood from 28/2/08 to 26/08/09

Reference	Date received	Owner	Query	Response
696	28/2/08	Bob McIntyre	Info between ESA/EA	Not located
723	3/3/08`	Steve Eland	Correspondence between ESA/EA (1/9/07 to 3/3/08 but expanded to 12/6/08 as late response)	Attached. Addendum to H14 report and EU report not released
734	2/7/08	Steve Eland	Confidential agreement letter between ESA/EA	Attached. Not held. Link to statement re IBA on our website sent
742	14/7/08	Jon Lees	Info held between ESA/EA & EU reports & WM2	Attached. (3 separate requests 742, 743 & 744 – one collated response)
744	14/7/08	Jon Lees	Info held between ESA/EA & EU reports & WM2	Attached. (3 separate requests 742, 743 & 744 – one collated response)
743	14/7/08	Jon Lees	Info held between ESA/EA & EU reports & WM2	Attached. (3 separate requests 742, 743 & 744 – one collated response)
774	1/9/08	Jon Lees	Request fro further info between ESA/EA/Defra	Attached (2 separate requests, 774 & 776 – one collated response) No info sent as none available
775	1/9/08	Jon Lees	Request for ToR & H14 testing 'spec'/protocol from 2007	Attached: No ToR exist
776	1/9/08	Jon Lees	Request fro further info between ESA/EA/Defra	Attached (2 separate requests, 774 & 776 – one collated response) No info sent as none available
814	17/11/08	FOI team	Request for copies of all his own requests re IBA to date	Response not seen but assumed sent
845	19/1/09	Steve Eland	Comms from 16 May to 19 Jan 09 between ESA/EA	E-mails between ESA & EA sent regarding dates/ times of meetings. Response not located
861	12/2/09	Bob McIntyre	Req for all submissions in response to H14 WM2 consultation	Collated response with 864. This response was very time consuming as all 17 respondees had to be contacted to ask permission to release etc. Response not located
864	13/2/09	Bob McIntyre	Req for all responses in response to H14 WM2 consultation	Collated response with 864. This response was very time consuming as all 17 respondees had to be contacted to ask

				<i>permission to release etc</i> Response not located
938	28/5/09	Bob McIntyre	Submissions to H14 WM2 consult	Response not located
943	3/6/09	Jon Lees	Press releases associated with WM2 consultation	Attached. No press release made so no info supplied.
972	1/7/09	Bob McIntyre	Request for all e-mails inviting people to respond to WM2 consultation in 2007	Attached. Not provided as considered too broad request etc. Mr Wood already been sent all responses to consultation
975	3/7/09	Jon Lees	All corr between ESA/EA/Defra in last 2 years	Attached: No further correspondence to add to what already sent out
1022	18/8/09	Barry Heaven/Gill Ross-Jones	Info on web page content and comms to companies re WM2 consultation	Attached
1027	19/8/09	Bob McIntyre	Query re consultation rules re WM2/IBA	Attached.
1033	24/8/09	Barry Heaven	Request for auditing reports for H14	No reports are held so unable to provide
1037	26/08/09	FOI team	Request for all comms sent by EA re IBA in 2009	No further info sent as has already received all comms

Annexe 1 – Copies of request and responses

Item 1

FOI Request 723

Dear Mr Wood,

Thank you for your e-mail dated 3 March 2008 requesting information under the above-mentioned regulations.

I'm sorry our response to your request has been delayed for such a considerable period of time. I understand that our National Customer Contact Centre (NCCC) have carried out an investigation into what went wrong and have amended their procedures to ensure there is no repeat of the issue that lead to this delay.

You asked for information between 1 September 2007 and 3 March 2008, because of the problem with the way our NCCC dealt with your request and in the interests of openness and transparency I have extended the timespan from 3 March to 12 June, the date when my team eventually received the request from NCCC.

Please find below our response to your request for copies of correspondence between the Environment Agency and the Environmental Services Association (or its members), about the testing of incinerator bottom ash for toxic compounds.

The documents enclosed are as follows:

1. E-mail from the ESA dated 19 Oct 2007, enclosing their response to our consultation on the revision of our hazardous waste technical guidance, WM2 (document reference: ESA.msg)
2. Letter from the ESA dated 4 March 2008 regarding Direct Ecotoxicity Testing of Incinerator Bottom Ash/Revisions to Agency Guidance WM2 (document reference: 080304 IBA Ecotoxicity testing.pdf)
3. E-mail from ESA dated 13 March 2008 concerning incinerator bottom ash enclosing their letter referred to above at point 2 (document reference: FW incinerator Bottom Ash.msg)
4. Our letter to the ESA dated 2 April in response to their letter dated 4 March referred to in both points 2 and 3 above (document reference: esa H14 3 08 (2).doc)
5. E-mail response dated 17 April 2008 to the ESA's e-mail dated 16 April concerning IBA Ecotoxicity Testing/WM2 (document reference: RE IBA Ecotoxicity TestingWM2 1.msg)
6. E-mail chain detailing several exchanges over the arrangements for a meeting to discuss direct testing (document reference: FW Direct testing of IBA.msg)
7. E-mail from ESA dated 13 May 2008 enclosing a request for commercial confidentiality (document reference: ESA FoI Request.msg)

Please note that the meeting referred to in 6 above was very much a working group meeting, the output from which was the publication of our revised hazardous waste technical guidance WM2, no minutes were taken at the meeting.

I hope this adequately deals with your request but should you require any further clarification then please contact Gill Ross-Jones (Hazardous Waste Policy Advisor) either via telephone on 01733 464382 or e-mail: gill.ross-jones@environment-agency.gov.uk

Regards

Steve Eland
Sent on behalf of Liz Parkes
Head of Waste

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Item 2

FOI Request 734

Dear Andrew,

In response to your latest request for information, after consulting with colleagues I can confirm that the document you've requested does not exist.

We do not enter into any confidentiality agreements when we receive a request for commercial confidentiality. Any such request is assessed on a case by case basis in accordance with the appropriate legislation.

Where a request relates to a third party, or is for information that has been provided to us by a third party, then:

- if an exemption applies, and it is in the public interest to withhold, we will write to the applicant giving our reasons for non-disclosure
- if an exemption applies, but we believe that it may be in the public interest to disclose, then we will normally ask any third parties for their view on the confidentiality of the relevant information. We will then take this into account in making our decision.

For information I've attached a document, recently published on our website, which expresses our view on the classification of IBA. It can be found via the following link:
<http://www.environment-agency.gov.uk/ourviews/857198/1498985/?lang=e>

Should you wish to discuss any of this further or have any further queries then please contact Gill Ross-Jones either via telephone on 01733 464382 or e-mail: gill.ross-jones@environment-agency.gov.uk

Regards

Steve

-----Original Message-----

From: Andrew Wood [mailto:andrew@gn.apc.org]

Sent: 02 July 2008 14:54

To: Eland, Steve

Cc: Morris, Linda

Subject: Re: Formal request for information under the Environmental Information Regulations 2004 - Part 1 of 5

Dear Steve Eland,

Thank-you for your recent assistance with my request for information from the Environment Agency under the Environmental Information Regulations/ Freedom of Information Act.

I would like to make a new request for information under the aforementioned legislation to you as a representative of the Environment Agency. If you are not the right person to whom the request should be made then could you let me know who I should contact?

Please could you provide me with a copy of the confidentiality agreement, referenced in the information previously provided, between the Environmental Services Association and the Environment Agency about the sampling and testing of incinerator bottom ash.

Thank you. I look forward to hearing from you.

Yours sincerely

Andrew Wood

Andrew Wood, 40 Freelands Road, Oxford. OX4 4BT
Tel: 01865 201 728/ 07973 953 446

Eland, Steve wrote:

> Andrew,
>
> As you will know by now I've forwarded all the e-mails that you
> couldn't
> read so you should be able to read all the 'msg' e-mails that were
> attached to our original response.
>
> Let me know if you still want hard copies of the documents.
>
> Cheers
>
> Steve
>
>
> -----Original Message-----
> From: Andrew Wood [<mailto:andrew@gm.apc.org>]
> Sent: 30 June 2008 15:29
> To: Eland, Steve
> Subject: Re: Formal request for information under the Environmental
> Information Regulations 2004 - Part 1 of 5
>
> Hi Steve,
>
> I think I've found someone who is able to convert the outlook files
> into
>
> something which I can read. Problem solved it seems!
>
> Thanks for your assistance, including posting a copy.
>
> Best wishes,

>
> Andrew Wood
>
> Ps. I was able to view the email in the latest format in which you
sent
> it. Thanks.
>
> Andrew Wood, 40 Freelands Road, Oxford. OX4 4BT
> Tel: 01865 201 728/ 07973 953 446
>
> Eland, Steve wrote:
>
>> Andrew,
>>
>> Before resulting to the post I've decided to try and forward the
>> relevant e-mails, I hope this works. Can you let me know if you
can
>> read this one? If so I'll forward the rest of them.
>>
>> Cheers
>>
>> Steve
>>
>>>>
>

>
>> *From:* Sam Corp [<mailto:S-Corp@esauk.org>]
>> *Sent:* 13 May 2008 16:27
>> *To:* Ross-Jones, Gill
>> *Cc:* Stuart.Sim; Turrell, Jane
>> *Subject:* FoI Request
>>
>> Click here
>> <<https://www.mailcontrol.com/sr/wQw0zmjPoHdJTzGyOCrrhg==>>
>> to report this email as spam.
>>>>
>>
>> Gill
>>
>> Please find attached letter regarding FoI - request for
>>
> confidentiality.
> >>
>> Regards
>>
>>>>
>> Sam Corp
>> Senior Policy Executive
>> Environmental Services Association
>> 020 7591 3209
>>

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Item 3

FOI Request 742. 743 & 744

Dear Mr Wood,

Thank you for your three e-mails dated 14 July 2008 requesting information under the above-mentioned regulations.

Please accept this e-mail as our response to all three of your requests.

In respect of your request for correspondence, notes and any other information pertaining to communications of any sort, dating from 13 May 2008 until 14 July 2008, between the Environment Agency and the Environmental Services Association (or its members), about the testing of incinerator bottom ash for toxic compounds and the regulation of incinerator bottom ash, I enclose the following documents:

1. E-mail from the ESA dated 2 July suggesting amendments to the text of a position statement we eventually published on our website.(document reference: ESA suggestions.msg)
2. E-mail from the ESA dated 7 July suggesting a minor amendment to the text of the above-mentioned statement (document reference: FW ESA suggestions.msg)

In respect of your amended request, as per your e-mail dated 16 July, for reports or other information, detailing and justifying proposed changes to the waste management regulations, leading up to the publication of edition 2 of technical guidance WM2, I have the following comment:

Whilst we have no reports or other information that meets your request criteria, I can confirm that the reasons for amending our technical guidance was due to the implementation of the Hazardous Waste Regulations in 2005 and an amendment to the Special Waste Regulations in Scotland. The previous version offered guidance on the Special Waste Regulations which were subsequently replaced by the 2005 Regulations in England and Wales.

In respect of your request for reports or other information held by the Environment Agency about toxicity testing procedures for incinerator bottom ash in other countries, especially EU countries, I enclose the following documents:

1. A copy of a German document on the testing for ecotoxicity (H14) (document reference: German H14 testing document.pdf)
2. A copy of an OECD guidance document on aquatic toxicity testing (document reference OECD H14 testing.pdf)

Whilst we do not hold any other documents you could try the European Environment Agency's website (<http://www.eea.europa.eu/>) or use the following link to the European Waste Platform: <http://www.europeanwasteplatform.org/content/view/full/467> for further information on ecotoxicity testing.

As this issue is obviously very important to you, rather than engage in further correspondence I would like to offer you a meeting with our hazardous waste policy and technical experts to discuss your concerns and issues. If you think a meeting would be beneficial then please contact Gill Ross-Jones (Hazardous Waste Policy Advisor) either via telephone on 01733 464382 or e-mail: gill.ross-jones@environment-agency.gov.uk who will make the necessary arrangements.

Regards

Liz Parkes
Head of Waste

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Item 4

FOI Requests 774 and 776

Dear Mr Wood,

Thank you for your three e-mails dated 1 September 2008 requesting information under the above-mentioned regulations.

Please accept this e-mail as our response to two of your requests (referenced as FOI 774 and FOI 776). As previously notified to you in Steve Eland's e-mail dated Friday 26 September we will respond to your third request (ref FOI 775) by close of play tomorrow, Tuesday 30 September.

I'm sorry you felt unable to take up our offer of a meeting with our hazardous waste policy and technical experts to discuss your concerns and issues. I still believe that such a meeting would be beneficial for all concerned. Should you decide to take up this offer then please contact Gill Ross-Jones (Hazardous Waste Policy Advisor) either via telephone on 01733 464382 or e-mail: gill.ross-jones@environment-agency.gov.uk who will make the necessary arrangements.

In respect of your request for all correspondence or other communications between the Environmental Services Association (ESA) and the Environment Agency regarding toxicity testing and/or regulation of incinerator bottom ash from January 2006 (including all minutes, notes and communications relating to meetings between the the ESA and ourselves), we have no other such documents over and above what we have already provided in our response to your previous requests dated 3 March and 14 July 2008. As stated previously the meetings were hosted by the ESA and were very much working group meetings. We are not aware that any notes or minutes were produced by the ESA.

In respect of your request for all communications between the Environment Agency and Defra and its officials in regard to the regulation of incinerator bottom ash since 1 July 2006, I can confirm that we hold no such documentation, there being no such communication between us on this issue.

I can also confirm that we hold no such documentation regarding communications between us and the Better Regulation Executive on this issue, again because there has been no communication between us on this issue .

I hope this adequately deals with your requests.

Regards

Liz Parkes
Head of Waste

Item 5

FOI Request 775

Dear Mr Wood,

Further to my e-mail yesterday please accept this e-mail as our response to your outstanding request (ref FOI 775).

We have now considered the following request made on 1 September 2008:

'Please provide me with the following information: the terms of reference and protocol used in the 'UK wide sampling and testing programme to provide scientific data ...' agreed in 2007 as described in the letter, from the

As far as we are aware there was no terms of reference associated with this testing protocol and in any case if there was such a document we do not hold a copy of it.

With regard to the Protocol on testing of incinerator bottom ash, the Environment Agency does not hold a copy of the final document produced in November 2006. We do hold a copy of a draft dated July 2006, but after consultation with the Environmental Services Association, we have come to the decision that we are not able to disclose the information you have requested. The reasoning for our decision is explained below.

Requests for information that is recorded are generally governed by the Freedom of Information Act 2000 (FOIA). The information you have requested is environmental and it is therefore exempted from the provisions of FOIA by FOIA s.39(1). We have therefore considered your request under the provisions of the Environmental Information Regulations 2004 (EIR).

EIR regulation 12 permits a public authority to refuse to disclose environmental information if an exception to disclosure applies under paragraphs (4) or (5) and if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. A public authority shall apply a presumption in favour of disclosure.

The exception that applies to the information you have requested is EIR Regulation 12(5)(f), in that disclosure would adversely affect:

the interests of the person who provided the information where that person

- (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;*
- (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and*
- (iii) has not consented to its disclosure*

We have weighed the public interest factors in favour of maintaining the exception and find that they outweigh the public interest factors in favour of disclosing the information.

In carrying out the public interest test we have considered factors in favour of releasing the information, primarily in this case the general presumption of openness; we would only withhold information if we are sure that disclosure would cause substantial harm.

We do not believe that release of this information would contribute to public debate - in any event we consider that the release of a draft has the potential to mislead. We do not consider that release of this information would assist in the effective running of the public sector, nor do we believe that release of the information would contribute to sustainable development, or public health and safety.

We consider that there are significant factors in favour of withholding the information. As a regulator we need to be aware of technical and environmental information which may be provided to us in confidence. If we were to supply such information on request when the person providing it has not consented to its release, the businesses we regulate would be far less willing to share data with us and we would become less effective as an environmental regulator.

We have consulted the ESA about release of the Protocol, and taken their representations into account. The ESA paid for the Protocol and owns the Intellectual Property in it. A factor in favour of withholding the protocol is that disclosure would adversely affect intellectual property rights.

We also agree with the ESA that there could be commercial harm caused to members of the association if confidential information were released and that there would be potential

damage to the commercial interests of members if the Protocol became available as this would allow competitors to make use of the information and gain financially from it.

As indicated, upon assessing the factors in the public interest test, we have assessed that in relation to the volunteered information and taking into consideration the presumption in favour of release, we find that the factors in favour of withholding information outweigh the public interest factors in disclosing the information.

If you are not satisfied with our decision not to supply the requested information you can contact us to ask for our decision to be reviewed. If you are still not satisfied following this, you can then make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is: Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please accept my apologies for the delay in this response.

Regards

Liz Parkes
Head of Waste

Item 6

FOI Request 943

Dear Mr Wood,

Thank you for your e-mail dated 3 June requesting copies of any press releases associated with our public consultation on proposals for H14 Ecotoxicity testing in 2007.

I can confirm that in relation to this consultation there were no press releases or press statements issued by the Environment Agency. We do not retain copies of other Government departments press releases or statements.

Yours sincerely

Gill Ross-Jones
Policy Advisor - Hazardous Waste
Tel: 01733 464382
Mob: 07733014897

Item 7

FOI Request 972

Dear Mr Wood,

We refer to your request for information of 1st July 2009 for all emails inviting submissions to the Environment Agency's H14 Ecotoxicity consultation in 2007, except that sent to the WRG company by Bob McIntyre on 10 September 2007 (please see below).

Requests for information that are recorded are generally governed by the Freedom of Information Act 2000 (FOIA). The information you have requested is environmental and it is therefore exempted from the provisions of FOIA by FOIA s.39(1). We have therefore considered your request under the provisions of the Environmental Information Regulations 2004 (EIR). EIR regulation 12 allows a public authority to refuse to disclose environmental information if an exception to disclosure applies under paragraphs (4) or (5) and in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. A public authority shall apply a presumption in favour of disclosure.

We have withheld the information. The exception under EIR Regulation 12(4)(b) applies as the request is manifestly unreasonable in that it could take several weeks to identify and collate the required information. EIR Regulation 12(4)(c) also applies - we may refuse to disclose information to the extent that the request for information is formulated in too general a manner and we have complied with our duties under EIR Regulation 9 to provide you with advice and assistance. We refer to the advice and assistance we have given in our previous e-mail responses to your numerous information requests. We have remained unable to identify the information that you have requested so that we could collate and consider it for release”.

We have already provided you with responses to a large number of Freedom of Information requests on the subject of H14 Ecotoxic including provision of Bob McIntyre's records relating to the consultation itself. These contain e-mails sent to customers where they are embedded in a response. We have tried to assist.

However in this instance you have not limited your request to Bob McIntyre. Your request is too general because it potentially includes any or all of our staff who deal with customers directly or indirectly on the subject of hazardous waste.

These staff are located in numerous offices each maintaining records in relation to their own activities. Our view is that asking hundreds or perhaps thousands of staff to check their records will take considerable time and effort. In addition we would point out that e-mails sent by our staff to customers that direct them to web pages or guidance would not normally be considered records and would therefore be deleted after 6 months. We consider that such a search of our records is unlikely to find any/many such e-mails to add to those already provided to you. On this basis our view is that your request is manifestly unreasonable.

We would also confirm the earlier response that we do not have a list of consultees who were invited to take part and cannot therefore provide one.

As indicated, upon assessing the factors in the public interest test, we have assessed that in relation to this request and in relation to the supply information for a request that is manifestly unreasonable, we find that the factors in favour of withholding information outweigh the public interest factors in disclosing the information.

Rights of appeal

If you are not satisfied with our response to your request for information, you can contact us to ask for our decision to be reviewed. If you are still not satisfied following this, you can make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is: Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF .

Tel: 01625 545700.

Fax: 01625 524 510.

E-mail: mail@ico.gsi.gov.uk.

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely

Bob McIntyre

Technical Advisor, Hazardous Waste
Waste Technical Services
Environment Agency

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Item 8

FOI Request 975

Dear Mr Wood,

Thank you for your e-mail dated 3 July requesting copies of all correspondence between the Environment Agency and Defra regarding H14 Ecotoxicity testing of waste in the last 2 years.

The only correspondence is a letter (ref: esa H14 3 08 (2)) dated 2 April 2008, to the ESA which was copied to Defra officials. A copy of this letter has already been sent to you on 30 June 2008 in relation to a previous request from you for information dated 3 March 2008.

The only other material is advice that we have provided to Defra in support of answers to Parliamentary Questions on this subject, the final answers to which are published in Hansard. Any document prior to that point is draft thinking that has not been signed off by appropriate authorised persons and which we generally would not release as it would be misleading and risks incorrect information entering circulation. For this reason we consider such communications as exempt under the Environmental Information Regulations, Regulation 12(4)(e).

If you are not satisfied with our decision not to supply all the requested information, you can contact us to ask for our decision to be reviewed. If you are still not satisfied following this, you can then make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is: Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Tel: 01625 545700.

Fax: 01625 524 510.

Email: mail@ico.gsi.gov.uk.
Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely,

Liz Parkes
Head of Waste and Resource Management

From: Andrew Wood [<mailto:andrew@gn.apc.org>]
Sent: 03 July 2009 16:51
To: NE-Templeborough-Freedom-Of-Information
Subject: Freedom of information request, 3 July 2009

Friday 3 July 2009

Dear Sir/ Madam,

Please provide access to the following information. This request is made according to the Freedom of Information Act and the Environmental Information Regulations. A copy of the requested information sent by email would be preferred.

Please provide me with all communications between the Environment Agency and Defra regarding H14 Ecotoxicity testing of waste in the last 2 years.

Yours faithfully

Andrew Wood

Andrew Wood, 20 Fane Road, Marston, Oxford. OX3 0SA.
Tel: 01865 201 728/ 07973 953 446

Item 9

FOI Request 1022

Dear Mr Wood,

I am now able to answer the questions that you asked us in your e-mail dated 18th August 2009 and these are provided below under your relevant paragraphs:

Please provide me with information showing when the Environment Agency placed a notice on its website advising that incinerator bottom ash may be regarded non-hazardous re. H14 eco-toxicity. Similarly, please provide information showing when this advice was removed from its website.

Our records show the web-page you refer to was posted on our web site shortly before 4th July 2008 and was most likely on 3rd July 2008. I'm afraid this is as precise as I can be as I have a note dated 4th July advising our staff that the web page had been posted. It is normal practice that we issue such advice within one day of a web-page being published.

This web page was removed on 29th May 2009.

Please provide me with information communicated to companies advising that incinerator bottom ash may be regarded as non-hazardous other than that posted on the Environment Agency website.

We have no record of any communication to companies advising of this separate to the published web-site.

Regards

Barry Heaven
Hazardous Waste Technical Advisor
(07802 335157)

-----Original Message-----

From: Andrew Wood [<mailto:andrew@gn.apc.org>]

Sent: 18 August 2009 13:53

To: NE-Templeborough-Freedom-Of-Information

Subject: Freedom of information request

Dear Sir/Madam,

Please provide me with information showing when the Environment Agency placed a notice on its website advising that incinerator bottom ash may be regarded non-hazardous re. H14 eco-toxicity. Similarly, please provide information showing when this advice was removed from its website.

Please provide me with information communicated to companies advising that incinerator bottom ash may be regarded as non-hazardous other than that posted on the Environment Agency website.

I have attached a webpage giving the advice which I've described (also see text of webpage below), in order to assist you with this inquiry.

Yours faithfully,

Andrew Wood

Andrew Wood, 20 Fane Road, Marston, Oxford. OX3 0SA.
Tel: 01865 201 728/ 07973 953 446

page title: Environment Agency - classification of Incinerator Bottom Ash

Page Downloaded: 4 February 2009

Classification of Incinerator Bottom Ash

A statement on the initiative to identify a protocol for the ecotoxicity testing of Incinerator Bottom Ash

This note applies only to the classification of Incinerator Bottom Ash (IBA)

Most IBA is likely to be non-hazardous waste.

IBA is classified on the List of Wastes as a 'mirror entry'. This means that IBA must be assessed, and if found to possess any one of the fourteen hazardous properties it would then be classified as a hazardous waste.

The hazardous property that might be most likely to apply to IBA would be H14 Ecotoxic. This is due to a combination of low thresholds for certain substances and the recent reclassification of zinc oxide as ecotoxic in the Eighth Edition of the Approved Supply List. Although work undertaken has found that zinc may be present in IBA, this is likely to be in the form of a benign complex mineral rather than as ecotoxic zinc oxide.

We have been working with the Environmental Services Association (ESA) to ensure that the procedures used to assess IBA for hazardous property H14 are both robust and technically appropriate. On 16 May 2008 we published a new edition (2.2) of technical guidance WM2 that contained revised procedures for H14 that apply to all wastes. This guidance has reviewed and revised the procedures for assessment by chemical analysis and direct testing, although the chemical analysis requirements remain broadly similar to those already contained in incinerator permits.

We expect:

- * any IBA possessing one or more of the hazardous properties H1-14 to be classified as a hazardous waste.
- * the revised procedures from version 2.2 of Technical Guidance WM2 for the assessment of IBA for H14 Ecotoxic to be implemented as soon as possible; and
- * the H14 assessment procedures from previous editions of Technical Guidance WM2 no longer to be used.

Author: The Environment Agency | enquiries@environment-agency.gov.uk
<<mailto:enquiries@environment-agency.gov.uk>>

Last updated: 29 November 2008

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Item 10

FOI Request 1027

Dear Mr Wood,

Thank you for your enquiry.

You have requested the

"...information produced by the Environment Agency's Consultation Co-ordinator relating to the Agency's H14 ecotoxicity consultation held in Autumn 2007. I understand that the Environment Agency has signed up to the Code of Practice on Consultation, which is described here:

<http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

The Code requires that those adopting the Code of Practice should have a Consultation Co-ordinator.'

In your response to your request I would point out that the Code of Practice you refer to was issued in 2008. The Environment Agency signed up to this code in November 2008. The consultation undertaken by the Environment Agency in 2007 is not therefore subject to these subsequent developments.

As the co-ordinator of the consultation I have no additional information to provide. You have already been provided with the records that I hold in relation to this consultation in response to your previous requests.

Regards

Bob