 Environment Agency	Waste Audit Report									
This form will report compliance with environmental legislation as determined by an Environment Agency Officer										
		Ref	50066NICKBR26062024JSMITH1250066							
Operator / Permit holder		Nick Brookes								
Date		26/06/2024		Time in		Out				
Premises	Installation		Waste Permit	X	Exemption		Producer		CBD	
Site contact (s)		Nick Brookes								
Officer's name (s)		Jemimah Smith		Date issued		30/07/2024				

Section 1b Assessment Summary – Duty of Care		
<p>This assessment is based on the Duty of Care requirements contained in Section 34 of the Environmental Protection Act 1990 and The Waste (England and Wales) Regulations 2011.</p> <p>A detailed explanation of any non-compliances identified and actions you may need to take are given in sections 2 & 4 below.</p>		
Compliance Summary		
Compliance check type	Assessed during audit	Non-compliance identified
Check correct EWC codes	Yes	Yes
Written description of waste including quantity and containment	Yes	Yes
Time and place of transfer	Yes	N/A
SIC code of the waste holder	No	N/A
Full details of both transferor and transferee	Yes	Yes
Producer, importer, carrier authorised to receive	No	N/A
Confirm waste hierarchy has been considered	No	N/A

Section 1c Assessment Summary – Waste Assessment		
<p>This assessment is based on the Duty of Care requirements contained in Section 34 of the Environmental Protection Act 1990 and The Waste (England and Wales) Regulations 2011.</p> <p>A detailed explanation of any non-compliances identified and actions you may need to take are given in sections 2 & 4 below.</p>		
Compliance Summary		
Compliance check type	Assessed during audit	Non-compliance identified
Waste Assessment	Yes	Yes

Section 2 – Waste Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- Any non-compliances identified
- All actions requested
- Details of advice given
- Any other areas of concern
- Any examples of good practice

Previous WAR form actions

The following actions were set out within the previous WAR form (reference 50066NICKBR14092023JSMITH1250066).

Action: Classify all future outgoing filter cake correctly in accordance with WM3.

Action: Write a sampling plan for the assessments of trammel fines and filter cake which follows the guidance set out in WM3. Send this to jemimah.smith@environment-agency.gov.uk by 12pm on 05/01/2024.

Action: Conduct waste assessments for trommel fines and filter cake in accordance with WM3 guidance to provide officers with evidence of assessments at your next inspection.

None of these actions are complete.

Introduction

Officers conducted an unannounced site inspection to check on previous actions (see above). They met with the permit holder and site manager.

This Waste Audit Report (WAR) corresponds to Compliance Assessment Report (CAR) ref 50066/0512074.

Duty of Care

Following the inspection officers received, by email, a copy of an outgoing waste transfer note (WTN) for the waste that is produced at the end of the wash plant process which was referred to as filter cake.

The transfer documents did not meet the full requirements of the Duty of Care legislation, which requires that waste holders must take all reasonable steps to:

- Prevent unauthorised or harmful deposit, treatment, or disposal of waste.
- Provide an accurate description of the waste when it is transferred to another person.
- Ensure that any person you transfer the waste to has the correct authorisation.

Duty of Care Code of Practice provides practical guidance on how to meet your waste duty of care requirements in England and Wales: [Waste duty of care code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/waste-duty-of-care-code-of-practice)

Filter cake

WTN reference 3155173. Date of transfer: 17/05/2024. Waste: OUTGOING - 19 12 12 qualifying fines.

The material that this waste transfer notes relates to is the filter cake that comes out at the end of the wash plant process. The transfer note shows this being classified as 19 12 12 and described as qualifying fines. The appropriate measures guidance for permitted facilities dealing with non-hazardous and inert waste can be found here: [Non-hazardous and inert waste: appropriate measures for permitted facilities - 5. Waste treatment - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities). This sets out that soil and aggregate washing is a physico-chemical treatment, and the outputs must be categorised as set out in WM3. Waste from physico-chemical treatment falls under the 19 02 EWC codes and the most appropriate for this material within this category is either 19 02 05* or 19 02 06 – sludges from physico-chemical treatment. To use the non-hazardous code of 19 02 06 a full waste assessment in line with WM3 guidance is required to demonstrate that the waste is non-hazardous.

Regulations Breached: As you have failed to accurately classify the waste you have breached section 34 of the Environmental Protection Act 1990.

Action: Classify all future outgoing filter cake correctly in accordance with WM3 ensuring that if classified using a mirror non-hazardous code there is a full waste assessment in line with WM3.

Waste assessments

Following the inspection on 26/07/2024 the officer requested sampling plan, lab analysis and interpretation of results for trommel fines and filter cake.

The sites consultant sent the officer on 05/07/2024:

- Waste sampling plan for fines
- Chemical assessment and analysis results for solids

The sampling plan had not been amended since the advice and guidance was given in the previous WAR form.

Therefore, the sampling plan is still inadequate.

It is generic and refers to incoming 19 12 12 and 17 05 04. It does not cover waste assessment and classification for outgoing trommel fines and filter cake. A full waste assessment should follow the guidance set out in WM3 ([Waste_classification_technical_guidance_WM3.pdf](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115555/Waste_classification_technical_guidance_WM3.pdf) (publishing.service.gov.uk)). It should be specific to the waste type, identify the source of the waste, what it is sampled for and why, frequency of sampling for what population and why this is appropriate. The sampling plan you have provided only details the sampling method.

The chemical analysis and assessments which were sent to the officer consisted of 5 samples conducted between 28/02/2024 and 03/03/2024.

However, without an adequate sampling plan it is unclear what the assessments are based on, what levels are suitable and why it meets non-hazardous standards.

Regulations Breached: Section 34 of the Environmental Protection Act 1990.

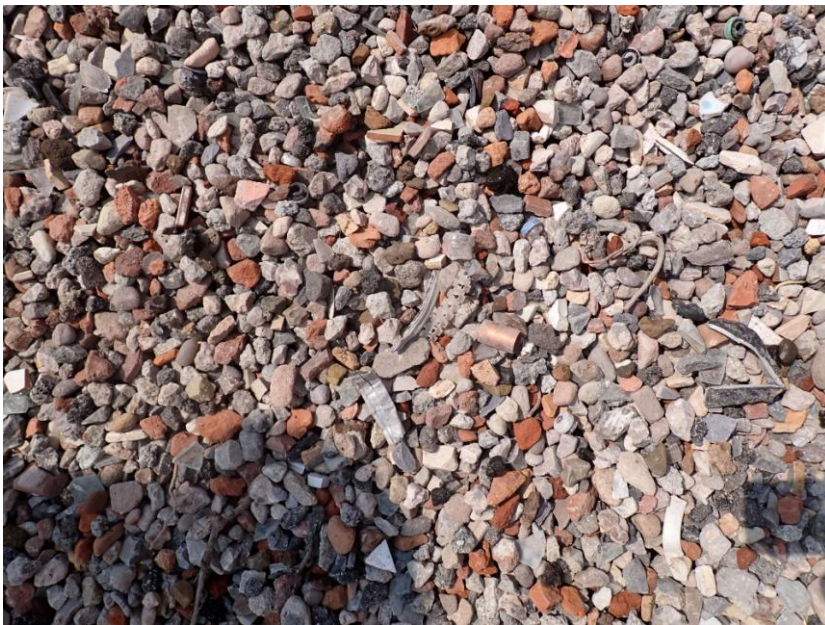
Reason for breach: You do not have procedures in place to adequately assess mirror hazardous EWC codes and therefore you have failed to correctly classify waste in accordance with the guidance laid out in WM3.

Action: Conduct a full waste assessment for trommel fines and filter cake which follows the guidance set out in WM3 which includes a sampling plan, chemical analysis of the waste (original lab report), and interpretation of the results including a hazardous property assessment of the analysis. Send this to jemimah.smith@environment-agency.gov.uk by 10am on 13/09/2024.

End of waste criteria

Aggregates, including varying grades of stones and sand grit are produced onsite and sold as product. These are an output of the soil processing facility (wash plant) where crushed construction and demolition waste is mixed in with trommel fines, produced by the treatment of mixed household, commercial and industrial waste, are processed.

At the time of the inspection the output of the wash plant which the operator classes as aggregates were contaminated with metals, plastics, glass and a battery, see photograph below of one of the contaminated output piles.



For material to meet end of waste it must meet the requirements of a relevant quality protocol or a self-assessment or have an opinion that it is not waste from the Environment Agency's Definition of waste service in accordance with the following guidance: [Check if your material is waste - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-your-material-is-waste)

The operator confirmed that a self-assessment has not been made and there has been no formal opinion given that this material meets end of waste via the Definition of waste service. The relevant quality protocol for aggregates – the WRAP quality protocol for aggregates from inert waste – does not list the waste types that are being put through the wash plant as acceptable inert waste input material. Further to this, the quality protocol states 'Incidental quantities of inert physical

contaminants (such as soils, peat, clays, silts, wood, plastics, rubber, metal) may be present with the input material but must be removed during the processing of the waste'. As seen in the photograph below the output material was contaminated with metals, plastics, glass and a battery therefore not all physical contaminants are removed. The aggregate outputs from the wash plant are therefore considered to be waste and must be further treated, recovered or disposed of accordingly.

Regulation breached: Section 34 of the Environmental Protection Act 1990.

Reason for breach: You have failed to accurately classify material which does not meet the End of Waste Criteria, and therefore is a waste.

Action: Ensure all future wash plant outputs meet the End of Waste Criteria in accordance with the guidance or are accurately classified as waste.

Section 3-Enforcement Response

You must take immediate action to rectify any non-compliances noted in section 1 and prevent repetition.

Non-compliance with environmental legislation may result in enforcement action being taken, including criminal prosecutions.

Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

X

Section 4- Action(s)

Where non-compliance has been identified in section 1 this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done

Non-compliance identified	Action Required / Advised	Due Date
DoC - Check correct EWC codes	Classify all future outgoing filter cake correctly in accordance with WM3 ensuring that if classified using a mirror non-hazardous code there is a full waste assessment in line with WM3.	30/07/2024
WA - Waste Assessment	Conduct a full waste assessment for trommel fines and filter cake which follows the guidance set out in WM3 which includes a sampling plan, chemical	13/09/2024

	analysis of the waste (original lab report), and interpretation of the results including a hazardous property assessment of the analysis. Send this to jemimah.smith@environment-agency.gov.uk by 10am on 13/09/2024.	
WA - Waste Assessment	Ensure all future wash plant outputs meet the End of Waste Criteria in accordance with the guidance or are accurately classified as waste.	30/07/2024

Section 5 - Compliance notes

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice

Non-compliance with environmental legislation is an offence and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action may include the issue of a formal caution or prosecution.
- Dependent upon the type of offence committed, a civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response.

See our Enforcement and Civil Sanctions guidance for further information

Not all legal requirements were assessed as part of this audit. It remains your responsibility to ensure that you comply with all relevant environmental legislation and maintain suitable records to evidence your compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions. The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/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
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Customer charter

You can challenge any part of this waste assessment report by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, you may request an appeal of the regulatory decision by emailing enquiries@environment-agency.gov.uk within 14 days of receipt of the outcome.

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary and Health Service Ombudsman phone their helpline on 0345 015 4033.