



Environment  
Agency

## Waste Audit Report

**This form will report compliance with environmental legislation as determined by an Environment Agency Officer**

		Ref	50066NICKBR14092023JSMITH1250066							
Operator / Permit holder	Nick Brookes									
Date	14/09/2023			Time in	10:15:00	Out	12:15:00			
Premises	Installation		Waste Permit	X	Exemption		Producer		CBD	
Site contact (s)	Nick Brookes									
Officer's name (s)	Jemimah Smith				Date issued	30/10/2023				

### Section 1b Assessment Summary – Duty of Care

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.

A detailed explanation of any non-compliances identified and actions you may need to take are given in sections 2 & 4 below.

#### 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	No
Time and place of transfer	Yes	No
SIC code of the waste holder	Yes	Yes
Full details of both transferor and transferee	Yes	Yes
Producer, importer, carrier authorised to receive	Yes	No
Confirm waste hierarchy has been considered	No	N/A

### Section 1c Assessment Summary – Waste Assessment

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.

A detailed explanation of any non-compliances identified and actions you may need to take are given in sections 2 & 4 below.

#### 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

### Introduction

Officers conducted an unannounced routine inspection and met with the site manager who showed them around.

This Waste Audit Report (WAR) corresponds to Compliance Assessment Report (CAR) ref 50066/0478595.

### Section 2b Duty of care

Officers received copies of outgoing waste transfer notes (WTN) for gypsum, filter cake, trommel fines, and plastics.

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: <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

### Plastics

**WTN reference 200075:** Date of transfer: 21/8/2023. Waste: OUTGOING 19 12 04 – Baled mixed rigid plastics.

- Issues: No SIC code, no carriers licence registration

**WTN reference 196277:** Date of transfer: 08/08/2023 Waste: OUTGOING 19 12 04 – Baled mixed rigid plastics.

- Issues: No SIC code, no carriers licence registration

### Gypsum

**WTN reference 205135:** Date of transfer: 11/9/2023. Waste: OUTGOING 17 08 02 – waste gypsum

- Issues: No SIC code, no receiving site signature.

**WTN reference 203948:** Date of transfer: 6/9/2023. Waste: OUTGOING 17 08 02 – waste gypsum.

- Issues: No SIC code, no receiving site signature.

#### Trommel Fines

**WTN reference 199150:** Date of transfer: 04/09/2023 Waste: OUTGOING 19 12 12 – Qualifying fines (Groups 1 & 2) (Mechanically treated)

**WTN reference 199167:** Date of transfer: 07/09/2023 Waste: OUTGOING 19 12 12 - Qualifying fines (Groups 1 & 2) (Mechanically treated)

#### Filter cake

**WTN reference 194224:** Date of transfer: 11/8/2023 Waste: OUTGOING 19 12 12 - filter cake.

**WTN reference 192230:** Date of transfer: 26/7/2023. Waste: OUTGOING 19 12 12 - filter cake.

This waste has been misclassified as 19 12 12 is not the most appropriate code for filter cake. Instead 19 02 05\*/06 – sludges from physico-chemical treatment should be used to correctly classify filter cake.

The Waste Duty of Care Code of Practice states that misclassification of waste where the waste does not fit the written description is an example of a failure to prevent an unauthorised or harmful deposit, treatment or disposal of waste. Likewise, it also says for the description of the waste to be accurate and contain all the information a producer is reasonably in a position to provide, a classification should have been conducted using the appropriate guidance.

**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.**

#### Waste assessments

19 12 11\*/12 and 19 02 05\*/06 are mirror entry codes and entries can only be classified as non-hazardous if there is evidence to support the classification. If there is no evidence, the waste must be assumed to be hazardous. It is the duty of the producer of the waste to ensure waste is analysed and assessed in line with the WM3 guidance document.

Carrying out the sampling and analysis is only one part of the waste classification process. You will also need to carry out a hazardous property assessment to determine whether any of the substances in the **trommel fines and filter cake** breach hazardous thresholds. A waste

assessment should include:

- a sampling plan
- lab analysis
- interpretation of the results

On 15/9/2023 the Environment Agency requested the following to be sent to the officer by 22/9/2022:

- A copy of the sites sampling plan for the classification of mirror hazardous coded waste including trommel fines and filter cake.
- Copies of all waste assessments which have been carried out in the last 6 months for outgoing trommel fines.
- Copies of all waste assessments which have been carried out in the last 6 months for outgoing and filter cake.

On 28/9/2023 a **sampling plan** was sent to the Environment Agency.

The sampling plan produced is not adequate as it is generic and refers to incoming 19 12 12 and 17 05 04 with no mention of outgoing trommel fines and filter cake. A sampling plan 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/100000/wm3.pdf) ([publishing.service.gov.uk](https://www.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.

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

No evidence of any **waste assessments** carried out in the last 6 months for outgoing trommel fines and filter cake were provided to the Environment Agency.

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

**Reason for breach:** You have not completed waste assessments for wastes with mirror hazardous EWC codes therefore you have failed to correctly classify waste in accordance with the guidance laid out in WM3.

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

### 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



## 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](#)

#### **What can I do if I disagree with this waste assessment report?**

If you are unable to resolve the issue with your Environment Agency 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](mailto: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.