

REPORT TO CABINET

Title: **UPDATE - REMEDIATION OF FORMER BADNELL'S PIT**

Date: 31st March 2011

Member Reporting: Councillors Mrs Knight and Bicknell

Contact Officer(s): Graham Stallwood, Development Control Manager
01628 796042

Philip Turner, Environmental Protection Team Leader
01628 683645

Wards affected: Maidenhead Riverside

1. **SUMMARY**

- 1.1.1 The site is monitored 24 hours a day for vapour, dust, noise and vibration and during the day for odour and to ensure vehicles leave the site clean. The Council has an officer based on site to monitor the works ensure complaints are dealt with by the contractor in accordance with the approved protocol and provide residents with assurance the works are being undertaken in a safe manner. The results of the monitoring and complaints are available on the development's website and are reviewed by the Residents' Monitoring Group monthly.
- 1.1.2 The developer is communicating with residents to keep them informed of the development using a variety of methods agreed with residents as part of a communications protocol.
- 1.1.3 Since work on the site began in November 2009 there have been two peaks in complaints: one related to dust in July 2010 and the other related to odour in late January 2011. In both cases the developer co-operated with the Council and residents by introducing additional measures to reduce the effect on residents. The health of residents was not put at risk.

2. **RECOMMENDATION**

- i) **The Council continues to work closely with residents, the developer and other agencies to ensure disturbance to residents is minimised;**
- ii) **The Lead Member for Planning & Development writes to Residents' Monitoring Group members to thank them for giving their time to this important role; and**
- iii) **Cabinet accepts that quarterly monitoring reports will be as described in paragraph 3.5.1**

What will be different for residents as a result of this decision?

Residents can be assured the Council will continue to work closely with all parties involved in the works to ensure their health is protected and disturbance is minimised.

3. SUPPORTING INFORMATION

3.1 Background

3.1.1 Following the Council's refusal of planning permission, the remediation of the pit was granted planning permission by the then Secretary of State in May 2006. Included in the permission is a series of conditions designed to protect residents from health risk and undue disturbance during the works. There are also additional requirements and restrictions in a legal agreement which complement the requirements of the conditions. The works must proceed in accordance with a detailed method statement and in accordance with the various restrictions, including:

- a restriction on the hours when works may take place;
- a restriction on the number of vehicles and lorries that may access the site;
- requirements for air, noise, vibration and groundwater monitoring and reporting; and
- requirements for communication with residents to keep them informed.

3.1.2 Preparatory works commenced in November 2009 and the remediation commenced in November 2010. The remediation works are currently due for completion in December 2011.

3.2 Communication with residents by the developer

3.2.1 Following the appeal the developer worked with residents and the Council to agree a communications protocol to keep residents informed during the works. The requirements of the protocol are now being implemented including:

- a monthly newsletter from the developer to around 600 nearby residents and interested parties;
- a Residents' Monitoring Group hosted by the Council and independently chaired by Supt De Meyer of Thames Valley Police. The group currently meets monthly to scrutinise and review monitoring results;
- a dedicated website (www.blackamoor-remediation.co.uk) run by the developer providing up to date information about the works including the latest monitoring results and a log of complaints received about the site with resulting actions;
- three noticeboards providing similar information to the website above for

those without internet access; and

- a 24 hour manned telephone line run by the developer for residents to report concerns (0845 258 4164).

3.2.2 In addition the developer has a visitor centre on site open 2pm - 4pm on Monday and 9am- 11am on Saturday for residents to speak to the site chemist personally.

3.3 What is monitored at the site?

3.3.1 The site is monitored 24 hours a day by the site supervising chemist (RSK) for vapour, dust, noise, vibration and during the day for odour and to ensure vehicles leave the site clean. Groundwater quality is also monitored. Sophisticated static and mobile monitoring units are positioned around the perimeter of the remediation site to provide live monitoring data for the protection of residents. All equipment is independently calibrated. The Council has an Environmental Protection Officer based at the site to ensure the works are carried out in accordance with the method statement. The officer is fully funded by the developer, but independently employed by the Council. The site chemist and Council officers are available on-call for out of hours emergencies.

3.3.2 Odour assessments are carried out by suitably trained personnel every day, with auditing by the Council's on-site officer and a monthly audit by an approved odour consultant.

3.3.3 The monitoring produces both automated and non-automated data:

- Automated data have defined action trigger thresholds (50% or 70% of the air quality guideline value) and absolute thresholds. If a trigger level is exceeded the site chemist and the Council's on-site officer are immediately alerted by audible and visual alarms to ensure a quick response, whatever time of the day, and work ceases until the issue is resolved.
- Non-automated data is collected and analysed off-site.

3.3.4 As well as live data provided at the site, weekly and monthly monitoring reports are provided to the Council and are published on the site website. These reports can be viewed at this link, including an explanation of the action taken whenever a threshold is exceeded:

http://www.st-marys-park.co.uk/index.php/component/option.com_vfm/Itemid,0/dir,Remediation%7CMonitoring%20Results/

The most recently published weekly report is attached as appendix A, and Cabinet will be provided with the up-to-date issue in the days before the meeting.

3.3.5 The Environment Agency, Health Protection Agency and Primary Care Trust are working with the Council as part of a multi-agency approach to monitoring the site. Both the Fire and Rescue Service and the Council's Emergency Planning Officer are aware of arrangements on the site.

3.4 Responding to complaints

- 3.4.1 All complaints are investigated and responded to by the contractor in the first instance as required by the communications protocol, with the Council monitoring compliance. All complaints and the response to them are provided on the development's website at the link in paragraph 3.3.4. As well as monitoring how the contractor responds, the Council also handles complaints about the contractor. The two main areas of complaint which have occurred are identified below. Complaints about lorries passing through the town on the night of Friday 18th February were not related to the site.
- 3.4.2. In July 2010 complaints about dust led to the Council serving a notice requiring additional dust control measures to which the contractor responded swiftly with additional measures to protect residents.
- 3.4.3 More recently, complaints have been received about odours resulting from the disturbance of the waste. The Council has undertaken additional monitoring of this, including out of normal office hours, to complement the measures taken by the developer and has visited the individual residents affected. The odour has no health risk to residents.
- 3.4.4 In response to the concerns expressed by residents and the Council, the contractor swiftly implemented additional odour control measures. These include the provision of an additional atomiser, which sprays a fine mist throughout the day and night to break odours, and additional use of weighted tarpaulins to prevent the escape of odours during the night. Since 4th February a scented suppressant has also been used. The equipment can be adjusted to respond to changing site conditions such as wind direction to ensure maximum protection for residents. Complaints about odour have now significantly reduced.
- 3.4.5 The Residents' Monitoring Group acknowledged at its last meeting (16th February) that a fully odour-free operation cannot be achieved. However, the contractor is required to minimise the nuisance using best practicable means and this is being undertaken. Discussions with the contractor about further "stand by" measures are also taking place in case they are required.

3.5 Quarterly monitoring reports to Cabinet

- 3.5.1 It is proposed these reports take a form similar to the weekly monitoring reports with key points from the monitoring and a review of complaints made, along with the responses to those complaints. The previous week's monitoring results will also be provided to Councillors shortly in advance of the meeting to ensure the latest published information is considered. The previous week's monitoring results will also be provided for Councillors before this meeting.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	The Council continues to work closely with residents, the developer and other agencies to	Recommended	Revenue: Funded through existing budgets

	Option	Comments	Financial Implications
	ensure the health of residents is protected and disturbance is minimised and secure the best outcome for residents.		Capital: None
2.	The Council steps back from working closely with the above parties.	Not recommended	Revenue: Activities are funded through existing budgets, but officer time could be used for alternative purposes Capital: None

4.2 Risk assessment

4.2.1 The site is contaminated and its remediation is a highly technical and detailed operation. Ensuring the works take place in accordance with the Method Statement, conditions and legal agreement accepted by the Secretary of State and working closely with residents, the developer and other agencies ensures that residents are protected from health risks as a paramount priority.

4.2.2 Potential resident concerns about the way the site is operating are mitigated as much as possible by ensuring the developer communicates well with residents as required by the communications protocol and that disturbance is minimised through a range of measures including monitoring and enforcing the protocols, having an officer on site and operating the Residents' Monitoring Group.

5. CONSULTATIONS CARRIED OUT

5.1.1 None

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

6.1.1 The report will be considered by the Planning & Environment Overview & Scrutiny Panel on 14th March 2011.

7. IMPLICATIONS

7.1.1 The following implications have been addressed where indicated below.

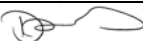
Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	✓	✓	✓

Background Papers:

Development website www.blackamoor-remediation.co.uk

Planning application 03/40644 and associated protocols including communications protocol

Weekly Air Quality Summary

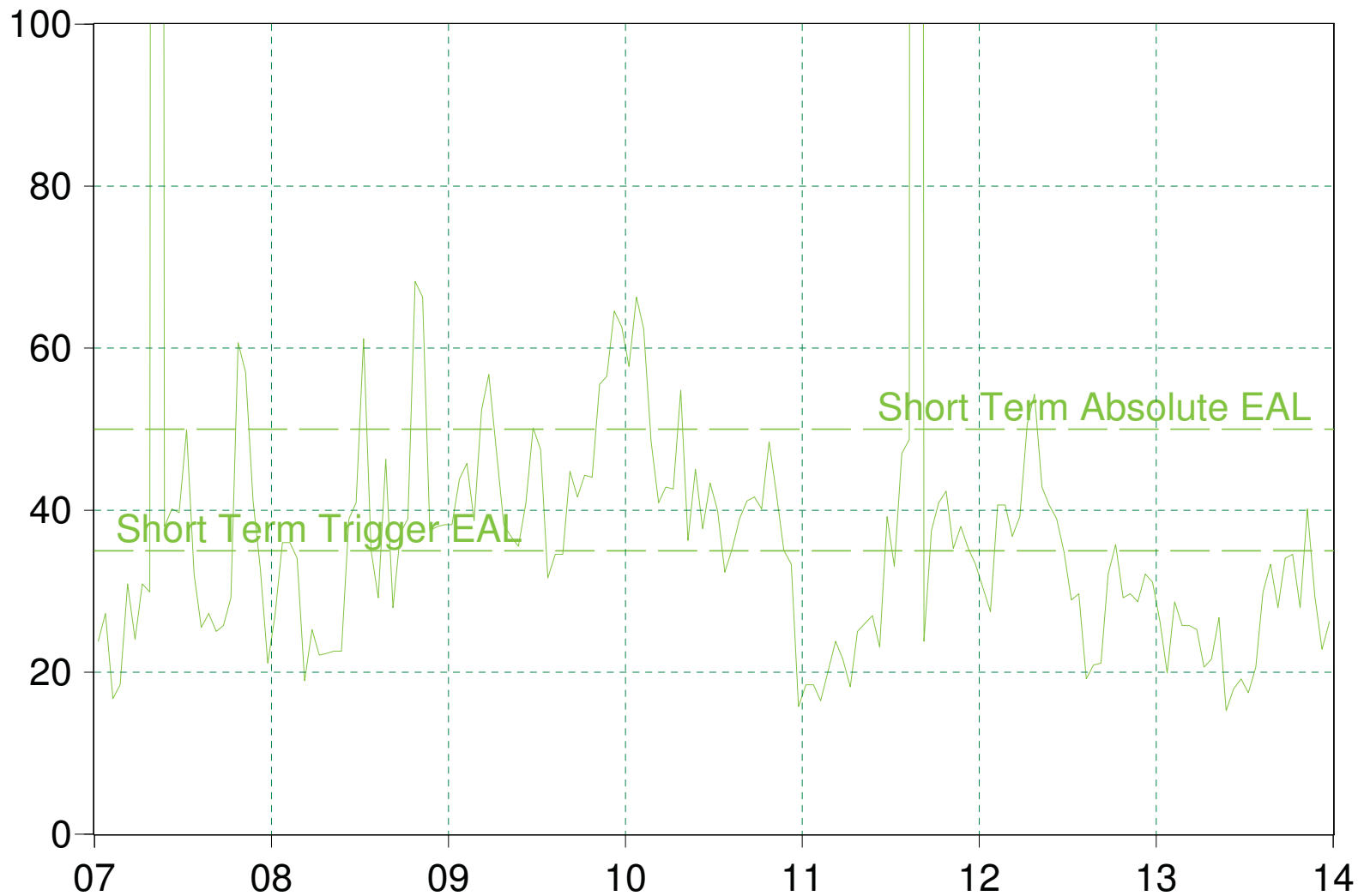
General Information											
Reporting period					Week ending: 13 th February 2011						
Activity Data											
Onsite activities carried out during week					Main Dig Cell A1/A2						
Typical truck movements per day (waste material removed)					Average of 66 lorries per day leaving site						
Monitoring Equipment Status											
Any equipment down during summary period?					None						
Notes on equipment availability (if applicable)					N/A						
Results of Monitoring											
Number of odour complaints		4 07/02/11 17:40 Odour detected by resident on Ray Lea Road 07/02/11 18:40 Odour detected by resident on Ray Lea Close 09/02/11 09:23 Odour detected by resident on Ray Lea Close 09/02/11 15:55 Odour detected by resident on Blackamoor Lane									
Number of dust complaints			None								
Vapour Results											
Compound	Maximum Concentration	Location	Date	Short Term Action Trigger Environmental Action Level (EAL)*	Short Term Absolute Trigger Environmental Action Level (EAL)**	Any Exceedances Yes/No?					
Benzene	75.28µg/m ³	GC MOB	8/02/11	104µg/m ³	208µg/m ³	No					
PCE	277.36µg/m ³	GC E	7/02/11	5600µg/m ³	8000µg/m ³	No					
Toluene	168.99µg/m ³	GC MOB	9/02/11	5600µg/m ³	8000µg/m ³	No					
TCE	535.77µg/m ³	GC E	8/02/11	700µg/m ³	1000µg/m ³	No					
Ethylbenzene	435.65µg/m ³	GC MOB	7/02/11	38,640µg/m ³	55,200µg/m ³	No					
Xylene	435.61µg/m ³	GC MOB	9/02/11	46,340µg/m ³	66,200µg/m ³	No					
O-Xylene	97.44µg/m ³	GC E	8/02/11	46,340µg/m ³	66,200µg/m ³	No					
Styrene	82.44µg/m ³	GC E	7/02/11	560µg/m ³	800µg/m ³	No					
Aniline	383.30µg/m ³	GC E	8/02/11	168µg/m ³	240µg/m ³	Yes [§]					
Indane	80.47µg/m ³	GC MOB	8/02/11	5040µg/m ³	7200µg/m ³	No					
[§] Four exceedance events of aniline took place last week. Three of them were single exceedances and levels returned to low levels within 30 minutes of the peak occurring. A single event took place on the night of 8 th February where the aniline went above the short term absolute EAL and remained high for a two-hour period. RSK were on site within 15 minutes of the second elevated reading indicating a potential problem. Once levels started to drop RSK remained on site until levels were below the short-term action EAL and three consecutive low readings were recorded. RSK have assessed the concentrations and exposure time and have concluded that there was no risk to surrounding residents.											
BAM Particulate Daily Mean in µg/m ³ :											
07/02/10	08/02/10	09/02/10	10/02/10	11/02/10	12/02/10	13/02/10	Week	ST EAL	Exceedances?		
72.59***	36.28***	45.29***	42.60***	70.31***	33.99	25.73	46.68	35µg/m ³	Yes		
Notes: * At a concentration where RSK will receive notification of an exceedance via text message and visible alarm ** At a concentration where the cause of the exceedance requires it to be controlled or the activity causing it needs to be temporarily ceased, where contribution is derived from on site activity. *** Wind direction was predominantly southerly showing movement across site, but no site activities taking place to generate dust. Likely to be from an off site source. It is also probable that the odour neutraliser mist is producing artificially high results, as this was confirmed possible by the manufacturer of the BAM. However all result still below absolute level of 50µg/m ³ . Two high results on Monday and Friday are related to a quick service check on the BAM and a filter tape change, which results in the error reading of 994µg/m ³ being reported.											
Odour Intensity Assessment – Assessed each working day at locations listed below:											
	T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	T11
Monday	2	2	2	2	2	2	2	2	2	2	1
Tuesday	2	1	1	2	2	1	2	2	1	2	1
Wednesday	2	1	1	2	2	2	2	1	1	1	1
Thursday	2	2	2	2	2	2	1	1	1	2	1
Friday	1	2	2	2	2	1	1	1	1	2	1
Saturday	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Odour Intensity:	1 - No detectable odour 2 - Faint odour (barely detectable, need to stand still and inhale facing into the wind) 3 - Moderate odour (odour easily detected while walking and breathing normally, possibly offensive) 4 - Strong odour (bearable, but offensive odour – will my clothes/hair smell?) 5 - Very strong odour (this is when you really wish you were somewhere else)										
Notes: NB: This is a very simplified version of the odour assessment and gives no details for odour extent or location sensitivity. Please see main monthly report for full details.											
Signed: 					Print: David Jacob				Date: 15/02/11		

Note: tests requiring laboratory analysis are reported in the monthly report as opposed to weekly summaries

BAM 07/02/2011 - 13/02/2011

$\mu\text{g}/\text{m}^3$

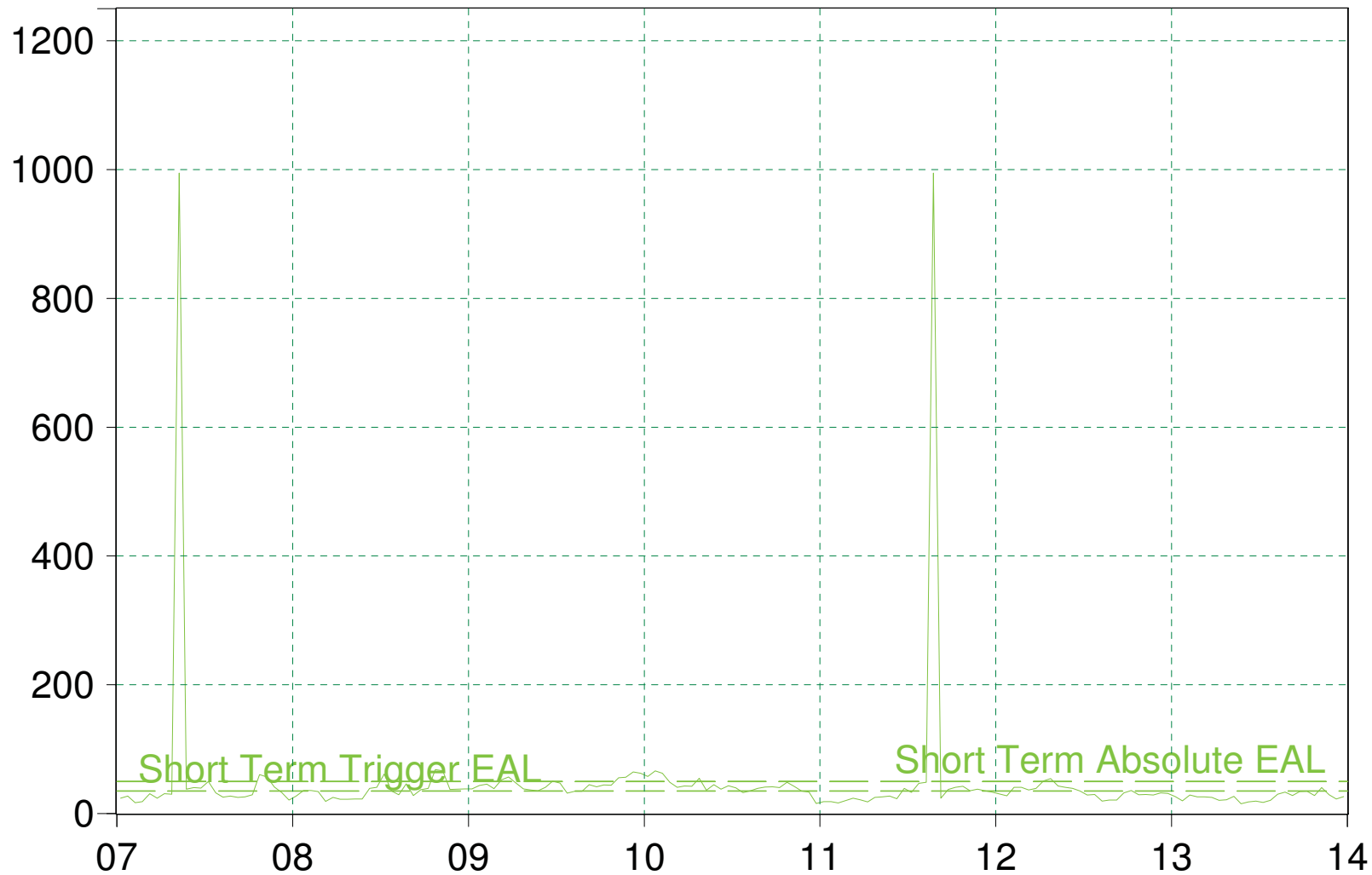
— PM10



BAM 07/02/2011 - 13/02/2011

µg/m³

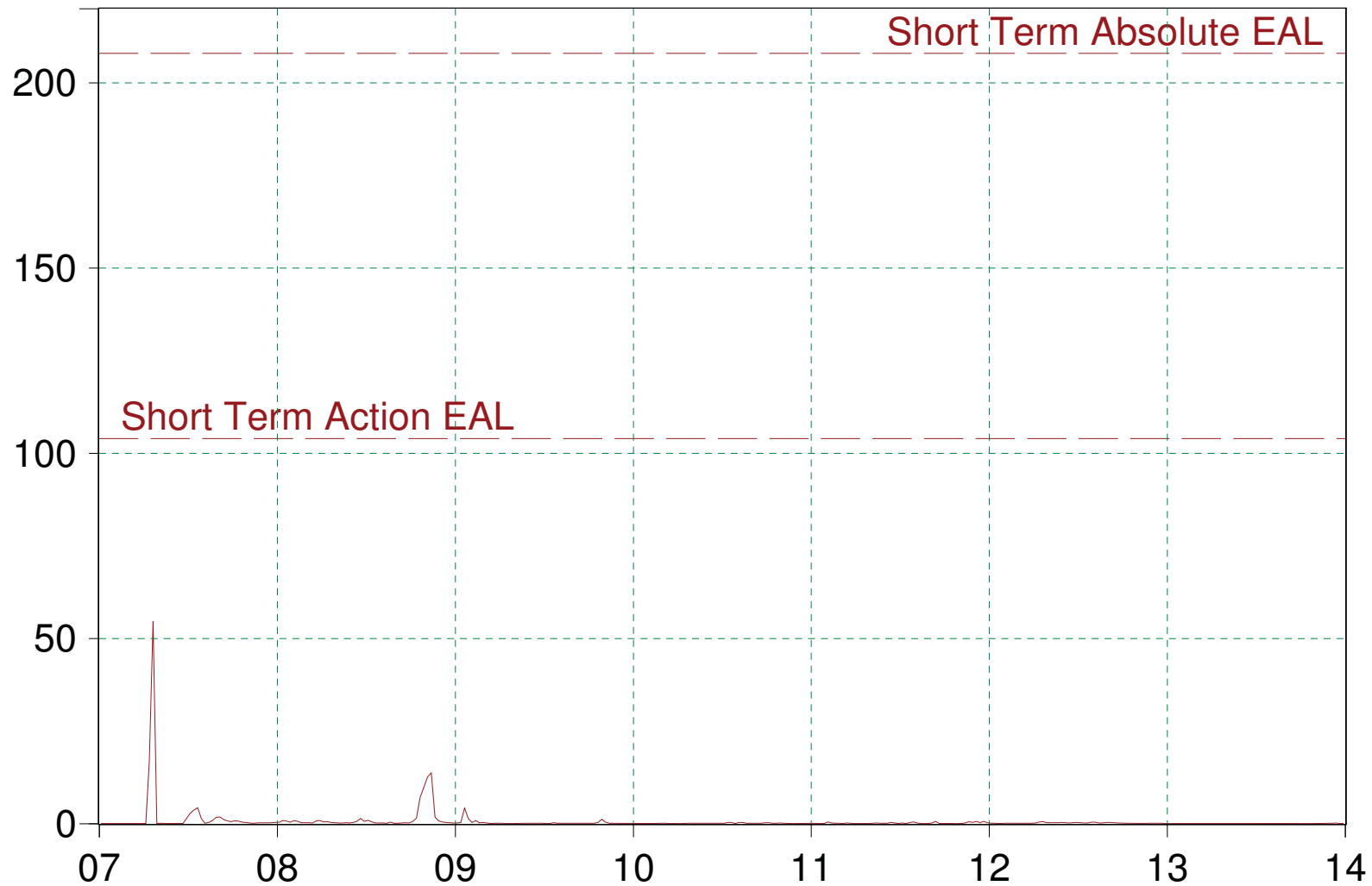
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GC E Benzene 07/02/2011 - 13/02/2011

$\mu\text{g}/\text{m}^3$

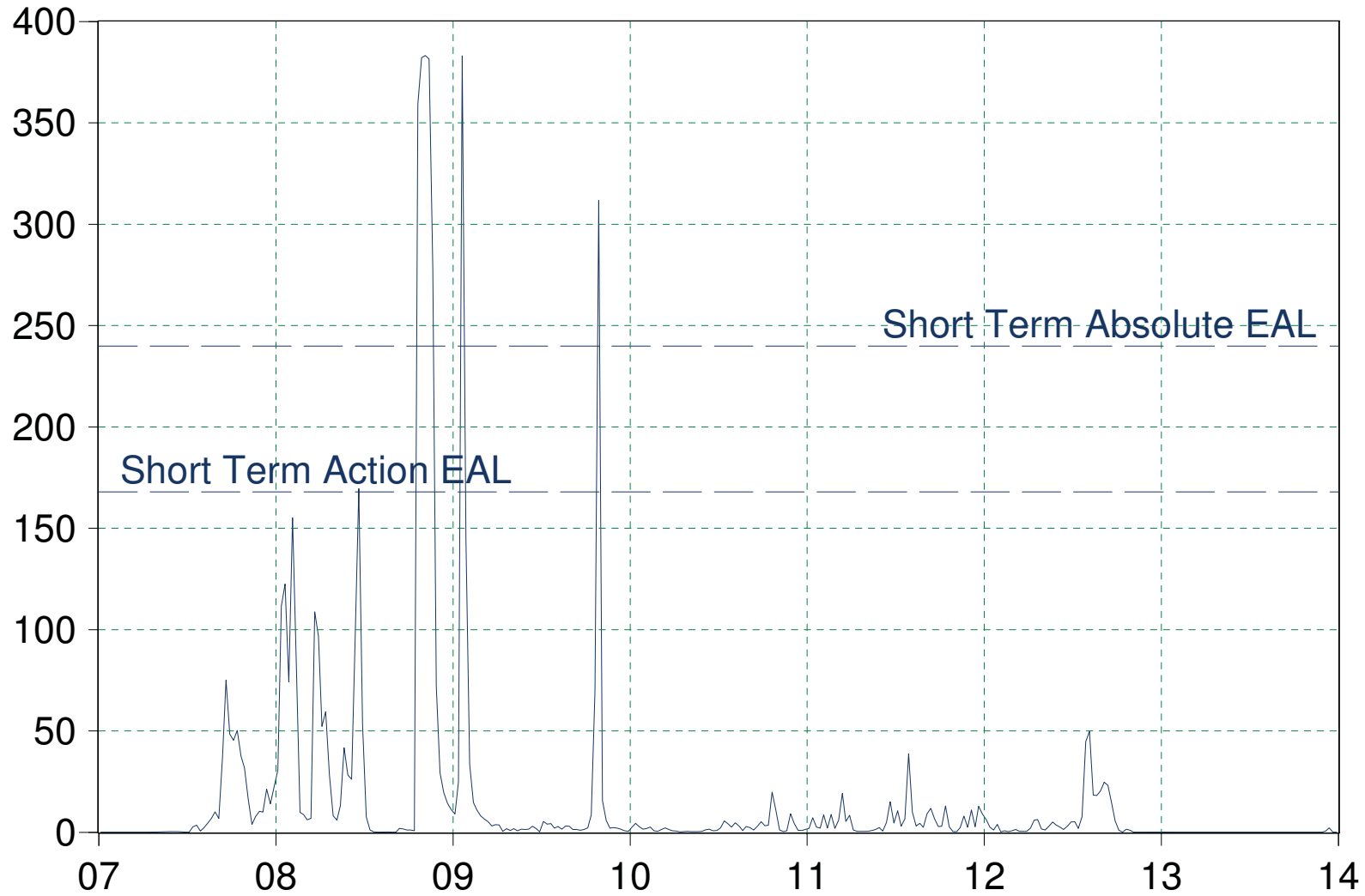
— Benzene



GC E Benzene 07/02/2011 - 13/02/2011

µg/m³

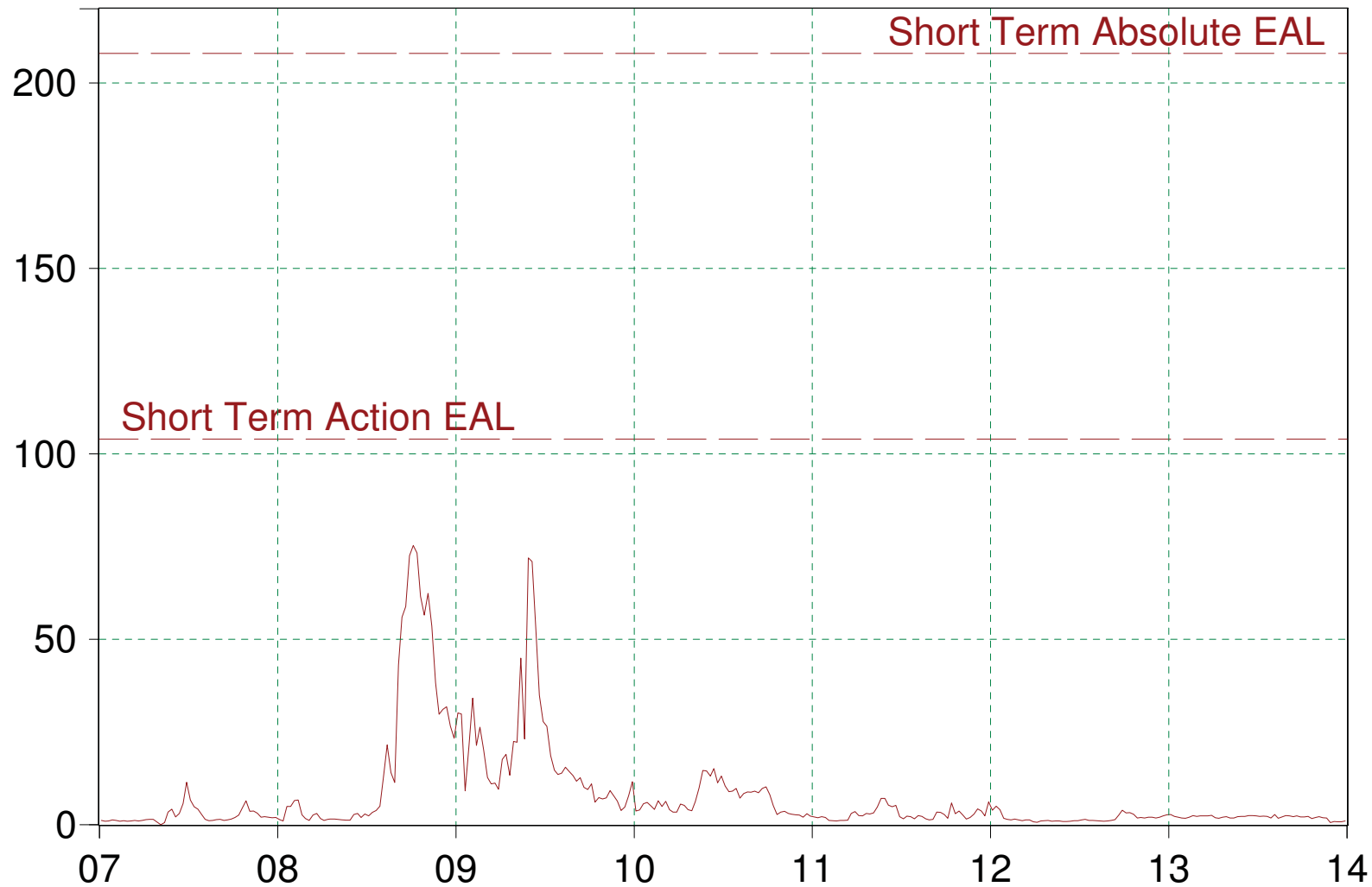
— Aniline



GC Mobile Benzene 07/02/2011 - 13/02/2011

$\mu\text{g}/\text{m}^3$

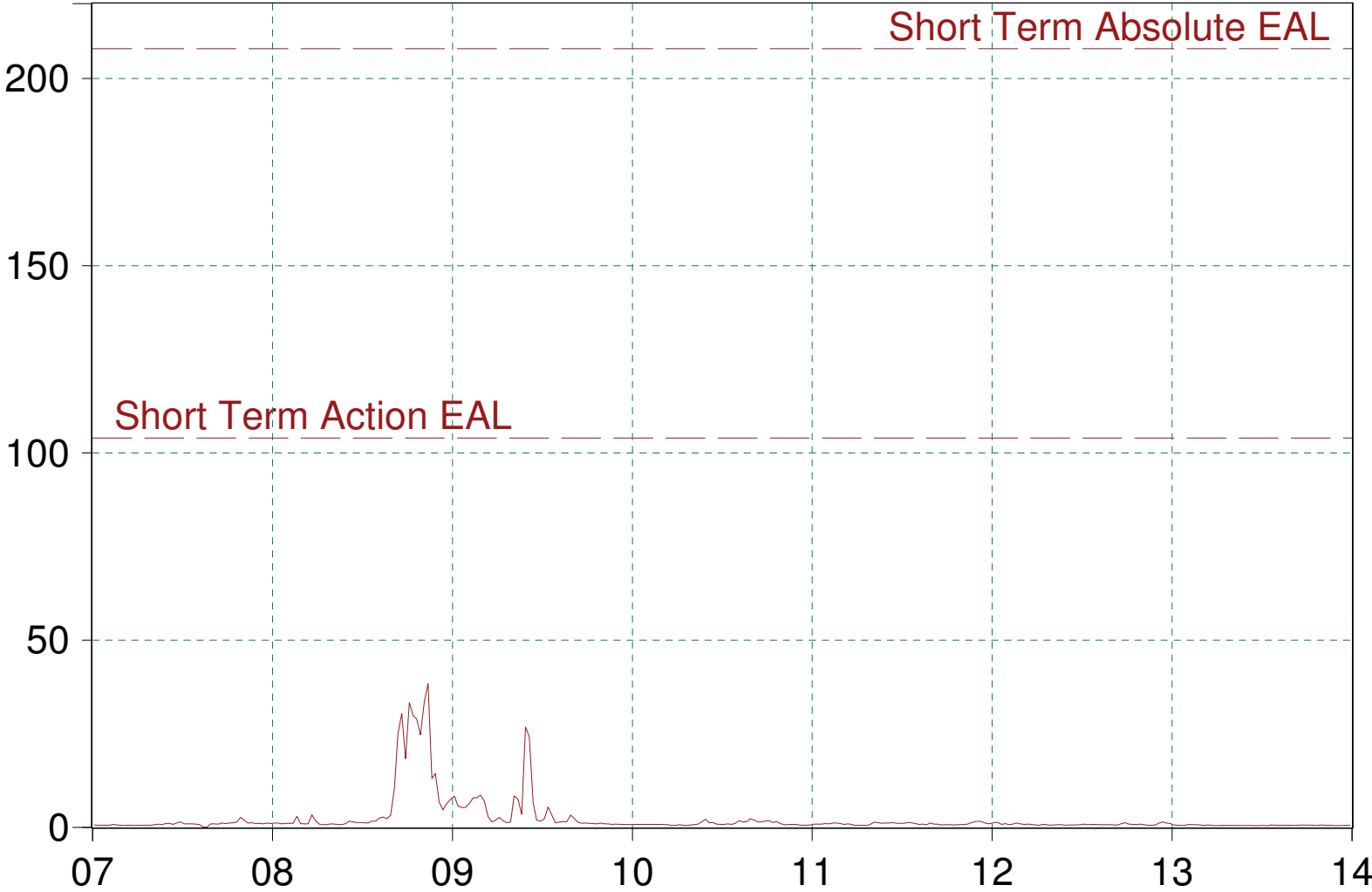
— Benzene



GC NE Benzene 07/02/2011 - 13/02/2011

$\mu\text{g}/\text{m}^3$

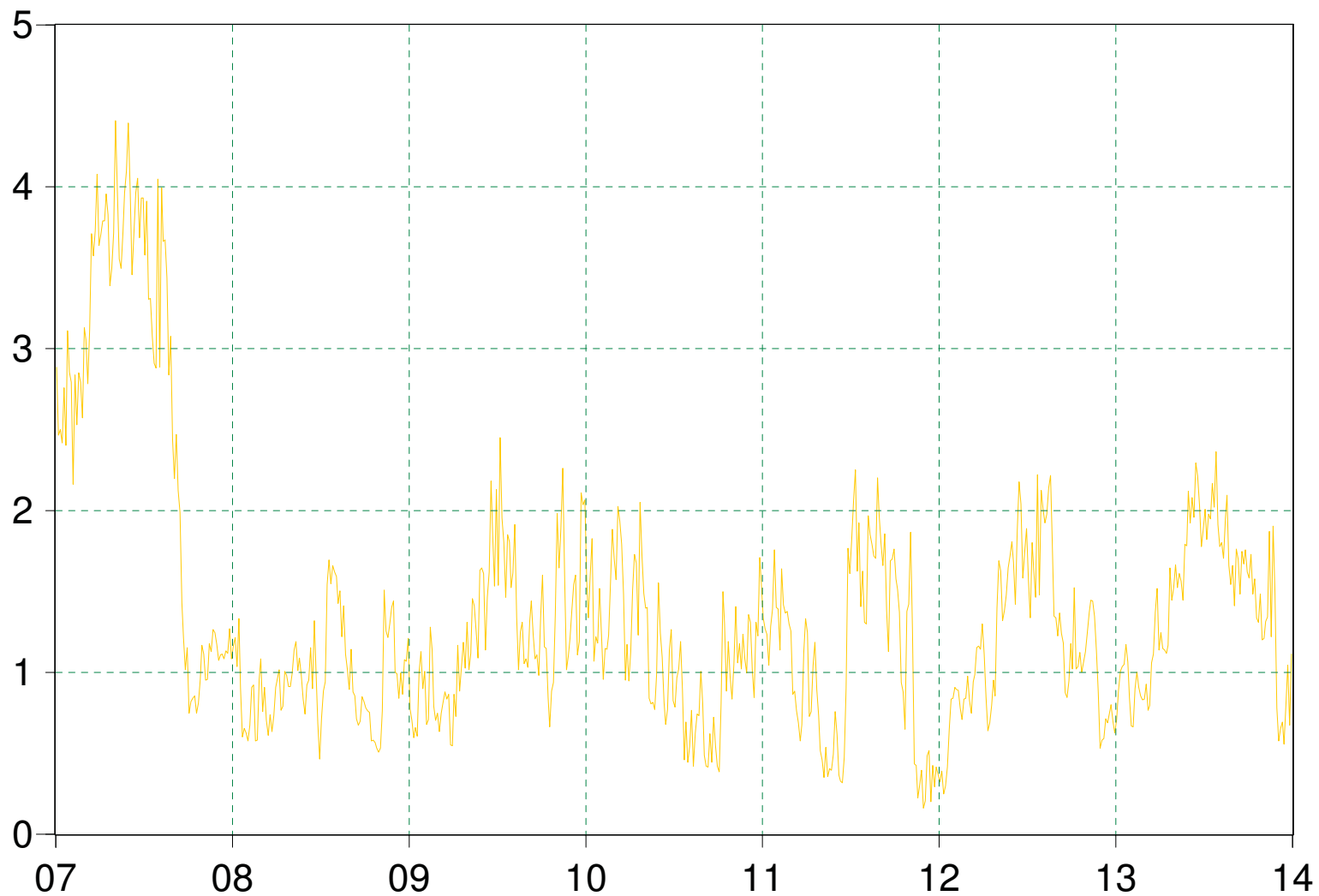
— Benzene



Wind Speed 07/02/2011 - 13/02/2011

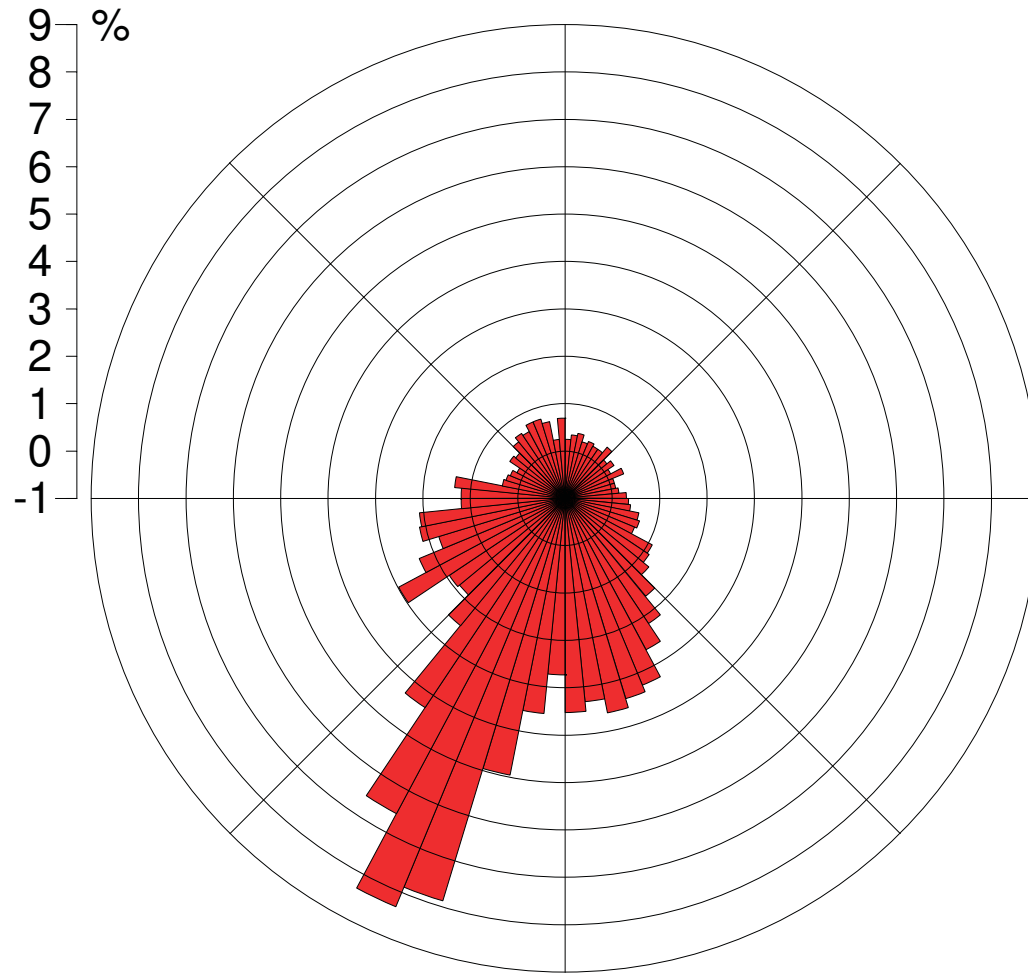
m/s

— Wind Speed

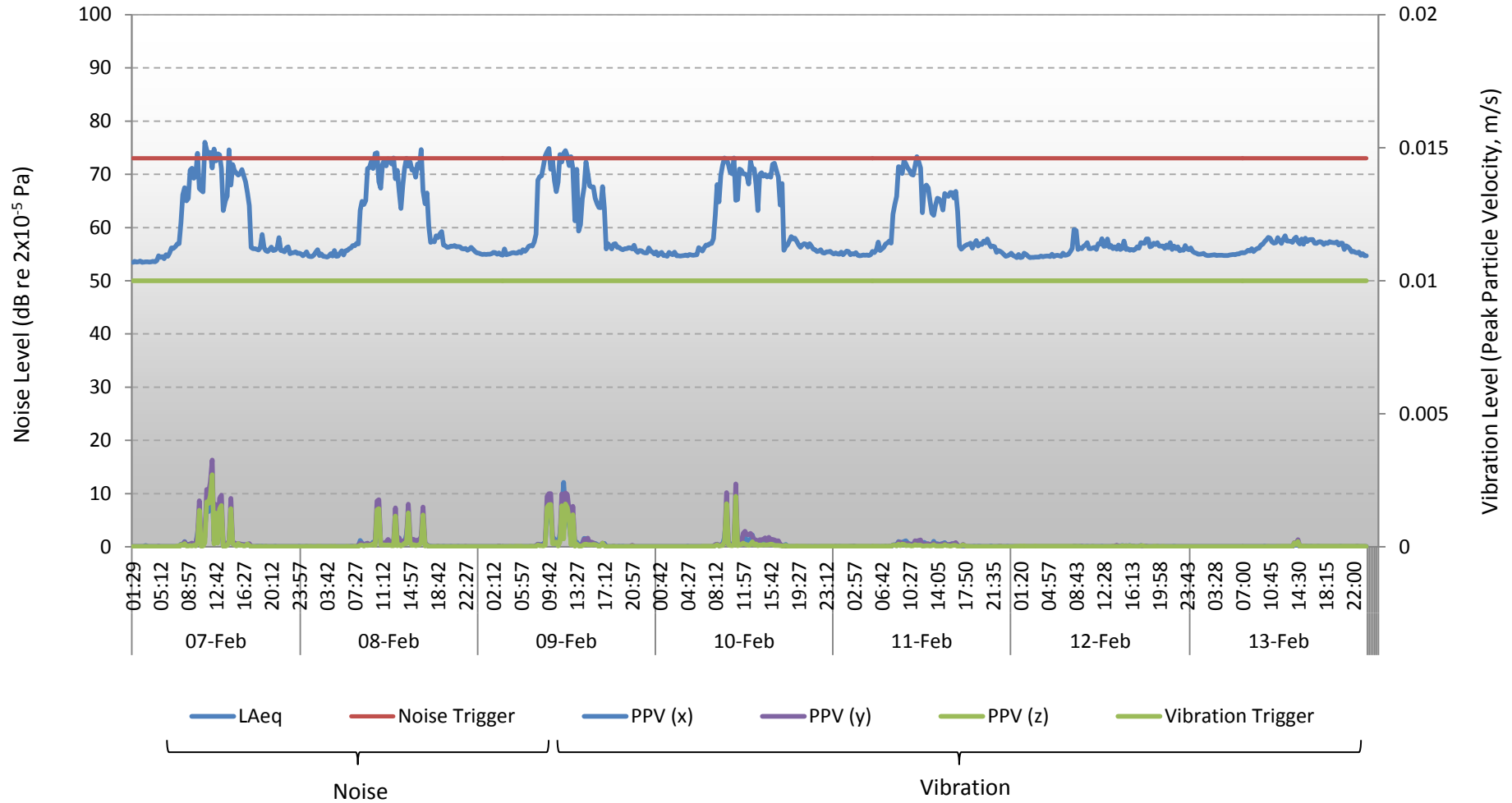


Wind Direction 07/02/2011 - 13/02/2011

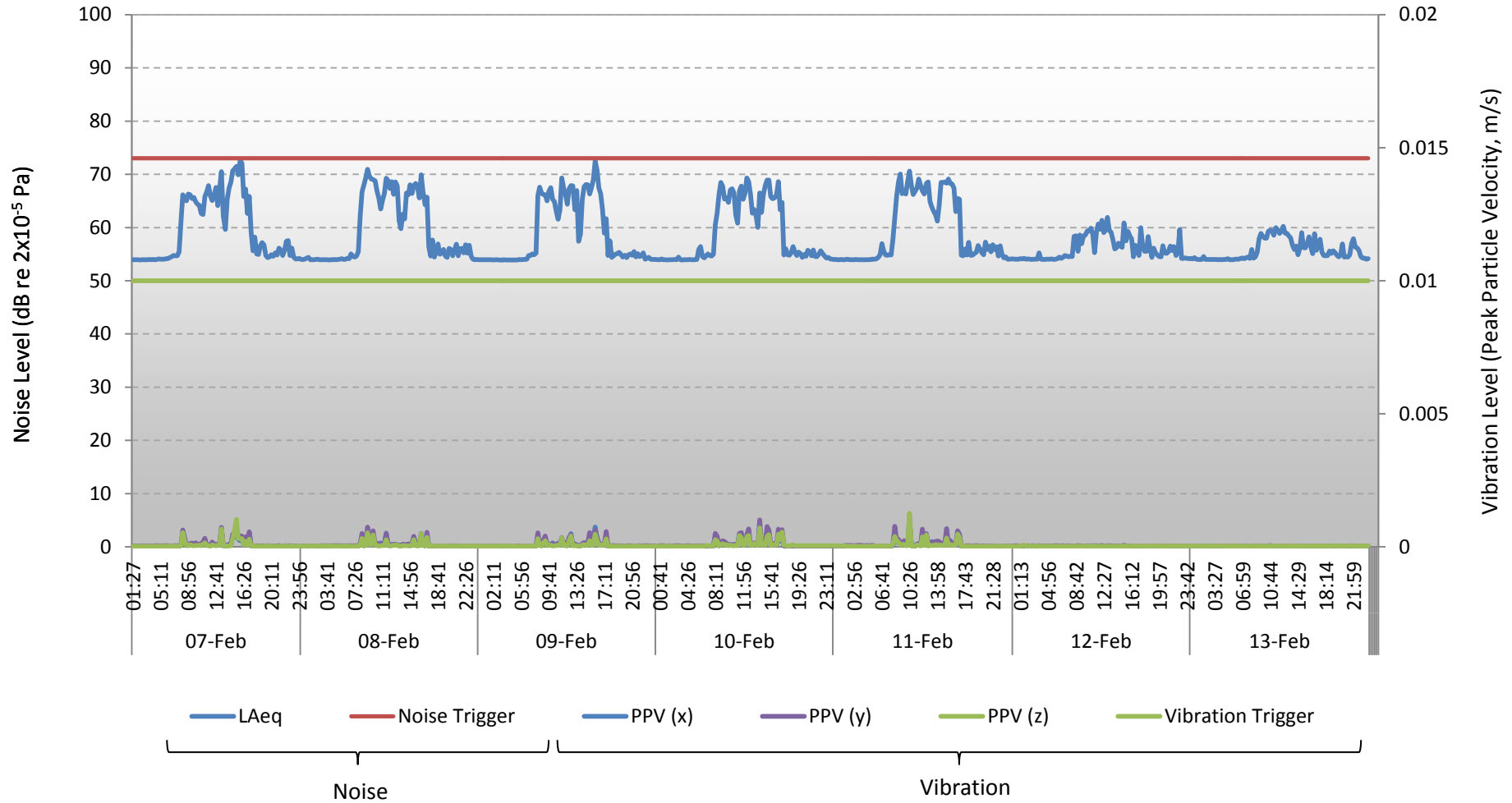
■ Freq. of Wind Direction



BLACKAMoor LANE, MAIDENHEAD Noise & Vibration Monitoring Position A



BLACKAMoor LANE, MAIDENHEAD Noise & Vibration Monitoring Position B



BLACKAMOR LANE, MAIDENHEAD Noise Monitoring Position C

