Compliance Assessment Report CAR_NRW0039620

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:** Audit, Reason: Other. On 21/03/2022 between 11:00 and 12:30. Parts of permit assessed: 'Reporting to Natural Resouces Wales', 'Storage,Handling & Segregation', 'Materials acceptance', 'Management System and Operating Proceedures' **NRW Lead Officer:** Sarah Walton. **Report sent to**: Martin Womack, Technically Competent Manager on 07/04/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	C3 Minor	1.2.1 Appendix 1

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
C2	Revise the site EMS, to include a Gypsum/plasterboard management plan, as per 'Action 1' noted in the CAR form text.	22/04/2022
C2	You must also 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.	22/04/2022
C2	Submit a written sampling and testing plan showing how you will meet the requirements for landfill Waste Acceptance	23/05/2022

Criteria	Action needed	Complete by
	Criteria (WAC) basic characterisation and WM3 waste assessment	
C3	All food waste should be removed from site. This should be removed to a suitably licenced facility. Waste Transfer Notes should be submitted to NRW to evidence this removal. No further food waste should be accepted on site.	11/04/2022

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

On Monday 21st March 2022, an audit was undertaken at GTR which aimed to look at site operations in relation to gypsum/plasterboard wastes. This audit was conducted by Sarah Walton (Waste Regulation Officer) and representatives of the Environment Agency; Laura Draper (EA Regulatory Officer) and Iain Storer (EA Technical Leader - Installations).

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 completed as part of a wider campaign and assessed 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 documentation we have requested you provide to us.

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

Your Environment Management System

Your current Environment Management System (EMS) on file dated 2013 was audited with respect to how you manage gypsum. Your waste acceptance and rejection procedures detail how you manage unsuitable wastes (hazardous wastes), however there is no mention of gypsum. Your EMS outlines that these is treatment of wastes, including mechanical treatment, which does not reflect current operations for mixed waste streams as the picking line and trommel have been taken out of use.

A gypsum/plasterboard management plan, detailing your pre-acceptance, acceptance and treatment procedures for waste streams which may be contaminated with gypsum/plasterboard could be used to demonstrate to both NRW as the regulator and receiving landfills that you are using all reasonable measures to ensure your waste is not contaminated with gypsum/plasterboard.

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.**

On the CAR form issued 15/03/2022, an action was placed on GTR to 'Submit to NRW, a revised and updated EMS for the site' by 8th April 2022. Following an email from Oliver Kirkbride, this deadline was extended to 15th April 2022.

Given the additional requirements for the EMS review, please submit your revised plan, (including the above bullet points) to me for review, by Friday 22nd April 2022

Your Waste Returns

A review of your waste returns was completed for the period January 2020 – September 2021: no returns were available for October – December 2021. The main findings of this review are as follows:

- Your main waste input streams were: EWC 20 03 01, mixed municipal waste (12,381 tonnes), EWC 17 05 04, soil and stones (26,958 tonnes), mixed C&D waste, EWC 17 09 04 (9,922 tonnes) and EWC 17 01 07, mixtures of tiles/bricks (3,050 tonnes).
- Smaller waste inputs included EWC 19 12 12, mechanically treated waste (22.2 tonnes) and EWC 17 08 02 gypsum (106.32 tonnes)
- Your main waste outputs were EWC 20 03 01 mixed municipal waste (5,556 tonnes), EWC 17 05 04, soil and stones (4830 tonnes), EWC 19 12 12, mechanically treated waste (2925 tonnes for recovery and 137 tonnes for disposal) and EWC 19 12 09, minerals (1747 tonnes, none produced since Q4 2020).
- Separate loads of gypsum (EWC 17 08 02) were recorded as accepted at site during this time period: 106.32 tonnes in total. 25 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 no net gypsum outputs since Q1 2020.

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 Monday 23rd May 2022.

ACTION 3 - You must also 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. This should be included with the reviewed document due on Friday 22nd April 2022.

Phase 2 findings

A site inspection was completed with the site manager, the findings of which were as follows:

- It was advised that waste inputs to site are either your own skips, or outside contractors tipping in their own vans/pick-ups.
- Loads which are not pre-booked in are accepted – there is an “open door policy”: where this happens, details are provided to the site office by drivers.
- Loads of mixed/general waste are tipped in the reception area. It was advised that these are picked with the grab to separate out wood, metal, cable, plastic, window frames and mattresses: bays/skips for each of these waste streams were observed during the inspection. After picking the waste is pushed up into the building.
- It was advised that non-permitted wastes are segregated during this initial check: batteries, gas bottles and tyres.
- During questioning, it was not outlined that plasterboard is a waste material that staff seek to separate out from tipped wastes. It is likely that any plasterboard tipped within mixed waste would be sheared during the movement of the waste with the grab, and be mixed in with the waste sent off site for disposal/further treatment.
- The trommel and picking line previously installed in the shed is currently in the yard outside the site office. There is no further treatment of mixed wastes currently: they are bulked before removal offsite: there were 2 bays of mixed waste onsite: heavy, black bin bag waste and mixed general wastes. It was advised that these wastes are sent to a transfer station in Lancaster. No such paperwork was provided in the inspection recording this transfer.
- There was a gypsum/plasterboard skip in a separate shed to the main shed: this was inspected and found to be 1/3 full. It was advised that gypsum is sent to Lancaster, however no paperwork was provided during the inspection recording such a transfer.
- There is a separate area for the reception, storage and treatment of soils and construction/demolition wastes. This area was inspected however there was no treatment underway at the time of inspection. There were numerous stockpiles of soil and construction and demolition wastes. No plasterboard was observed in these stockpiles.
- It was advised that duty of care paperwork/waste transfer notes for all wastes accepted at and removed from site are held in the site office. When copies were requested for inspection, this was refused. As such duty of care was not assessed during this audit.

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. The root-cause of this is the failure to include sufficient measures in your EMS/working plan 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 working plan 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.

End of Audit section

Storage of Household, Commercial & Industrial Wastes

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.

Photos showing storage of bin bags containing food waste

The above photographs were taken at site during the audit. There was a considerable odour coming from the transfer building. Site operatives explained that the black and blue bin bags contained food waste from KK Foods. GTR are not permitted to accept food waste as per permit condition 1.2.1 (Appendix 1). The storage of this wastes is causing a bad odour and risks causing a nuisance to neighbouring properties. The waste type is likely to attract pests such as rats and birds. Site drainage is ineffective, therefore any run off from the food waste, cannot be safely disposed of and risks runoff into the local environment. **The site has been scored a C3 for this permit breach.**

ACTION 4: All food waste should be removed from site and taken to a suitably authorised facility. Waste Transfer Notes should accompany this waste movement and be submitted to NRW as evidence of removal.

Thank you to all staff who assisted officers 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

Phone: 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.