

HAZARDOUS WASTE CONSIGNMENT NOTE AUDIT REPORT

Thorncliffe Building Supplies Ltd

The Windmill Site, Rhuddlan Road, Abergel, LL22 9SE



**Cyfoeth
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Wales**

Date of Audit: 22-26/03/21

Officers Completing Audit: Daniel Grant

Site Officers: Jim Morgan (Operations Manager)

Introduction

In February 2021 Natural Resources Wales (NRW) requested copies of:
All hazardous waste consignment notes from 2019 from Thorncliffe Building Supplies Ltd (referred to as “you” or “your” from here on) to be audited by Hazardous Waste Officers from NRW.

The consignment note procedure is set out in the Hazardous Waste (Wales) Regulations 2005 as amended and must be followed by all parties in the waste movement.

The hazardous waste audit has been carried out: -

- To measure compliance with the regulations;
- To make sure that hazardous waste is managed properly without polluting the environment or harming people’s health or seriously affecting the local area;
- To make sure that registers and records, such as quarterly returns from sites that receive hazardous waste are accurate.

Our purpose was to review the company’s compliance with environmental legislation and where appropriate to provide advice and guidance to assist in identifying and delivering improvements.

Audit Findings

The main findings of the audit are set out in the following sections. These will be followed by either **Actions** or **Recommendations**.

Actions indicate that we are requiring you to deliver this to meet your legal obligations. In general, these will tell you what you must do, not how to do it. These are not optional, and will normally be supported by:

- a timescale, within which the action must be delivered; and/or
- interim measures, that must be taken until such time as the action is delivered.

Recommendations are not themselves requirements and typically provide further advice and guidance on:

- how to deliver a required **action**, for example we might indicate how another company has successfully dealt with this issue;
- aspects of best practice;
- potential improvements that reduce the risk of problems occurring in future.

1) Hazardous Waste Consignment Note Part A

This section provides detail of where the hazardous waste has been produced.

Overall, most Consignment Notes (**CN**) audited were missing key details in this section.

It was noted that all audited CN's were in the Environment Agency format. If the Hazardous waste is produced in Wales, then NRW notes should be used as England have slightly different requirements under the Hazardous waste regulations 2005 which results in slightly different forms. A link to an NRW formatted consignment note can be found at the bottom of the following webpage:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/completing-hazardous-waste-consignment-notes/?lang=en>

Regulation 34 of the Hazardous Waste Regulation (Wales) 2005 outlines the requirement to fill in consignment note codes to the standard that NRW expect. It was noted that there were issues with some notes not adhering to this requirement.

When less than 500kg of hazardous waste is produced in any 12-month period at a premise then that premise is deemed as exempt. In order to indicate this, "EXE" followed by eight letters or numbers that make the consignment note number unique should be recorded in A1 and "Exempt" under "premises code" (in NRW formatted notes).

However, when more than 500kg of hazardous waste is produced, the operator removing the hazardous waste would have gone beyond the qualifying limitation and must register the premises with us (NRW). Upon registering the site, the operator will receive a premises code which must be recorded in A1 and under "premises code" (in NRW formatted notes), followed by six letters or numbers that make the consignment note number unique. Non-compliances were noted where more than 500kg of hazardous waste was removed from premises that were not registered with us. This was a particular problem with N.W.P.S Construction Ltd that were consistently removing more than 500kg of hazardous waste from the same premise within a 12-month period that was not registered with us. Other examples where over 500kg of waste was produced but the premise was not registered with us includes the following CNs: **EXEASL/00559** and **EXEASL/00568**.

If the hazardous waste is removed by a "Mobile Service operator", then the operator's registered premises code should be recorded in A1 followed by six letters or numbers that make the consignment note number unique. "MOBILE" should then be recorded under "premises code" (in NRW formatted notes).

The following webpage provides further information on the requirement to register as a Hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-as-a-hazardous-waste-producer/?lang=en>

Lastly, all consignment notes in this section were missing a name for the address given in A2 and a telephone and/ or e-mail address. All these details should be provided so that the producer can be contacted by the regulator or anyone else involved in the movement of the waste should it be required.

Actions

Hazardous Waste Consignment Note Part A

You must:

- Ensure that all consignment notes accepted at your site are correctly filled in for Part A
- Ensure that the correct premises code and consignment note code is applied to all consignment notes.

Timescale - immediate

Recommendations

Hazardous Waste Consignment Note Part A

To assist with compliance, we recommend:

- Using an NRW formatted consignment note.
- A name and e-mail and/ or telephone is provided for the address where the waste is produced.

2) Hazardous Waste Consignment Note Part B

This section describes in detail the type and amount of waste that has been produced for collection.

It was noted that the quantity was missing on **EXEASL/00557**. We should remind you that inputting the quantity is a requirement under **Regulation 35 of the Hazardous Waste Regulations (Wales) 2005 with reference to Schedule 4**.

We also recommend that the description of waste accurately reflects the type of waste being removed. For example, most notes miss out the main hazardous component of the waste, which is asbestos, in its description. Examples of this inaccuracy include **EXEASL/00570** and **EXEASL/00568**.

Lastly, "Van" was typically recorded under "Container type" for most notes that were audited. We expect a more accurate description of the type and number of containers used in this section. For example, 'three 45-gallon drums', or 'two 1,000 litre IBCs' is the type of container description we expect to see. Examples of this inaccuracy include **NWPSCO/00008** and **EXEASL/00564**

While NRW are not the regulators for the Carriage of Dangerous Goods legislation, we expect to see this section at the bottom of Part B to be filled in. Further information on the carriage of dangerous goods can be found on the Health and Safety Executive website if required. <https://www.hse.gov.uk/cdg/>

Actions

Hazardous Waste Consignment Note Part B

You must:

- Ensure that the quantity of waste has been recorded
- Ensure waste description is accurate
- Ensure container type description is accurate
- Ensure Carriage of Dangerous goods section is completed

Timescale - immediate

3) Hazardous Waste Consignment Note Part C

This is the carrier's declaration, overall, this section was filled in correctly for most CN's.

Many notes just have a single name which could either be a first name or a surname. For example, **NWPSCO/00008** and **EXEASL/00561**. Best practice is that the full name is recorded so that the carrier can be clearly identified.

Accurate vehicle registrations are required in this section. This has been recorded for most CN's audited, however, there were cases where no vehicle registration was provided, such cases include **EXEASL/00557** and **EXEASL/00544**. This detail is important to ensure the same carrier has been used throughout the transport of the hazardous waste.

A contact address including a telephone and/ or e-mail for the carrier is also required in this section. Some CN's were missing this detail. Such examples include **NWPSCO/00008** and **NWPSCO/00007**.

Actions

Hazardous Waste Consignment Note Part C

You must:

- Ensure the carrier has completed this section fully and correctly, including his/ her name, contact address and vehicle registration.

Timescale - immediate

4) Hazardous Waste Consignment Note Part D

This is the consignor's declaration.

There are similar concerns about the consignor's full name not being entered as was referred to in Part C. Once again, the full name should be recorded here so that the consignor can be clearly identified. Examples of this include **EXEASL/00524** and **EXEASL/00531**.

Another consistent issue that was noted was that the consignor's signature was the same as the signature seen in Part C by the carrier. This was particularly the case for CN's produced by Asbestos Solutions Ltd, for example **EXEASL/00535** and **EXEASL/00593**. Only the consignor should sign this section as this confirms he/ she has reviewed that Part A-C has

been filled in correctly before removing the hazardous waste from the site of production.

Lastly, a contact number and/ or e-mail address should be recorded for the consignor in this part also. The majority of CN's audited were missing this detail.

Actions

Hazardous Waste Consignment Note Part D

You must:

- Ensure the consignor has fully and correctly completed this section including his/ her name, signature and a contact address.

Timescale - Immediate

5) Hazardous Waste Consignment Note Part E

This section is completed by you (Thornccliffe Building Supplies Ltd) as the consignee when the hazardous waste arrives at your facility for recovery or disposal. Some changes are required in this part by you.

First of all, you must ensure that the name of the Consignee is fully legible. This was not the case for many of your CN's including **EXEASL/00525** and **EXEASL/00526**.

In addition, please ensure all the information is filled in the correct areas of the form, this was not the case for some CN's, in particular, **EXEASL/00564** and **EXEASL/00568**. As you can see the R/D code and Accepted/ rejected were recorded in the incorrect areas of Part E.

Discrepancies were found between Part E and Parts A-D on some CN's. First of all, it was found that there were significant discrepancies between the quantity of waste recorded in Part B and the quantity recorded by you in Part E. This was noted in all CN's belonging to N.W.P.S Construction Ltd. We understand that some degree of difference is to be expected, however N.W.P.S Construction Ltd consistently recorded 500kg in Part B with the accurate quantity weighed at your site typically being significantly higher, sometimes double the quantity. For example, as per the following CN: **NWPSO/00011**, 500Kg was recorded in Part B by N.W.P.S Construction Ltd and then 1120Kg was recorded in Part E by you. We are currently investigating this matter separately with N.W.P.S Construction Ltd. In such circumstances it is expected that you as the Consignee of the waste should query these discrepancies and reject the waste. Please read rejection of waste procedure on the following page.

Discrepancies were also found between the dates recorded in some CN's. As per **regulation 45 of the Hazardous waste Regulations 2005** all hazardous waste must reach the site of disposal "promptly and without undue delay". There was a significant delay between the period that some hazardous waste was picked up by the carrier and then subsequently accepted at your site. This is a particular problem with notes from Asbestos Solutions Ltd. For example, there is 12 days delay recorded in **EXEASL/00544**, 11 days delay recorded in **EXEASL/00564** and 9 days delay recorded in **EXEASL/00528**. We have raised this matter separately with Asbestos Solutions Ltd and have provided our enforcement response, however, should this happen again in the future you should notify NRW directly. Once again, as the Consignee of the waste you should query these delays and reject the waste. Please read the below guidance on rejection of waste.

Rejection of waste

Previous issues raised above in Parts A, B, C, D, as well as the issues relating to discrepancies with quantity and delay of disposal, are largely related to errors by other parties that are involved in the consignment of the waste. However, it is important to note that you as the consignee of the waste also have a duty to ensure that all parts of the CN's are completed correctly before accepting the waste. This is a requirement as per **Regulation 42 of the Hazardous Waste Regulations (Wales) 2005 -Duty of Consignee not accepting delivery.**

You may be committing an offence if you do not reject hazardous waste that arrives at your site with a consignment note that is incomplete or incorrect.

When you have an incomplete or incorrect consignment note

You must:

- complete part E of the consignment note, enter the waste(s) you are rejecting and the reason
- keep one copy of the note
- give one copy to the carrier
- make copies of the note and send one to each of the consignor, producer and holder (they may be the same) immediately

You may only accept the hazardous waste if the producer or carrier of the hazardous waste:

- produces a new consignment note that is complete and correct
- address the reasons why the waste was rejected

Further guidance on the rejection process, including filling in a new consignment note, can be found using the following link:

<https://www.gov.uk/guidance/hazardous-waste-rejected-loads-supplementary-guidance>

Actions

Hazardous Waste Consignment Note Part E

You must:

- Ensure the consignee completes this section fully and accurately.
- If the CN you receive is incomplete or incorrect you must follow the rejection procedure.

Timescale - Immediate

Recommendations

Hazardous Waste Consignment Note Part E

To assist with compliance, we recommend:

- Ensure that all staff who are responsible for waste acceptance are suitably trained in the correct procedures and are familiar with their responsibilities under the Hazardous Waste (Wales) Regulations 2005 (as amended) in relation to the completion of CN's.
- If any significant delay is witnessed between the period that hazardous waste is picked up and subsequently delivered to your site that you notify us.

6) Waste Return Data

As part of this audit all CN's were compared with the Consignee returns data you are required to send to NRW every quarter.

Most of the data from the Consignee Returns correlated with their respective CNs. However, some improvements are required.

As referred to in Part A, N.W.P.S Construction Ltd consistently did not provide a valid consignment note code which was also then reflected in your Consignee Return where NWPSCO was recorded under "Producer Registration Number". This should be a valid registered premises code or in the case where the premise was exempt then "Exempt" should be recorded.

The date recorded in your submitted Consignee Returns each quarter should match the date the waste was received at your site (in Part E). This was correctly applied for most CN's audited; however, it was noted that the date recorded on some Consignee Returns was different to that recorded on the respective CN. Examples of this include **EXEASL/00560** and **EXEASL/00546**.

Actions

Hazardous Waste Consignee Returns

You must:

- Ensure the information recorded in the CN accurately matches the data recorded in your Consignee Returns.
- Provide a valid producer registration number on your Consignee Returns.

Timescale - Immediate

Summary

The above audit findings detail that the companies disposing of hazardous waste at your site need to improve their recording. Despite this being their duty, you as the consignee of the waste also have a duty to ensure that all parts of the CN's are completed correctly before accepting the waste. This requirement is set out in Regulation 42 of the Hazardous Waste Regulations (Wales) 2005 -Duty of Consignee not accepting delivery.

Overall, Thorncliffe Building Supplies Ltd were compliant with the Hazardous Waste (Wales) Regulations 2005 with some occasional non-compliances noted in the consignment notes. These issues have also been raised with the respective companies separately. Despite this, there are also areas that you need to improve, in particular, Part E and your Consignee Returns require some attention.

It is important that you relay the required actions and recommendations to all members of staff to ensure they are suitably trained and are familiar with their responsibilities under the Hazardous Waste (Wales) Regulations 2005 (as amended) in relation to the completion of CN's.

The actions identified in this audit must be addressed in order to rectify any issues. This will ensure that you can comply with the Hazardous Waste (Wales) Regulations 2005.

If you have any questions about the content of this audit report, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to be 'Daniel Grant', written on a light blue background.

Daniel Grant
Hazardous Waste Regulation Officer.

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.