

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

SUSPENSION NOTICE AND REQUIREMENT TO TAKE STEPS

To: **FAO Company Directors
GTR Aggregates and Recycling Ltd
Stoneraise Quarry
Great Salkeld
Penrith
Cumbria
England
CA11 9NF**

Environmental permit number: EPR/ TB3397TD
**Regulated facility: GTR Aggregates and Recycling Limited, Waste Transfer Station,
Dee Bank Industrial Estate, Boot End, Bagillt, CH6 6HJ.**

Under Regulation 37(1) and (5) of the Environmental Permitting (England and Wales) Regulations 2016, **Natural Resources Wales** may suspend an environmental permit if, **Natural Resources Wales** consider that the manner of operating a regulated facility contravenes an environmental permit condition, and that such contravention involves a risk of pollution.

Accordingly, **Natural Resources Wales** has decided to suspend the environmental permit to the extent specified in Schedule 1 with immediate effect.

In addition, you are required to take the steps specified in Schedule 2 to remove that risk. Further, in relation to any activities that you are still authorised to carry out under the environmental permit, you are required to take the steps specified in Schedule 3.

The reason for this decision is that **Natural Resources Wales** considers that the operation of the regulated facility involves a risk of pollution namely:

- 1) Failure to comply with **condition 1.1.1 (Table 1.1) of the Environmental Permit EPR/ TB3397TD**. This conditions states that *"No waste management operations shall be authorised by this licence unless: a) Specified in and undertaken in accordance with the limitations in the following table (1.1). Table 1.1 States that Household, Commercial and Industrial Wastes should be 'Stored in accordance with condition 2.1.1 and in location as*

shown on RW/02 (Inside the transfer building only) and in accordance with 1.3 and 1.5.5. of the working plan. No more than 500 tonnes of untreated non-hazardous waste shall be stored at any one time'.

NRW believe that GTR Aggregates & Recycling Limited is breaching condition 1.1.1

BECAUSE WASTE SHOULD BE;

- ***'Stored in accordance with condition 2.1.1'***

Condition 2.1.1: Waste shall only be deposited, stored, treated or otherwise handled in any area of the site, where the engineered site containment and drainage system for that area is provided in accordance with this condition and condition 2.1.2.

Condition 2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained and shall be fully documented and recorded, to be fit for purpose, and, shall meet the standards specified in **Table 2.1**.

Because

Following a CCTV drainage survey report undertaken in October 2021, it was identified that GTR's drainage was not fit for purpose and is in need of a number of repairs. Three separate Regulation 36 Notices of the Environmental Permitting Regulations 2016 were issued to GTR, requiring the company to evidence how the drainage system was fit for purpose and how it would be inspected, validated and maintained. These notices were issued on 17/08/2021, 15/11/2021 and 21/01/2022.

GTR failed to meet any of these three notice deadlines. Other than the CCTV drainage survey completed in October 2021, GTR have not provided any evidence to show how they are addressing site drainage issues. Therefore, GTR are in breach of condition 1.1.1, condition 2.1.1 and condition 2.1.2.

AND

- ***'in location as shown on RW/02 (inside the transfer building only)'***

This permit condition, including document RW/02, identifies that H,C & I waste should be stored in the Recycling / Waste Shed only.

Because

H,C & I waste has been identified as being stored outside of the transfer building (ie. beyond the metal pillars and perimeter of the building) during the last 3 site inspections by NRW, which is a breach of permit condition. These inspections took place on 02/03/2022, 16/03/2022 and 21/03/2022.

AND

- ***'and in accordance with sections 1.3 and 1.5.5 of the Working Plan'***

Section 1.5.5 of the Working Plan states Mixed Waste will be stored for a maximum of 7 days and Putrescible waste will be stored for a maximum of 48 hours.

Because

Visits by NRW on 2/3/2022 identified ribbed plastics in the 2nd to end bay. This plastic was clearly distinguishable. The visit to site nearly 3 weeks later on 21/03/2022, identified this waste was still stored in this bay and had not been moved on. This shows waste is being stored longer than the permit stipulates.

In addition to this, during the site inspection on 16/3/2022 NRW identified skip waste to be steaming heavily when moved around by a site operative. This suggests waste had been sat undisturbed for some time and is not being moved efficiently through the facility in accordance with the Working Plan.

AND

- ***'No more than 500 tonnes of untreated non-hazardous waste shall be stored at any one time'***

The site Working Plan states in section 1.5.4, that for waste totals 'a running total will be kept using weighbridge records to ensure compliance'.

Permit condition 4.6.1 states 'All wastes accepted and all wastes dispatched from site, shall be measured and calculated as detailed in sections 2.5 or 3.2.4 of the Working Plan. Section 2.5 of the Working Plan states 'The site has the benefit of a weighbridge which will be used to weigh vehicles.

In the event of breakdown or failure estimated weights will be carried out using HMRC conversion factors (Appendix 2)'. This record of information should enable GTR to have a running total to ensure compliance.

Because

NRW requested this information during a site meeting on 02/03/2022 with Oliver Kirkbride and Martin Womack, however GTR has yet to provide this information. Therefore, it is unknown whether, by the Operator as well as NRW, the site is exceeding the 500 tonne limit for H,C & I waste.

AND

- ***'No more than 2000 tonnes of untreated inert waste shall be stored at any one time'***

Because

Whilst the volume of untreated inert waste appears to have decreased recently, it is estimated that the site remains to be storing more than the 2,000 tonne limit.

NRW has previously requested information on volumes of inert waste being stored at site, however this has not been provided.

This information has been requested on the following CAR forms; CAR_NRW0038477 (from site inspection 5/07/2021), CAR_NRW0038609 (from site inspection 10/08/2021).

In addition to this, one of the aforementioned Environmental Permitting Regulations 2016 Regulation 36 Notices, served on 21/01/2022 required GTR to 'Reduce the volume of untreated inert waste being stored on site to less than 2,000 tonnes'.

No evidence has yet been submitted to NRW to evidence less than 2,000 tonnes is being stored on site.

2.) Failure to comply with **condition 1.2.1 of the Environmental Permit EPR/TB3397TD**. This condition states that *“no wastes other than those which are specified in section 1.5 and Appendix 1 of the working plan shall be accepted at the site”*.

BECAUSE

GTR are accepting food waste onto site, within the black and blue bin bags.

Appendix 1 of the Working Plan, states ‘12. vegetable/food waste (other than small quantities found in skip loads)’ is an excluded waste type and will not be accepted on site.

During the site inspection on 21/3/2022, NRW identified a bay of bin bags which contained food waste, we were informed by site operatives this was from KK Foods. Therefore, this is a breach of condition 1.2.1.

Summary of Environmental Risk

Given the concerns raised above, the volume of stored H,C & I waste presents a significant fire risk. A fire originating from this waste would have an impact on local air quality, with smoke affecting public health and disrupting nearby transport routes such as the A548.

Should this waste catch fire, this would likely require a significant volume of water and resource to extinguish. With site drainage being defective, fire water would not be contained or disposed of safely. This poses a risk of fire water run off entering the local environment and the nearby designated Dee Estuary (SSSI).

Storing waste longer than the stipulated 7 days for H,C&I waste increases the risk of self-combustion and a fire at site.

H,C&I waste, especially that which is putrescible in nature, risks attracting pests and also giving rise to odour if stored for longer than specified 48 hours. The odour was particularly bad on site during recent inspections and is causing a nuisance to neighboring properties. In addition to this, run off from the putrescible food waste has potential to pollute the nearby environment due to ineffective drainage.

Storing in excess of 2,000 tonnes of inert waste, increases the risk of dust pollution to neighboring properties and businesses.

As indicated in CAR Form ‘CAR_NRW0039579’, investigations are ongoing into the mixing of trommel fines with soils.

Therefore, the environmental permit ceases to have effect to the extent specified in the attached Schedules until this notice is withdrawn.

Date: 30/03/2022

Signed:



pp. Anthony Randles – Environment Management Team Leader

David Powell
Operations Manager North East
Natural Resources Wales
Chester Road
Buckley
Flintshire,
CH7 3AJ

Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016 Regulation 37(1) and (5)

Notes:

General

1. This notice suspends the environmental permit to the extent specified in Schedule 1 because Natural Resources Wales consider the manner in which the regulated facility is being operated contravenes an environmental permit condition and that contravention involves a risk of pollution. Consequently, operating any of the activities which this notice has suspended is an offence and legal action may be taken against you.
2. You remain bound by any conditions of the environmental permit that are not specified in Schedule 1.
 1. Failure to comply with these conditions is an offence and legal action may be taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within 2 months of the date of this Notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)

SCHEDULE 1	
EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED	
Extent	
The following parts of the Environmental Permit are suspended with immediate effect:	
The importation of Household, Commercial and Industrial waste pursuant to condition 1.1.1, Table 1.1.	
The importation of Inert waste pursuant to condition 1.1.1 Table 1.1	

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

SCHEDULE 2 STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION	
Steps to be taken	By date
STEP 1: Cease the acceptance of Household, Commercial & Industrial waste and inert waste onto site. The Operator shall cease to receive household, commercial & industrial waste, and inert waste onto site with immediate effect.	With immediate effect
STEP 2: Ensure all Household, Commercial & Industrial waste is stored within the transfer building <u>only</u>. The operator will remove all Household, Commercial & Industrial waste being stored outside of the transfer building. This waste type should be stored within the transfer building only (i.e behind the metal pillars and within the perimeter of the building).	Monday 4th April 2022
STEP 3: Ensure no vegetable/food waste is accepted onto site and remove vegetable/food waste currently being stored. The operator will remove all vegetable/food waste currently being stored on site. No further vegetable / food waste will be accepted onto site. The operator should provide duty of care waste transfer notes as proof of removal from site.	Monday 4th April 2022
STEP 4: Ensure the quantity of stored Household, Commercial and Industrial waste (untreated non-hazardous) is not exceeding 500 tonnes, as stipulated by the Environmental Permit The Operator shall ensure the stored quantity of Household, Commercial & Industrial waste, does not exceed 500 tonnes as stipulated by the Environmental Permit Ref: EPR/ TB3397TD. Proof of H,C & I quantities on site should be provided to NRW.	Monday 4th April 2022

Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)

STEP 5: Ensure the quantity of stored Inert waste is not exceeding 2,000 tonnes, as stipulated by the Environmental Permit The Operator shall ensure the stored quantity of Inert waste, does not exceed 2,000 tonnes as stipulated by the Environmental Permit EPR/ TB3397TD. Proof of inert quantities on site should be provided to NRW.	Monday 4th April 2022
STEP 6: Complete all repairs to site drainage to ensure it is in full working order and fit for purpose The operator must resolve all site drainage issues noted in the CCTV report conducted October 2021, to ensure the drainage system is fit for purpose as stipulated by Environmental Permit: EPR/ TB3397TD.	Friday 29th April 2022

Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)

SCHEDULE 3 ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS	
Steps to be taken	By date
N/A	N/A