

## Response ID ANON-Q43E-SKQE-H

Submitted to Environmental permit competence requirements: changes to technically competent manager attendance  
Submitted on 2021-08-09 17:06:16

### Introduction

#### Future options for attendance requirements

Attendance caps, 24 hour operations, closed landfills and mobile treatment activities

Adjustment for normal operations and increased attendance for poor performers

### Section 1 - about you

Question 1: Please tell us if you are responding as an individual or on behalf of an organisation or group.

Please provide your comments in the box below:

Organisation - The Association for Renewable Energy and Clean Technology (REA)

Question 2: Keeping up to date - by giving your email address you consent to receive emails

Please enter your email address to consent to receive emails:  
jenny@r-e-a.net

Question 3: Can we publish parts of your response that are not personally identifiable?

Yes

Question 4: Please tell us how you found out about this consultation?

Please provide your comments in the box below:

From the Environment Agency

### Section 2 - your views

Question 1: Do you have a preference for the approaches described in options 1, 2 or 3?

Option 1: Attendance linked to charge bands

Question 2: Do you have any comments or views on the financial impact of the proposed options on your business?

Please provide your comments in the box below:

Depending on the requirements, there could be large financial impact on businesses.

Typical registration fees for a COTC Level 4 for compost or AD are around £2200 per candidate. The Continuing competence test is currently £130 and lasts 2 years. Where sites use a contractor to provide TCM cover, this is typically charged at around £50 per hour plus travel. Where sites go from one hour to 20%, this will increase costs from £50 to £400 plus travel to give an example.

EPOCs are approximately £1095 and continuing competence £130.

Other training options that may be more relevant should also be considered, this could include job-specific training. REA support the need for training to be relevant to the activity and the risk.

We are unclear about the number of qualified TCMs and the number of people coming through the system. There could be a risk of short fall if longer times are required on site and insufficient TCMs.

Question 3: Do you have any comments or views on the environmental benefits of the proposed options?

Please provide your comments in the box below:

Provision of good technical competence should minimise the risk of environmental pollution by improving the site management. This is linked not only to time on site, but the quality of the TCM. A good TCM will be able to pass on their knowledge to other staff who are able to ensure operations run correctly even when the TCM is not present.

Question 4: Do you have any comments or views on the existing 48 hour attendance cap?

Please provide further information to support your answer::

If a site is a poor performing site (i.e compliance band F) then attendance should be linked to the operational hours of the site and setting a cap may not be advisable. However for compliant sites, who are likely to have more controls in place, an attendance cap seems reasonable. It could help give certainty in terms of planning and budget for the worst case scenario.

For CMS sites - competence and training of key personnel on site at all times is always demonstrated via certified management system.

Question 5: Do you have any comments or views on the attendance requirements for 24 hour operations?

Please provide your comments in the box below:

Many of our members with AD sites operate 24/7 as it is a continual process. There are not always staff on site at all times though with most sites operating SCADA systems to control the process and these can be monitored remotely. There is often a difference to daytime operations of waste acceptance, front end processing etc to night-time operations which are likely to be automatic and involve less vehicle movements etc.

REA support that the attendance requirements should be based on the risk and take account of other measures, such as remote monitoring and alarms. There needs to be clarity of what is considered to be operational hours to enable sites to calculate the percentage attendance.

Question 6: Do you support the attendance requirements for sites with multiple regulated facilities?

Please provide your comments in the box below:

REA support the proposed approach.

There also needs to be consideration of the Competency Management Scheme

### Section 3 - your views continued

Question 7: Do you have any comments or views on the attendance requirements for sites after permit transfer?

Please provide your comments in the box below:

REA support the attendance requirements returning to the baseline requirements if a permit is transferred, pending a 6 month review.

Question 8: Do you have any comments or views on the attendance requirements for mothballed sites?

Please provide your comments in the box below:

Clarity is need on what is meant by periodic inspection and if this is required to be undertaken by the TCM. Further clarity of the definition of mothballed site is also required to enable the requirements to be properly understood and evaluated.

Question 9: What implementation period do you consider appropriate for existing permitted sites?

1 year

Question 10: Do you have any comments or views on the implementation arrangements?

Please provide your comments in the box below:

REA support the proposals for additional consultation on the details and for the acceptance agreement between the TCM and operator to remain in place during the implementation period.

Question 11: Do you support the proposed attendance requirements for closed landfills?

Don't know

Please provide your comments in the box below:

We understand that the TCM requirements for closed landfills are usually agreed between the operator and the regulator. We are unclear if a change to this approach is proposed.

Question 12: Do you support the proposed attendance requirements for mobile plant for landspreading permits?

Don't know

Please provide your comments in the box below:

REA support the NCP approach. Further clarity is needed on how NCP is assessed and what the training requirements are. EPOC may be appropriate if it covers operations related to the on-site activities. We would like clarity on how long an EPOC would be valid for as a requirement for regular EPOCs would be expensive.

REA support the need for training to be relevant to the activity and the risk. Other training options that may be more relevant should also be considered, this could include job-specific training. For example, a practical training course organised by LANTRA or other outdoor skills-based organisation.

There also needs to be consideration of the Competency Management Scheme and how this will fit with the TCM and NCP approach. There should not be a requirement to define the NCP or TCM in CMS. The person completing the mobile plant operation should be named on the training matrix and how competence is delivered should be detailed in the management system procedures. Training should be completed before mobile plant operations commence and the training completed documented in the training matrix.

## Section 4 - your views continued

Question 13: Do you support the proposed attendance requirements for land remediation mobile plant permits?

Yes

Please provide your comments in the box below:

REA support the NCP approach and also agree that the bespoke attendance requirement should be agreed at the deployment application stage. A framework is useful for improving consistency across the sector.

CMS - There should not be a requirement to define the NCP or TCM in CMS. The key personnel completing the mobile plant operation should be named on the training matrix and how competence is delivered should be detailed in the management system procedures. Training should be completed before mobile plant operations commence and the training completed documented in the training matrix.

Question 14: Do you support the proposed attendance requirements for other mobile plant permits?

Yes

Please provide your comments in the box below:

See answers to question 12.

Question 15: Do you support the adjustment of the attendance requirement for operator performance, with those in deteriorating or poor compliance bands having an increased attendance requirement?

Yes

Please provide your comments in the box below:

REA support a risk based approach to TCM attendance and poor performing sites could benefit from an increase attendance by a good TCM to improve operations. We also support well performing sites being recognised and adjustment of the TCM requirements being reduced.

For the CMS scheme as there is no TCM we propose an additional surveillance visit from Certification Body within 3 months of operator being in bands C to F. Operators of bands E and F to have a minimum of 2 surveillance visits from the Certification Body per year until returned to bands A to D.

Question 16: After a deterioration in compliance banding, how soon after this should the adjustment of the attendance requirement for operator performance take place?

Please provide further information to support your answer::

REA believe that a three month period prior to adjustment would enable the TCM to take actions and increase responsibility. The effectiveness of this can then be evaluated prior to considering adjustment of the attendance requirements.

Question 17: Do you support the proposed attendance requirements during grace periods?

Please provide your comments in the box below:

REA agree there should be no adjustments during grace periods.

CMS - there should not be TCM for CMS. For CMS it takes time to write the management system and complete the training necessary to satisfy the clauses of the CMS standard. There is a requirement to identify leadership/top management and to draft the Technical Competence Procedure early in the implementation, so that competence training can be delivered before the Stage 1 audit. A grace period is required for operators who use CMS to implement the management system and then complete Stage 1 and Stage 2 of certification.

For CMS, the Grace Period could introduce additional steps which the operator has to achieve before the Stage 1 and Stage 2 audit

- 1) Operator shall identify the EU Skills CMS scheme as their choice of scheme at the point of application.
- 2) Operator shall select and contract with an Approval Body.
- 3) Operator has an agreed schedule for the audit and certification process (within 4 weeks of the permit being issued).
- 4) Operator shall supply the technical competence procedure, training matrix and proposed delivery of training to the EA (within 4 weeks of the permit being issued).

- 5) Operator has had the Stage 1 audit completed by the Approval Body within 6 months of the permit being issued.
- 6) Operator achieves formal certification of their Competence Management System within 12 months of the permit being issued.

Not having a Grace Period would not work for operators using CMS.

Question 18: We value your feedback on the proposed changes. Please tell us if you have further comments not covered by the questions above.

Please provide your comments in the box below:

Further comments on Question 1:

REA supports a risk based approach to the provision of technical competence. We support options 1 and 3. With option 1, this links to the already established risk based framework. There was lots of information and discussion when the fees and charges were revised and this should represent a risk based approach. However, we have concerns that not all sites will be aware of their charging band (option 1).

Option 3 seems a relatively simple option. We would encourage the EA to consider sufficient bands that accurately reflect the risk of different operations. There needs to be more than just two baselines, one for operations and one for installations. Again this should be based on the risk posed by the activity. There are installations (based on tonnages in) that are far less complex in terms of waste acceptance and practices/processes than some waste operations.

Provision of technical competence should be more than just the number of hours spent on a site, a good TCM can be more effective in a shorter time than one who merely shows up for the required time frame.

Whatever option is chosen, it is important that inconsistencies with requirements are minimised.

There also needs to be consideration of the Competency Management Scheme and how this will fit with the TCM and NCP approach. The TCM and minimum baseline hours should not apply to CMS.

Further comments for question 9:

REA suggest 1 year implementation is the most appropriate to enable sites to gain additional TCMs, train staff etc if the attendance requirements change.

However, we have a member report that it can take nearly 3 years for staff to complete their WAMITAB so transition needs to account for this when sites do not have their own TCM.

Responding to this consultation

Consultation principles