

Compliance Assessment Report CAR_NRW0040067

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: Other.

On 16/06/2022 between 12:15 and 13:40.

Parts of permit assessed: Waste acceptance, Attendance of Technically Competent Persons

NRW Lead Officer: Sarah Walton, accompanied by Kathryn Bradshaw.

Report sent to: Oliver Kirkbride/Andrew Tabinor, Director/Technically Competent Manager on 28/06/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C2 Significant	1.2.1 1.2.1 Permitted categories and types of wastes No wastes other than those which are specified in section 1.5 and Appendix I of the working plan shall be accepted at the site.
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
1	31

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
C3	ALL Hazardous waste to be removed from site and taken to a suitably authorised facility. Consignment notes to be submitted to NRW to evidence the removal.	01/07/2022
G2	Ensure all TCM attendance is recorded in the site diary. This should show the date and time in & out of site.	28/06/2022

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

The site was issued a Regulation 37 Environmental Permitting Regulations 2016 suspension notice on 30th March 2022.

Officers have continued to monitor the site throughout the notice period. Communication was received from Elliot Harrison-Holt (Group Managing Director for APK), that the company believed they were in compliance with the steps laid out in the suspension notice.

Therefore, this site inspection was carried out for the purposes of checking whether site had met the notice requirements and actions.

Waste Regulation Officers, Sarah Walton and Kathryn Bradshaw attended site and were greeted by Jamie Roberts (Site Manager).

Officers signed the 'Visitor book & fire register'. It seems the last entry on this form was on the 7th June 2022. Given that the new Technically Competent Manager should have at least 25% attendance each week, it is concerning there was no entries yet recorded for the site's new TCM, Andrew Tabinor.

Permit Condition 1.4.4 states 'Attendance of the Technically Competent Person(s) at the site shall be recorded in the site diary on arrival and departure.'

As an action, the site must start using the site diary effectively and ensure all TCM attendance is recorded on this document.



Photograph showing storage of Household, Commercial & Industrial waste

Upon entering site, there was a large pile of mixed wastes in front of the transfer building(see above), including cardboard, plastics and bin bags. This waste looked like it had been freshly deposited as the cardboard was in a relatively good condition. Therefore, it seemed clear to officers that waste was continuing to go into site, despite the permit being suspended for waste acceptance. As noted in previous correspondence, this matter continues to be investigated and an appropriate enforcement response will follow. It is an offence under Regulation 38(3) of the Environmental Permitting Regulations 2016, to fail to comply with the requirements of a suspension notice. The site must stop accepting waste and comply with the steps laid out in the suspension notice.





Photographs showing Household, Commercial & Industrial (H,C&I) waste

Given the permit has been suspended since the 30th March 2022, the site should no longer be storing H,C & I Waste. Section 1.5.5 of the Working Plan states the maximum storage time for this waste is 7 days. This waste needs clearing from site as soon as possible, to eliminate any risk of fire from self combustion.

Given the observations noted above, Officers requested sight of Waste Transfer Documentation. Upon the initial request, staff refused to show this documentation. However, after some discussion and a telephone call with the Technically Competent Manager (Andrew Tabinor), this was then authorised. Whilst officers were not given full access to the documents (which are all stored on a computer), a member of staff in the office emailed across a selection of Waste Transfer Notes from the last two weeks. It was clear from this information, that there were multiple waste loads going into site each day, despite the permit being suspended.

Permit Condition 1.2.1 Permitted categories and types of wastes

No wastes other than those which are specified in section 1.5 and Appendix I of the working plan shall be accepted at the site.

Section 1.5.2 of the working plan states 'Excluded wastes - the following wastes will not be accepted: Hazardous waste as defined under the Hazardous Waste (England and Wales) Regulations 2005. Liquid wastes, clinical wastes, sludge's and wastes consisting mainly or solely of loose fibres/ powders.'

Officers were sent Waste Transfer Notes which showed the site is accepting Hazardous Waste. Ticket number 148534, shows 'Contaminated Waste' going into site on 13/06/2022, with the LoW code 170503*. The site is not permitted to accept Hazardous Waste and the site infrastructure is not suitable to store and treat this kind of waste. The site has been scored a C2 for this permit breach due to the potential serious environmental impact from this activity.

Action: All Hazardous waste to be removed from site to a suitably authorised facility. Consignment notes to be submitted to NRW to evidence the removal.

It is very concerning and disappointing that GTR continue to ignore notices and instructions given by NRW. The site is presenting a significant environmental risk at the moment due to the ongoing issues of lack of compliance and cooperation. As such, NRW is now considering a full permit suspension.

Please ensure that the actions in this CAR form and steps laid out in the suspension notice are fully actioned and complied with.

Thank you to all staff who assisted throughout the inspection.

Should you wish to discuss or clarify anything in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton
Waste Regulation Officer
03000 654 791

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.