

**Website** [www.defra.gov.uk](http://www.defra.gov.uk)

**Date** 11 January 2012

Dear Consultee,

**Consultation on an amendment to the UK Plan for Shipments of Waste to allow the export of dredged sediments from the River Tyne for disposal**

1. I am writing to invite your views on a proposed amendment to the UK Plan for Shipments of Waste (“the UK Plan”) to allow the export of contaminated sediments from the River Tyne for disposal.
2. The Government has been approached by the River Tyne Sediment Steering Group chaired by Professor Paul L Younger of Newcastle University with a request for an amendment to the UK Plan to allow the use of the Confined Disposal Facility<sup>1</sup> “De Slufter” in the Port of Rotterdam for the disposal of contaminated dredging sediments from the River Tyne. This facility has been used for the management of such sediments from the River Rhine. The contamination of the sediments from the River Tyne does not exceed the concentration limits to classify them as hazardous and thus they are non-hazardous waste.
3. The UK has a policy of prohibiting, with limited exceptions, the shipment of waste to or from the UK for disposal. This policy is contained in the UK Plan. The Plan underpins the principles of self-sufficiency and proximity in waste disposal that are set out in EU waste legislation. The Plan can be viewed on the web at:  
<http://www.doeni.gov.uk/niea/waste-shipments.pdf> .
4. Under the UK Plan, exceptions to the general prohibition on exports for disposal can currently be made, but in the case of non-hazardous waste, the only exception provided for is for small quantities for trial runs - to assess a new technology for

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<sup>1</sup> A Confined Disposal Facility (CDF), sometimes called a confined placement facility, is an area specifically designed for the containment of contaminated dredged material that provides control of potential releases of contaminants to the environment. Dikes or other structures may be used to isolate dredged material. The main, basic objective for a CDF is to retain dredge material solids and allow the discharge of clean process water from the confined area.

example. Thus an amendment to the UK Plan would be needed to allow this non-hazardous waste to be exported for disposal.

5. By way of background, the River Tyne has elevated background concentrations of environmentally problematic metals (particularly zinc), originating from the long-abandoned metal mining district in its headwaters. There is also a pressing need to develop a contingency plan to avoid crises when the river experiences future flood flows. Dredging and removal of contaminated sediments is part of this planning.
6. Options for the management of this waste stream have been explored. Disposal of the dredgings at sea is not possible. This is because at least some of the metal concentrations exceed the Centre for Environment, Fisheries and Aquaculture Science (Cefas) 'Action Levels' used to assess the suitability of dredged sediments for sea disposal in England and Wales.
7. For the same reason the spreading of dredgings alongside the waterway from which they have been dredged is precluded in this case. In the absence of any suitable land reclamation or alternative use for the dredgings, dewatering followed by landfill is a potential disposal route. The disposal of waste liquids to landfill is prohibited by the Landfill Directive, so large-scale de-watering and stabilising operations would be required before the dredgings could be landfilled. However, following consultation with the Environmental Services Association, as the trade body for the major waste management companies in the UK, it appears that there is currently no treatment and landfill option for this waste in the UK, although it is possible that capacity may be developed in the future. As mentioned above, capacity to deal with the waste in an environmentally sound manner does currently exist in the Netherlands, at the De Slufter confined disposal facility.
8. In the circumstances, Defra would propose an amendment to the UK Plan to allow for the potential export of the dredgings to the De Slufter facility on a time limited basis dependent on the possible future development of UK disposal capacity. We propose widening the current exemption for hazardous waste produced in small quantities to include also contaminated river sediments that are classified as non-hazardous waste. The proposed re-wording of the exemption can be found below. This would mean that if a UK waste management company was able to provide capacity for disposal of these dredgings at any time in the future then the grounds for an exception could be reviewed. This would be in line with paragraph 25 of the Explanatory Note to the existing UK Plan on page 11 which states: *Where specialist disposal operations are judged to be economically viable, but time is needed to acquire such facilities, the Government foresees the application of this exception on a transitional basis.*
9. The proposed amendment would not be limited only to export of contaminated river sediments that are classified as non-hazardous waste, and in theory could also apply to the import of such wastes. However, under current circumstances, the Department does not envisage applications for the import of such wastes.

## Proposed amendment (proposed new text in red)

**Shipments to and from Member States or EFTA countries of hazardous waste, *or contaminated river sediments that are classified as non-hazardous waste*, produced in such small quantity overall per year that the provision of new specialised disposal installations would be uneconomic**

10. As mentioned above, we would propose that the policy contained in paragraph 25 of the Explanatory Note would continue to apply to the exception, which would mean that any export of such contaminated dredging would be on a time limited basis dependent on the possible future development of UK disposal capacity. In addition, as with the current wording of the exception, it would only apply when UK competent authorities have been informed by UK Government that it is accepted that the circumstances in the exception apply.
11. Consequential amendments would need to be made to the Plan as a result of the broadening of the exception to include a non-hazardous waste, for example in paragraphs 9 and 19 and paragraphs 5, 22 and 24 of the Explanatory Note.
12. Comments are invited on the proposal to amend the Plan in this way, the proposed approach, and on the text of the proposed amendment.

### Timing

13. The River Tyne Sediment Steering Group have asked Defra to expedite this request for an amendment to the UK Plan because the Group is concerned that there should be a proper contingency plan in place as soon as possible for the management of the dredgings, and to allow any dredging operations to commence as soon as possible in support of planned development of the River Tyne basin. Given that some informal consultations have already been undertaken with industry and with affected parties, comments on this proposed amendment and consequential changes to the UK Plan are **requested by close on 10 February 2012**.

### Responses

14. We invite comments on the proposal for an amendment to the UK Plan. Please send responses to:-

**UK Plan for Shipments of Waste Consultation  
Hazardous and International Waste Unit  
Department for Environment, Food and Rural Affairs  
Area 6D Ergon House  
17 Smith Square  
LONDON SW1P 3JR**

**E-mail: [hiwu@defra.gsi.gov.uk](mailto:hiwu@defra.gsi.gov.uk)**

**Fax: 020 7238 4857**

15. When this consultation ends, we intend to put a copy of the responses in the Defra library at Ergon House, LONDON. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.
16. If you do not want your response - including your name, contact details and any other personal information - to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.
17. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential. We will summarise all responses and place this summary on our website at <http://www.defra.gov.uk/corporate/consult>. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

To see consultation responses and summaries, please contact the library at:-

Defra  
Information Resource Centre  
Lower Ground Floor  
Ergon House  
17 Smith Square  
LONDON SW1P 3JR  
Telephone: 020 7238 6575  
E-mail: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)

Please give the library 24 hours' notice. There is a charge for photocopying and postage.

18. If you have any comments regarding the consultation process itself rather than on the substance of the consultation, please address them to: Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, LONDON SW1P 3JR or email [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).
19. Thank you for your help in this matter. If you have any queries please contact us as above.

**Andy Howarth**  
Head of Hazardous and International Waste  
Defra Waste Programme