

**From:** Marco J Muia

**Sent:** Tuesday, December 21, 2010 5:57 PM

**To:** 'Argyros, Rachel' <[rachel.argyros@environment-agency.gov.uk](mailto:rachel.argyros@environment-agency.gov.uk)>; [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)

**Cc:** mike-nickbrookes <[mike@nickbrookes.co.uk](mailto:mike@nickbrookes.co.uk)>; Thornett, Tom <[tom.thornett@environment-agency.gov.uk](mailto:tom.thornett@environment-agency.gov.uk)>; Jan Edwards <[Jan@oaktree-environmental.co.uk](mailto:Jan@oaktree-environmental.co.uk)>

**Subject:** RE: Aggregate wash plant -paragraph 13 exemption

Dear Rachel,

Could I suggest that we meet again in January to discuss the exemption and permitting issues surrounding the washing plant before you make a final decision? I have made a few comments below which we could discuss at the meeting, in addition to permitting, which are as follows:

1. Which hazardous materials are likely to cause contamination?
2. When we discussed the Paragraph 13 exemption during the audit I understood that the wording of the Para 13 exemption was being questioned as the fines may contain wastes from sources other than those stated in Para 13 i.e. general skip wastes which do not fit with the highlighted wastes below (red):

Manufacturing timber products, straw board, plasterboard, bricks, blocks, roadstone or aggregate from—

(a) waste which arises from demolition or construction work or tunnelling or other excavations; or

(b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw or gypsum

3. The protocol refers to the word inert (defined in the QP Appendix C) and includes the Landfill Directive Definition for clarity yet also refers to asphalt in the Appendix A flowchart, which is confusing. The use of WAC testing outside the landfill regime is rare to demonstrate that materials are inert and not wholly appropriate.
4. The protocol does not give much guidance on the point at which the material should be inert, so in a complicated process that would not necessarily be the start of the washing operation, which was the point I made at the audit.
5. It would appear to me that the main issue is the wording of the exemption rather than the definition of the waste as inert or not, otherwise we would still have the same problem if the whole site was permitted. **The protocol does not have to cover the entire process.**

I have been discussing the proposal to permit the entire site, including the area which recently received planning consent for composting, with Nick. We will be able to give a detailed update at the suggested meeting. My main concern has been the EA's decision on bio-aerosols which has complicated the permitting issues on site (despite the fact that no objection was made to the planning application) in that the proposed composting operation would have to be relocated with an additional planning application required. I do not disagree that a permit is required as it will be needed by 6/4/12 anyway but I do want to ensure that the process is conducted properly so that it does not generate additional work via modifications in the future.

I will be checking my e-mail regularly between now and 4 January if you have any additional comments.

Regards

Marco

**From:** Argyros, Rachel [<mailto:rachel.argyros@environment-agency.gov.uk>]

**Sent:** 21 December 2010 16:39

**To:** [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)

**Cc:** Marco J Muia; mike-nickbrookes; Thornett, Tom

**Subject:** Aggregate wash plant -paragraph 13 exemption

Dear Nick,

I tried to contact you today and I was informed by Mike that you are on leave until January 2011.

I need to advise you that we are considering revoking your paragraph 13 exemption for the aggregate wash plant. It appears that you are continuing to use waste fines arising from your hazardous waste transfer station as feedstock for the exempt operation. It was brought to your attention in my letter of the 13th October 2010 ( attached ), and again during an audit of the wash plant on the 17th August 2010, that this waste stream does not comply with the exemption or the WRAP protocol. As you are aware only inert waste can be processed into aggregates ( clay, sand, stone, asphalt, tiles, rocks, concrete and glass, as per appendix C ) and there should be no contamination with hazardous material.

You should cease using the fines and demonstrate that they are inert by testing under the WAC. If the fines are shown to be uncontaminated inert material, then the waste would come under the terms of the WRAP protocol and would be a suitable feedstock. However, if after testing the fines are not inert, or if no testing is carried out, then we require your proposals to expand the permit area and operate the wash plant under a permit. You are currently benefiting from the transitional period and I should advise you that once revoked, the operation would require permitting.

I trust that you will address the issues above with immediate effect. I will be on leave now until the 5th January 2011, if you have any concerns regarding the above can you please liaise with my line manager Ton Thornett on the number below.

regards

**Rachel Argyros**

**Environment Officer**

**Weaver Dane EM Team**

**From:** Marco J Muia

**Sent:** 30 September 2010 17:20:57

**To:** 'Argyros, Rachel' <[rachel.argyros@environment-agency.gov.uk](mailto:rachel.argyros@environment-agency.gov.uk)>;

**Cc:** <[Jan@oaktree-environmental.co.uk](mailto:Jan@oaktree-environmental.co.uk)>[nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)

**Subject:** Re: WRAP Audit Report

Thanks Rachel, I must have misunderstood as I was waiting for your letter/report before responding. I will call you on Tuesday with an update, including the permitting proposals. Jan is dealing with the environmental report, I'll discuss it with her tomorrow and expect that a response will be with you before the end of the day.

Regards

Marco

From: Argyros, Rachel [<mailto:rachel.argyros@environment-agency.gov.uk>]

Sent: 29 September 2010 13:03

To: [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)

Cc: Marco J Muia; mike-nickbrookes

Subject: WRAP Audit Report

Dear Nick,

Please find attached the WRAP Audit Report for your Aggregate Wash Plant operations.

I have still not received the information which I requested from you required to complete Section 3 of the report. Nevertheless I wanted you to have the report as there are some actions that need to be addressed. If you have the details available for me to complete Section 3, please can you email them to me and I will amend the report.

It is disappointing that despite numerous reminders, I am still waiting for the outstanding Environmental Report. If the report has not been submitted by Friday 1st October 2010 I will be scoring you for a further non compliance.

regards

Rachel Argyros

Environment Officer

Weaver Dane EM Team

From:Argyros, Rachel

To: Jan Edwards;

cc: nick@nickbrookes.co.uk;

Subject: RE: Dust Complaints / WRAP audit

Date: 20 July 2010 15:38:24

Dear Jan,

Thank you for forwarding a copy of Nick Brooke's Secondary Aggregate Production Protocol.

regards

Rachel Argyros

Environment Officer

Weaver Dane EM Team

From: Jan Edwards

Sent: Thursday, July 15, 2010 5:37 PM

To: Jan Edwards &lt;Jan@oaktree-environmental.co.uk>; 'Argyros, Rachel'  
&lt;rachel.argyros@environment-agency.gov.uk>; 'nick@nickbrookes.co.uk'  
&lt;nick@nickbrookes.co.uk>; 'mike@nickbrookes.co.uk' &lt;mike@nickbrookes.co.uk>;

Cc: 'Thornett, Tom' &lt;tom.thornett@environment-agency.gov.uk>; 'Jobson, Andrew'  
&lt;andy.jobson@environment-agency.gov.uk>; 'Walker, Michael G'  
&lt;michaelg.walker@environment-agency.gov.uk>; Marco J Muia &lt;marco@oaktree-  
environmental.co.uk>;

Subject: RE: Dust Complaints / WRAP audit

Importance: High

Hi Rachel

Sorry for any confusion but apparently I have forwarded you an original draft version.

Attached is the version previously formally submitted by Marco and this is therefore the relevant version

Many thanks

JAN

*Jan Edwards*

*Senior Consultant*

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From: Jan Edwards  
Sent: 15 July 2010 15:52  
To: 'Argyros, Rachel'; [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk); [mike@nickbrookes.co.uk](mailto:mike@nickbrookes.co.uk)  
Cc: Thornett, Tom; Jobson, Andrew; Walker, Michael G; Marco J Muia  
Subject: RE: Dust Complaints / WRAP audit  
Importance: High

Please ignore my previous e-mail.

Aggregates Protocol with revised Flow chart referencing Washing Plant (Page 8) attached

Regards

Jan

*Jan Edwards*  
*Senior Consultant*

From: Argyros, Rachel [<mailto:rachel.argyros@environment-agency.gov.uk>]  
Sent: 14 July 2010 12:19  
To: [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk); [mike@nickbrookes.co.uk](mailto:mike@nickbrookes.co.uk)  
Cc: Jan Edwards; Thornett, Tom; Jobson, Andrew; Walker, Michael G  
Subject: Dust Complaints / WRAP audit

Dear Nick,

As discussed on site yesterday can you please action the following:

1. Send by email, post or fax by Friday 16th July 2010 a copy of your documented Quality Management System, also known as the Factory Production Control, for your aggregate wash plant that demonstrates you are complying with the WRAP Aggregate Protocol. I would like to review the report, in particular the method statement and written procedures before I undertake the audit.

I will arrange a mutually convenient time to carry out the inspection following your request to postpone the planned visit

which was scheduled for tomorrow.

2. Provide a dust control management plan detailing measures to suppress dust emissions from the wash plant operation and

stockpiles of waste and site roads. I refer to the attached letters dated 3rd October 2009 and 15th October 2009 requesting

proposals to control dust emissions. I can confirm that no details have been submitted to date.

As you are aware we have received further complaints of dust moving off your site and causing a nuisance. I should advise you that

systems need to be in place to manage the emissions to comply with the exemption criteria.

Mike Griffiths accompanied me around your site yesterday and it was evident that dust is an issue on site ( dusty roads / yard ). I did observed that a

curtain has been erected on one of the conveyor belts, however further measures are needed. Mike agreed to look at installing sprinklers along the

access road that borders your site and Rowlinson's premises and to ensure that the roads are kept damp at all times.

Following my visit, I inspected Rowlinson's site. I have attached photographs of dust observed on their yard close to the line of conifer trees that

borders your site. Although I did not observe dust arisings from your facility being deposited on Rowlinson's site, it is my opinion that the dust

originates from your site. I will be instructing our Monitoring Team to carry out a series of dust monitoring exercises in the near future to confirm

whether dust is moving off your site.

3. Annual Environmental Performance Report- Permit condition 7.4. This report is outstanding despite numerous reminders. I should warn you that you

will be scored a second non-compliance and that the score will increase if the document is not submitted by 23rd July 2010. Please note that non

compliance scores may also increase your subsistence charge for the following year.

4. Although this was not discussed yesterday, I am waiting for your consultant to forward a revised Appendix III of your amended Working Plan /

Environmental Management System. I am unable to approve the report until this section has been submitted.

As indicated I will forward copies of the inspection forms and trust that your will address the above actions. Please do not hesitate to contact me if you require clarification on any of the issues raised.

regards

Rachel Argyros

Environment Officer

Weaver Dane EM Team

**From:** [Jan Edwards](#)  
**To:** ["Argyros, Rachel":](#)  
**Subject:** RE: EAWML 50066/M01 Nick Brookes - revised Management Plan  
**Date:** 09 June 2010 14:08:00

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I will hopefully get back to you next week with my comments

Regards

Jan

*Jan Edwards*  
*Senior Consultant*

.....  
**Oaktree Environmental Ltd**      **Co.No:** 04850754  
Unit 5, Oasis Park, 19 Road One      **Tel:** 01606 558833  
Winsford Ind Est      **Fax:** 01606 861182  
Winsford, Cheshire CW7 3RY

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**From:** Argyros, Rachel [mailto:[rachel.argyros@environment-agency.gov.uk](mailto:rachel.argyros@environment-agency.gov.uk)]  
**Sent:** 09 June 2010 13:48  
**To:** Jan Edwards  
**Subject:** RE: EAWML 50066/M01 Nick Brookes - revised Management Plan

Dear Jan

Thank you for your emails and revised working plan. Please let me have you comments for point 3 so that I can approve the submission as the current working plan.

regards

**Rachel Argyros**  
**Environment Officer**

## Weaver Dane EM Team

Environment Agency  
Appleton House  
430 Birchwood Boulevard  
Birchwood  
Warrington  
WA3 7WD

Direct Line: 01925 543483

Please note that I work Tuesday, Wednesday and Thursday

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**From:** Jan Edwards [mailto:Jan@oaktree-environmental.co.uk]  
**Sent:** 07 June 2010 13:26  
**To:** Jan Edwards; Argyros, Rachel  
**Cc:** 'nick@nickbrookes.co.uk'  
**Subject:** RE: EAWML 50066/M01 Nick Brookes - revised Management Plan

Click [here](#) to report this email as spam.

Copy of amended EMS VERSION 6.4  
Only Comment No 3 not yet considered  
Regards  
Jan

*Jan Edwards*  
*Senior Consultant*

.....  
**Oaktree Environmental Ltd**      **Co.No:** 04850754  
**Unit 5, Oasis Park, 19 Road One**      **Tel:** 01606 558833  
**Winsford Ind Est**      **Fax:** 01606 861182  
**Winsford, Cheshire CW7 3RY**  
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**From:** Jan Edwards  
**Sent:** 04 June 2010 16:32  
**To:** 'Argyros, Rachel'  
**Cc:** nick@nickbrookes.co.uk  
**Subject:** RE: EAWML 50066/M01 Nick Brookes - revised Management Plan

Hi Rachel/ Nick  
Progress so far

2. Done
  - 3.
  4. Reference to stock pile height also stated in Section 4.4.4 IE 4metres done
  5. Done
  6. Done
  7. Nick can you please advise. Does the surface water go to Wardle Sewage Works? Are the offices served by septic tank and not on mains foul drainage.
  8. No reference in planning permission
  9. Will try to come up with something
- Cheers  
Jan

*Jan Edwards*  
*Senior Consultant*

.....  
**Oaktree Environmental Ltd**      **Co.No:** 04850754  
**Unit 5, Oasis Park, 19 Road One**      **Tel:** 01606 558833  
**Winsford Ind Est**      **Fax:** 01606 861182  
**Winsford, Cheshire CW7 3RY**

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**From:** Argyros, Rachel [mailto:rachel.argyros@environment-agency.gov.uk]  
**Sent:** 03 June 2010 17:05  
**To:** Jan Edwards  
**Cc:** nick@nickbrookes.co.uk  
**Subject:** EAWML 50066/M01 Nick Brookes - revised Management Plan

Dear Jan,

I apologies for the slow response. Having checked the EMS / Working Plan ( v.6.3:8/12/2009 ) I have the following comments:

1. Drawing NBTS/6-202/1025/NB/13 - I am happy to accepted this revised plan which will replace NB/3, NB/4 and C1134/03/revE
2. Section 1.3.6 p5 - Please amend the regulations to the Environmental Permitting ( England and Wales ) Regulations 2010.
3. Section 1.5.2 p5 7 Appendix III - Reference is made to the breakdown of the waste types in Appendix III. I have attached the UK Waste Classification Scheme which was the scheme in place used to described waste at the time the permit was issued. Permit condition 1.2 Table 1.2 lists the codes under the scheme of permitted and non permitted waste types. Please can you go through the categories in the attachment and check that the waste streams listed in Appendix III as EWC waste types match those permitted by the site licence.
4. Section 1.5.5 p6 - the height of the stockpiles have been removed. Please can you include them to the text as we require a height to regulate the waste volumes.
5. Section1.5.7 p6 - can you alter non-special to non-hazardous.
6. Section 1.9 p8 - Exempt activities - These fall under the new regulations - Environmental Permitting ( England and Wales ) Regulations 2010 which came into effect in April 2010. Nick operates a number of exempt activities and he will have between 18months and three -and-a-half years to transfer to the new system. Can you please include for each exempt activity the final date of transition to the revised regulations and add that when the deadlines have been met the operator is to advise the Agency with his proposals to either apply for a permit for the activities or change the operation to fit the new exemption criteria:
  - Para 11 - 1st Oct 2012 ( new exempt waste operation referenceT4 )
  - Para 13 - 6th April 2012 ( T5,T6 )

- Para 17 - 1st Oct 2012 ( S2 )
- Para 21 - 6th April 2012 ( T6 )
- Para 41 - 1st Oct 2012 ( S2 )
- Para 24 - 1st Oct 2013 ( T7 )

7. Section 2.8 p14 - Can you please check that the drainage from the site discharges to Wardle Treatment Plant. I understand that the site offices are served by a

septic tank and not connected to the public sewer.

8. Section 3.3.1 v. The number of sheeted vans has increased from 8 to 10. Can you check that this meets the planning requirements.

9. Licence condition 1.3 Table 1.3 - refers to condition 4.6 - the storage of wastes with specified hazardous properties or forms. The table refers to section 4.0 of the working plan. Is there any way you can include this in the WP under section 4.0 - perhaps a comment at the end ??

Please contact me if you require clarification on any of the above.

regards

**Rachel Argyros**  
**Environment Officer**  
**Weaver Dane EM Team**

Environment Agency  
 Appleton House  
 430 Birchwood Boulevard  
 Birchwood  
 Warrington  
 WA3 7WD

Direct Line: 01925 543483

Please note that I work Tuesday, Wednesday and Thursday

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