



This form will report compliance with your permit as determined by an Environment Agency officer

Site	Nick Brookes Demolition & Waste Disposal			Permit Ref	50066		
Operator/ Permit holder	Brookes Nick						
Date	16/12/2021			Time in	10:05	Out	11:30
What parts of the permit were assessed	waste acceptance, treatment processes & output classification						
Assessment	Audit	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Nick Brookes - Director						
Officer's name	Iain Storer, Laura Draper			Date issued		04/01/2022	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	C2	2.1.1
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	A	
	5. Plant and equipment	A	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	A	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	62
If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response			

Section 2 – Compliance Assessment Report Detail

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

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

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 is 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 in the last 12 months.

The audit is over three phases: phase 1 has involved a desk-based assessment of relevant aspects of your written environmental management system (EMS) 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 required you to 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

Your permit authorises waste treatment by manual sorting, separation, baling, screening, shredding, crushing and washing. You have a modern style Environmental Permit with the standard management system condition (Cond 1.1.1) which requires that you manage and operate your activities:

- in accordance with a written management system, which identifies and minimises the risks of pollution arising from operations, including those arising from operations, maintenance; accidents; incidents; non-conformances and closure and those drawn to the attention of the operator as a result of complaints; and
- by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

Condition 1.2.1 of your permit requires that you take appropriate measures to ensure that where disposal of waste is necessary it is undertaken in a manner which minimises impact on the environment. Condition 1.2.2 requires you to review these measures every 4 years, and implement any measures identified by such a review.

You are permitted to receive direct inputs of plasterboard waste (EWC 17-08-02). You are also permitted to receive mixed municipal wastes (20-03-01) and mixed construction & demolition

wastes (17-09-04), both of which are likely to include plasterboard contamination.

Your written EMS is version 8.1, dated 16 March 2015. We have reviewed your EMS in respect of plasterboard/gypsum waste management. There is no specific mention of plasterboard/gypsum either as a discrete input or as a contaminant waste that you are likely to receive in mixed loads. The EMS merely says there will be a visual inspection of waste immediately upon tipping and a clearly labelled skip will be present for storage of rejected wastes that can't be immediately removed after tipping.

Your EMS does not include a gypsum/plasterboard management plan, detailing your pre-acceptance, and acceptance and treatment procedures for this waste stream. Your EMS should demonstrate how you will operate to minimise the risk of pollution – this must include what reasonable measures you are taking to ensure the wastes you send to landfill, for disposal along with biodegradable wastes, do not contain plasterboard (as also required by condition 1.2.1 of your permit).

Your EMS does not contain sufficient detail to demonstrate how your pre-acceptance arrangements with customers will reduce the likelihood of plasterboard/gypsum contamination within mixed loads, nor how you will effectively remove such contaminants upon acceptance of mixed loads, prior to mechanical treatment.

ACTION 1 - you must 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.

You are now required to submit your revised EMS to the Environment Agency for review, by 18 February 2022, failure to do so will likely result in enforcement action being taken against you.

You can find guidance about what to put in your management system and how to organise it online here: <https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

There are two broad waste input streams: mixed waste (17-09-04 & 20-03-01) and mixed 'inerts' (17-01-07 & 17-05-04).



Mixed waste trommel screen.



Post-trommel picking line

Mixed waste is subjected to sorting by mechanical grab to remove predominantly metals and wood. The remainder passes through a trommel screen which generates a fines output. The screened

waste is hand-picked to remove recycle fractions, with a remaining light fraction shredded to produce a light fines output for incineration. The 'inerts' (mixed construction & demolition wastes) are tipped in the rear open yard, screened, with the fines put through a wash plant along with the trommel fines output from the mixed waste treatment. Washed fines are then filter-pressed to dewater.



Shredded light waste output.



Washed soil/fines filter cake.

The trommel fines are not permitted to be treated through the wash plant. Activity A2 limits washing to the coded wastes in Table S2.2, which does not include mechanically treated trommel fines from mixed waste processing.

ACTION 2 - cease the mixing and subsequent treatment of your mixed waste trommel fines through the wash plant forthwith. If you wish to recommence this activity in the future you can submit an application to vary your permit.

ACTION 3 - the remaining pressed cake waste arising from the washing of 'inerts'/trommel fines mixtures will require a hazardous waste assessment in order for it 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*. Carry out this assessment by 18 February 2022 and submit the results to the Environment Agency.

Both the shredded waste and future trommel fines 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*.

You could not confirm if you have conducted sampling and testing exercises on your mechanically treated output wastes. In any event, you do not have clear procedures within your EMS which set out how you would complete such sampling. As a result you are unable to demonstrate that representative sampling takes place and waste is being appropriately classified as non-hazardous. Your sampling plan must be clear and comply with the [WM3 guidance](#). You may wish to employ a consultant to help you with this.

ACTION 4 - 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 to the Environment Agency - by 18 February 2022.

Your waste returns data for Jan 2020 to June 2021 (this being the most recent data available) shows that 1546 tonnes of source-segregated gypsum waste (17-08-02) were received, but only 245 tonnes were removed from site.

Your biggest waste inputs are mixed municipal wastes (20-03-01) & mixed construction & demolition wastes (17-09-04), both of which are likely to be contaminated with plasterboard/gypsum.

Your gypsum figures indicate that you are failing to remove and segregate plasterboard/gypsum from mixed waste inputs, with the likely result that gypsum is being processed through your mechanical treatments and contaminating the output put through the wash plant and filter press,

prior to landfill or deposit for recovery (see action 3 above).

Your RDF output appears correctly coded as 19-12-12. However your filter cake would appear to be incorrectly coded 17-05-04. Both streams require WM3 assessment as set out above to ensure they are not hazardous (19-12-11*).

You have despatched far more bricks, tiles & concrete (17-01-07) than was received, suggesting that the output material is mis-coded 19-12-12 material. The output of any mechanical waste treatment at your site must be assigned a chapter 19 code and be subject to WM3 assessment.

ACTION 5 – From now on ensure that appropriate EWC codes are used which accurately describe the waste accepted at and removed from site. EWC 20 03 01 is appropriate for household waste; EWC 17 chapters are appropriate for C&D wastes; EWC 19 chapter codes must be used for wastes which have produced from mechanical treatment onsite. Where wastes are only hand sorted, the previous chapter code used to describe the waste will remain appropriate.



Mixed waste input/reception



Light fraction from picking

Phase 2 findings

During the site inspection we observed plasterboard contamination within the mixed waste input stockpile. These had not been hand-picked out of deposited loads but pushed up into a large pile within the building. The blading up of deposited loads by shovel will damage plasterboard contamination making subsequent removal by the grab unlikely. There was no evidence of any segregated plasterboard in the building or yard.



Plasterboard within the input stockpile.



Bladed input pile making plasterboard removal unlikely.

The plasterboard stockpile on the separate yard appeared to be source-segregated material rather than including any board arising from mixed waste input. This is supported by your waste returns data. The stockpile is open to weathering which is not optimal for its subsequent recovery. It was clear that leaching/wash-off was occurring which could cause subsequent issues with drainage blocking or the quality of any discharge.

ADVISORY - covered storage of gypsum/plasterboard will maximise its value for recovery and

reduce removal costs.



Source-segregated gypsum waste stockpile on the separate yard

The fines produced by mixed waste trommelling were visibly steaming, suggesting they are not inert. The fines were being treated through the soil-washing plant in admixture with C&D waste inputs and pressed to produce a cake. Such treatment is not authorised by your permit (see action 2 above) and the cake output is incorrectly coded.



Steaming trommel fines off the conveyor.



Trommel fines being put into the soil-washing process.



Trommel fines are mixed with input C&D waste stockpile.

Contamination within mixed waste inputs is a problem and we are not satisfied that effective measures are taken upon acceptance to prevent this entering your treatment processes. It is reasonably foreseeable that the treated waste going to landfill will be contaminated with gypsum.

The current waste processes for acceptance and treatment of mixed wastes are inadequate and

represent an environmental risk at sites accepting your fines waste.

During our discussions on site around the removal of plasterboard, we advised that you could start supplying separate containers or bags to customers to prevent gypsum being thrown into a mixed waste skip. This should eliminate the need to manually sort the waste when it is tipped on site. All staff on site must be trained to follow this course of action, and updated procedures which detail how you manage gypsum must be added to your EMS (see Action 1 above).

Samples of your trommel fines were taken from waste accumulating directly under the conveyor to the outside stockpile. These are to be tested for total sulphate and we will share the results of their analysis with you in a future CAR report.

Permit non-compliance

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 breach is the failure to include sufficient measures in your EMS and 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 the landfills where some of your waste is disposed of and therefore we are assigning a category 2 breach of condition 1.1.1 (criterion c2).

The co-treatment of mixed waste trommel fines with C&D waste by washing and pressing is not authorised by your permit. The resulting cake disposed to landfill is mis-described and may be gypsum contaminated. This is recorded as a further category 2 breach (Condition 2.1.1, criterion a1).

Directly applicable legislation - Duty of Care

Section 34 of the Environmental Protection Act 1990 requires you to take all reasonable steps to:

1. prevent unauthorised or harmful deposit, treatment or disposal of waste;
2. prevent a breach (failure) by any other person to meet the requirement to have an environmental permit, or to breach a permit condition;
3. prevent the escape of waste from your control;
4. ensure that any person you transfer the waste to has the correct authorisation;
5. provide an accurate description of the waste when it is transferred to another person;

If you send waste to landfill: (1) you must comply with the relevant permitting requirements in England and Wales for the landfilling of waste; (2) you must comply with waste acceptance rules required by legislation - if you do not, the landfill operator will be unable to accept your waste; (3) the written description of waste must contain details of any pre-treatments or processes that have been applied to the waste; (4) you must comply with the rules regarding landfill tax in England, (see the general guide to landfill tax).

By failing to take all appropriate measures to remove plasterboard/gypsum waste from your incoming streams, you may be causing the landfill sites that receive your outgoing treated waste to breach their Environmental Permit. This is a breach of your Duty of Care.

Guidance on Duty of Care can be found at: <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

Point 5 of the Duty of Care requirements above includes correctly classifying your waste and assigning the correct LoW code.

The outputs of waste mechanical treatment are a mirror entry code, either 19-12-11* (hazardous) or 19-12-12 (non-hazardous). To determine the correct code a waste assessment must be carried out in accordance with our WM3 guidance, which can be found at:

<https://www.gov.uk/government/publications/waste-classification-technical-guidance>.

Section 3- Enforcement Response

Only one of the boxes below should be ticked

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence* and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

**Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

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 relevant 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 detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
A1	C2	ACTION 2 - cease the mixing and subsequent treatment of your mixed waste trommel fines through the wash plant forthwith. If you wish to recommence this activity in the future you can submit an application to vary your permit. ACTION 3 - the remaining pressed cake waste arising from the washing of 'inerts'/trommel fines mixtures will require a hazardous waste assessment in order for it 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*. Carry out this assessment by 18 February 2022 and submit the results to the Environment Agency.	18/02/2022
C2	C2	ACTION 1 - you must 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. ACTION 4 - 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 to the Environment Agency ACTION 5 – From now on ensure that appropriate EWC codes are used which accurately describe the waste accepted at and removed from site. EWC 20 03 01 is appropriate for householder wastes; EWC 17 chapters are appropriate for C&D wastes; EWC 19 chapter codes must be used for wastes which have produced from mechanical treatment onsite. Where wastes are only hand sorted, the previous chapter code used to describe the waste will remain appropriate.	18/02/2022

Section 5 - Compliance notes for the Operator

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
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition 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 can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

A breach of permit condition **MSA, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

MSA requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

MSB requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

TCM requires the submission of technical competence information.

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 and to maintain the relevant public register(s). 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
- providing public register information to enquirers
- 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.

Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

You must notify your local officer within 28 days of receipt if, you wish to challenge any part of this compliance assessment report. If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official [complaints](#) and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the [customer contact](#) team or send an email to enquiries@environment-agency.gov.uk. 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.