



Mr Carroll

Our Ref: C-4206

E-mail: request-143594-
9cd3059a@whatdotheyknow.com

Your Ref:

Date: 29 January 2013

Dear Mr Carroll

RE: Request for information under the Freedom of Information Act 2000 (FOIA) / Environmental Information Regulations 2004 (EIR) – Rattlechain Lagoon

Requests for Information which 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).

Thank you for your request dated 30 December 2012 concerning risk assessments for the site improvement works due to start at the end of January 2013.

You have referred to the Human Health Risk Assessment (HHRA) published by the Health Protection Agency (HPA) in June 2012. In Section 1.5 "Report Limitations" they advise Rhodia that if any remedial action or significant site works are undertaken at the site in future, a risk assessment should be undertaken to assess any potential risks to health during the works and the subsequent potential impacts. They made it clear that the assessment to risks to Rhodia workers or contractors accessing the site are controlled by the relevant Health and Safety Legislation and that the HHRA did not include an assessment of risk to any other receptors such as wildlife or controlled waters.

This published advice was expanded upon by the HPA at a meeting in November between Rhodia, ERM, and the regulatory stakeholders Sandwell Council, HPA, Primary Care Trust and ourselves. Rhodia and ERM undertook to develop a detailed monitoring strategy to be implemented during the works and afterwards and this will be used to form the basis for their ongoing risk assessments for workers on site and the general public offsite. We have not seen the monitoring strategy or any risk assessments to date.

The Environment Agency has asked Rhodia to review and update the site post-closure plan to take account of the improvement works and to include monitoring for phosphine gas so this can be controlled should emissions occur. This review is currently in progress and when the review has been completed the permit will be modified to require implementation of the monitoring plan agreed with us.

The Environment Agency has not been given any figures or estimates of the quantities of materials to be dredged in either part of the lagoon. The end point of this work will be the achievement of an acceptable profile of the surface of the sediment before the geotextile can be installed.

The Environment Agency has neither requested nor been given an environmental risk assessment regarding wildlife at the Lagoon during the period of the works, though this topic was discussed at the meeting in November. The works are due to start before the wildfowl breeding season and it is expected they will be discouraged from breeding by the daily activities at the site. It will be for Rhodia and their contractors to comply with the relevant wildlife protection legislation during the works.

I hope that we have correctly interpreted your request. Please see the Standard Notice for details of permitted use.

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

Yours sincerely

Diane Edwards
External Relations Officer

For further information please contact External Relations on 01543 404971
Direct e-mail MIDLANDSCUSTOMERSERV@environment-agency.gov.uk

Standard notice

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