

Compliance Assessment Report CAR_NRW0039896

Permit being assessed: TB3397TD.

For: GTR Aggregates and Recycling Limited, held by GTR Aggregates & Recycling Ltd
At: Waste Transfer Station, Dee Bank Industrial Estate, Boot End, Bagillt, Flintshire, CH6 6HJ.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2203334).

On 09/05/2022 between 13:00 and 14:00.

Parts of permit assessed: 'Storage, Handling & Segregation', 'Materials acceptance', 'Staff competency/training'

NRW Lead Officer: Steven White, accompanied by Kathryn Bradshaw.

Report sent to: Oliver Kirkbride, Director on 20/05/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C2 Significant	1.4.4 There shall be a minimum site attendance by the technically competent management...
C3 - General Management - Materials acceptance	C3 Minor	1.1.1 (table 1.1)

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	35

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	A new TCM must be appointed otherwise no treatment activities can be carried out on site.	25/05/2022
C3	Reduce the volume of inert waste being stored on site to come in line with permit limit of 2,000Tonnes.	31/05/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This was an inspection following a fire in the main waste building reported to NRW on 09/05/2022, Senior Officer Steven White and Environment Officer Kathryn Bradshaw attended and met with Jamie Roberts (GTR) and Stephen Roberts (NWFRS).

Upon arrival officers observed a large amount of plastic and household/commercial waste within the yard, outside of the main building. This had been moved there the previous night/early morning at the request of NWFRS to limit the spread of the fire in the main building. This waste was very odorous of decomposing food waste and there were flies beginning to congregate around this waste.



Waste outside buildings

From discussions with Jamie Roberts and Stephen Roberts it was ascertained that the fire began at approx. 23:10 on 08/05/2022 in the third bay from the left in the building. The second bay was empty at the time so this helped with stopping the spread further by acting as a firebreak. In discussions with Stephen Roberts during the visit it was unlikely that this fire was caused by a battery discharging in the waste piles and is probably caused by the self combustion of the waste piles from generating heat during storage over a long period of time and during an increase in weather temperature.



Bay (3rd from left) that caught fire

During the visit it was observed that a lot of waste that had previously been stored on site was still there, notably the corrugated plastics and the food contaminated plastics from KK Fine Foods. Due to the nature of the KK Fine Foods waste this should have been removed from site soon after being deposited, however as it has been stored in the bays for a number of weeks this has led to it decomposing and releasing a distinct and unpleasant odour. There is a significant risk of odour issues and vermin from this waste and it must be removed at the earliest opportunity, this has been brought up in previous CAR forms and it is unacceptable that this waste is still on site. With the permit currently partially suspended for waste acceptance this waste has had plenty of time and opportunity to be removed, we are assessing our enforcement response for this.



Food waste packaging from KK Fine Foods, flies and odour were observed

Other observations during the visit were that the pile of construction and demolition (C&D) waste adjacent to the reception building was significantly higher than the adjoining walls and higher than the building, it is estimated that it was at least 6m high and considerably over the amounts of inert waste allowed in the permit. This is not only a breach of permit condition but also a danger to the structural integrity of the walls and adjacent building and a risk to the workforce who treat the waste; a mobile crusher was observed on the waste pile. As NRW officers have a duty to report health and safety concerns that are observed this has been flagged to HSE as a potential danger to employee safety. This waste pile must be reduced as it is a hazard to employee safety and the volumes are a breach of Permit Condition 1.1.1: No waste management operations shall be authorised by this licence unless: a) specified and undertaken in accordance with the limitations in the

following table; Table 1.1 later states 'no more than 2,000 tonnes of untreated inert waste shall be stored at any one time. As this waste and other inert waste on site is in excess of this it has been scored as a C3 breach of the above permit condition.



Very high C&D waste adjacent to reception building, estimated at 6m high

Permit Condition 1.4.4

There shall be a minimum site attendance time by the technically competent management. The technically competent person(s) site attendance shall be measured as a percentage of the total weekly operational hours permitted for the site under this licence. Attendance of the technically competent person(s) at the site shall be recorded in the site diary on arrival and departure. The attendance percentage shall be agreed in writing with the Agency and shall follow Agency guidance.

Permit Condition 1.5.1

Any changes in technically competent management of the site and the name of incoming person (together with evidence that such person has the required competence) shall be submitted to the Agency in writing within 5 working days of the change in management.

There is currently no Technically Competent Manager (TCM) on site following the resignation of the previous TCM, Martin Womack, on 27th April 2022. As stipulated in permit condition 1.4.4 there must be a TCM on site. The lack of a qualified TCM on site, significantly increases the risk to the environment. This can clearly be evidenced by the fire on site which began on 8th May 2022. Given that the permit was suspended on 30th March and the fact that Household, Commercial and Industrial waste remains on 9th May, shows that waste is being stored for excessive periods of time (breaching permit condition 1.1.1, Table 1.1, EMS Condition 1.5.5), resulting in self combustion of waste. NRW have serious concerns given that this is the 3rd waste fire on site within 4 months. The risk of another fire is significant given that there is no technically competent persons overseeing site operations to help mitigate this fire risk. The site's compliance rating is currently an 'E'. Due to the number of compliance issues on site, the lack of technical competence is very concerning and could seriously impact on the local environment if site operations are conducted without oversight of fully trained and competent persons. There is no one qualified on site to address the compliance issues and therefore there remains serious risks (e.g. faulty site drainage, excessive waste volumes, longer than permitted waste storage times, non permitted waste types being stored, such as food waste).

As such, no waste activities can be carried out on site until a new TCM has been approved.

The site have been scored a CCS Score of C2 for breach of permit condition 1.4.4.

As an action, the site should appoint a new Technically Competent Person as soon as possible. GTR should notify NRW of the name of the incoming Technically Competent Person, as per permit condition 1.5.1.

NRW are now considering an appropriate 'attendance percentage' for the incoming TCM as per condition 1.4.4. This will be communicated to GTR in due course.

NRW are considering increasing the partial Suspension Notice currently in place at GTR, to a full Suspension Notice until a qualified TCM is put in place.

Whilst this full suspension notice is in place no waste acceptance or treatment activities can take place. To do so would be a breach of the Notice and enforcement action would be considered. A new TCM must be in place by 25/05/2022.

Thank you for your time during the visit.

Regards

Steven White

Senior Officer (NE Waste Regulation Team)

Email: steven.white@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.