

## Compliance Assessment Report CAR\_NRW0039477

**Permit being assessed:** CB3237AP.

For: Gwynedd Skip And Plant Hire Ltd, held by Gwynedd Skip And Plant Hire Ltd  
At: Lon Hen Felin, Cibyn Ind Est, Caernarfon, Gwynedd, LL55 2BD.

**Type of assessment carried out:** Audit, Reason: Other.

On 16/02/2022 between 11:30 and 12:30.

Parts of permit assessed: The CAR sub criteria listed below

**NRW Lead Officer:** Cathrine Kiely, accompanied by Donna Muirhead.

**Report sent to:** Stacy Pritchard, Managing Director on 09/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	1.1.1
A1 - Specified by permit	Ongoing (O)	1.1.1 (a)

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
A1	Revise your EMS to include as a minimum, written procedures as mentioned in below comments section.	17/04/2022
A1	submit a written sampling and testing plan showing how you will meet the requirements for landfill Waste Acceptance Criteria (WAC) basic characterisation and WM3 waste assessment.  You must revise your EMS to ensure you can show you are checking waste you accept and produce is described in accordance with an appropriate WM3 classification and waste assessment	17/04/2022

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 majority of the wording in this CAR form was provided by Laura Draper.** The leading officers carrying out the audit were Laura Draper (Regulatory Officer) and Iain Storer (Installations Technical Leader) from the Environment Agency. They were accompanied during the unannounced visit by Natural Resources Wales officers Cathrine Kiely (Senior Waste Regulation Officer) and Donna Muirhead (Waste Regulation Officer). Huw Jones (Operations Manager) was present during the duration of the on-site audit. The weather at the time of the audit was cloudy and windy.

### Background

The environmental risks posed by the co-disposal of biodegradable material and gypsum containing wastes such as plasterboard are significant. These include strong malodours associated with emissions of hydrogen sulphide, a breakdown product of the gypsum, within landfill gas, as well as potential corrosive damage to the landfill gas collection / treatment systems.

The co-disposal in landfill of gypsum containing waste has been prohibited since 2009.

### Scope

This audit was to assess whether you are taking all appropriate measures to ensure that waste you send to landfill to be disposed along with other biodegradable wastes, does not contain gypsum/plasterboard. This is prohibited by the Landfill Directive.

This is part of your duty of care obligations and a requirement of your permit conditions.

The issue of gypsum disposal in landfill is a particular focus within the West Midlands area, and this was a targeted visit because you have disposed of relevant waste to landfill within the West Midlands in the last 12 months.

The audit is over three phases: phase 1 has involved a desk-based assessment of relevant aspects of your working plan and a review of your waste returns data; phase 2 was the site-based audit and sampling exercise; phase 3 will be a desk-based audit of the Duty of Care and waste assessment documentation we have requested you provide to us, along with a review of analysis results for our samples.

This CAR form documents the findings of phases 1 and 2 of the audit, a future CAR will report on phase 3.

### Phase 1 Findings

#### Relevant Permit Conditions

Condition 1.1.1 of your permit requires you to manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of

pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources

Condition 1.2.1 requires you to take appropriate measures to ensure that: (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment. Condition 1.2.2 requires you to review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

#### Review of Previous Compliance

Waste loads, EWC 19 12 12, have been rejected from landfill for contamination with plasterboard and asbestos: two loads dated 7.5.2021 were rejected from a landfill in the West Midlands.

#### Your Environment Management System

Your current Environment Management System (EMS) on file dated January 2015 was audited with respect to how you manage gypsum. Your waste acceptance and rejection procedures detail how you manage unsuitable wastes, however what is deemed unsuitable is not defined within the procedures. Your EMS does outline the processes followed onsite: mixed waste is sorted (by hand and with a grab), screened via a trommel, before being processed over a picking line. There is then further treatment via the magnetic separation of metals and air separation of light wastes. Your EMS details the waste codes used to describe the waste streams produced: waste soil and trommel fines produced onsite are coded as EWC 19 12 12 and gypsum is removed from site as EWC 17 08 02.

Your EMS needs to include a way of managing gypsum/plasterboard, detailing your pre-acceptance, acceptance and treatment procedures for waste streams which may be contaminated with gypsum/plasterboard. The EMS needs to demonstrate to both Natural Resources Wales as the regulator and receiving landfills that you are using all reasonable measures to ensure your waste is not contaminated with gypsum/plasterboard.

You have been scored **CCS 3 for this non-compliance.**

**ACTION 1** please revise your EMS to include as a minimum, written procedures detailing:

- **How you identify customers who may produce gypsum containing wastes.**
- **How gypsum containing waste is kept separate from other waste streams.**
- **How you train your staff in identifying gypsum and how to process it.**
- **Your acceptance checks for gypsum wastes, including where it may be contained in mixed waste loads e.g. mixed construction and demolition waste.**
  
- **How you remove and separate gypsum from mixed loads.**
- **How you ensure biodegradable waste you send to landfill does not contain gypsum/plasterboard.**
- **How you meet your duty of care responsibilities – what EWC codes and waste descriptions you use, what your outlets for plasterboard / gypsum are.**

Please submit your revised plan to me for review, by 17 April 2022.

### Your Waste Returns

A review of your waste returns was completed for the period January 2020 – September 2021. The main findings of this review are as follows:

- Your main waste input streams were: EWC 20 03 01, mixed municipal waste (36,616 tonnes), EWC 19 12 12, mechanically treated waste (21,418 tonnes) and 17 01 07, mixtures of tiles/bricks (10,706 tonnes).
- Smaller waste inputs included EWC 17 05 04, soil and stones (4,786 tonnes), EWC 17 09 04 mixed C&D (1509 tonnes) and EWC 19 12 09, mechanically treated minerals (578 tonnes).
- Your main waste outputs were EWC 19 12 12, mechanically treated waste (71,760 tonnes), EWC 20 03 01 mixed municipal waste (4665 tonnes), EWC 19 12 09, minerals (15,763 tonnes), EWC 17 05 04, soil and stones (8852 tonnes) and EWC 17 09 04, mixed construction and demolition wastes (2892 tonnes).
- Significant amounts of EWC 19 12 09 wastes are generated onsite. No waste process was seen onsite which generated this waste stream. Your EMS details that EWC 19 12 09 is used to describe brick/rubble: this is not an EWC that accurately describes this waste stream. EWC 19 12 09 is appropriate for naturally occurring minerals, such as sand or stone, which have been produced via mechanical treatment (as an example, a washing plant). The code to describe bricks/rubble would depend on the process that has produced them – i.e. whether they have been separated, mechanically treated etc.
- You have removed significantly more EWC 17 05 04, soil and stones, than you have accepted onsite (4786 tonnes accepted; 8852 tonnes removed), suggesting that soils have been produced onsite from a process. There is no such process or waste code listed as outputs in your EMS, and no such process was seen during the site inspection. This indicates that 4000 tonnes of this waste stream was misdescribed. Soils produced via mechanical treatment of other waste streams (such as mixed wastes) are accurately described as EWC 19 12 12.
- Separate loads of gypsum (EWC 17 08 02) were recorded as accepted at site during this time period: 453.9 tonnes in total. 431 tonnes of gypsum was removed from site during this period, indicating a net loss of gypsum in other waste streams onsite. It is noted that there have been net gypsum outputs since Q1 2021, with more gypsum removed than accepted during Q1, Q2 and Q3, however this difference is minimal, at 290 vs 256 tonnes - 34 tonnes have been removed from mixed loads accepted onsite.

Mechanically treated wastes (e.g. trommel fines/screened soils, which should be coded as EWC 19 12 12) produced on site require assessment in order for them to be classified with the correct List of Wastes code, this being either 19-12-12 (for non-hazardous mechanically treated waste) or its hazardous mirror code 19-12-11\*. EWC 17 01 07 and EWC 17 01 05 are also a mirror waste streams requiring assessment.

You do not have clear procedures which set out how you complete (or, for wastes you accept, request evidence of) sampling and testing to demonstrate that wastes are described with accurate mirror waste codes. You must be able to demonstrate that sampling is representative and waste is being appropriately classified as non-hazardous. Sampling plans must be clear and comply with the [WM3 guidance](#). You may wish to

employ a consultant to help you with this.

**ACTION 2** - submit a written sampling and testing plan showing how you will meet the requirements for landfill Waste Acceptance Criteria (WAC) basic characterisation and WM3 waste assessment - by 17 April 2022.

**ACTION 3** – you must revise your EMS to ensure you can show you are checking waste you accept and produce is described in accordance with an appropriate WM3 classification and waste assessment - by 17 April 2022.

You have received a **CCS 3** non-compliance score for the above breaches in accordance with 1.1.1 (a) General Management section of the permit. This score has been consolidated.

### Phase 2 findings

- Waste inputs to site are either householder, builders or waste transfer station wastes.
- It was outlined that incoming wastes are handled in different ways depending on the waste streams:
  - EWC 19 12 12, shredded waste, accepted from transfer stations is tipped in a separate bay to be bulked: outlet for this waste stream is exported as RDF. It was explained that this waste stream is not subject to any additional treatment onsite.
  - All other mixed waste is tipped outside in the yard, where it is pushed up for storage. It was outlined that this would be handpicked for gypsum, however no handpicking was observed during our site inspection, despite a load being deposited and pushed up. As and when, this waste is moved inside the building into a secondary storage stockpile via a grab, where it is further separated (including plasterboard) via grab, before being placed onto the hopper for treatment – via trommel, picking line, magnet and air blower.
  - C&D wastes are tipped/processed through the same treatment process. Bays of heavy fractions of C&D from the picking line were stockpiled in bays outside, and are to be re-treated on a campaign basis via the trommel.
- The stockpile of fines beneath the trommel was sampled. It was explained that this would be re-processed through the trommel to maximise the removal of metals. This will be tested for total sulphates and these results will be shared with you.
- There was a further stockpile of fines in the bay outside the building. It was explained that this would also be subject to further treatment via the trommel before removal from site.
- There was a plasterboard bay in the outside area, however this had minimal amounts of plasterboard in. There was no plasterboard skip inside the building for plasterboard removed by the grab to be placed into.  
**Advisory:** Storing gypsum in a covered skip/bay will maximise recovery opportunities and decrease the cost of removing this waste stream from site as it will avoid the waste absorbing water.
- Plasterboard was seen in the reception pile, in the secondary reception pile which had been moved inside the building (see photographs below). The movement of plasterboard via grab will result in the breakdown of plasterboard making removal much harder. That there was so much visible in the waste indicates that sorting from mixed waste streams at acceptance is not totally effective and plasterboard is likely

to be entering the fines you are producing onsite.

**Advisory:** Supplying separate containers (e.g. tonne bags) to customers to prevent gypsum being thrown into a mixed waste skip would minimise the need to manually sort the waste when it is tipped on site.

We have concluded that you are not taking all appropriate measures to prevent the contamination by gypsum/plasterboard of your waste outputs destined for landfill. Natural Resources Wales requires you to effectively implement the changes necessary to facilitate a reduction in the plasterboard contamination within incoming mixed waste loads, or the effective segregation on site of any plasterboard from those incoming loads.

Gypsum contamination has contributed to significant odour incidents at landfills where some of your waste is disposed of: you must take action to ensure that your operations do not cause pollution incidents offsite.

You must ensure you include sufficient measures in your EMS and effectively implement these to minimise the plasterboard contamination within incoming mixed waste loads and the effective segregation on site of any plasterboard from those incoming loads.

### Photographs









Thank you for your time on site.

Regards,  
Cathrine Kiely

Senior Officer, Waste Regulation NW  
[cathrine.kiely@cyfoethnaturiolcymru.gov.uk](mailto:cathrine.kiely@cyfoethnaturiolcymru.gov.uk)

*Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales. 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](mailto: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](mailto: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.