

Jemimah Smith

From: Storer, Iain
Sent: 22 March 2022 11:38
To: Marco Muia
Cc: Nick; 'gary@nickbrookes.co.uk'; Finlayson, Tammy
Subject: RE: 202 NICK BROOKES CAR RESPONSE

Dear Marco,

In your letter to me of 17/03/2022 (ref 202-001-MMv2) you raised a challenge on behalf of your client Nick Brookes, to the non-compliance score issued in CAR form reference 50066/0412384, issued 04/01/2022.

Despite your challenge being raised much later than the 28 day period set out on the back of the CAR form I have taken time to review the points you have made.

Other audit CARs

You represent other operators who have been audited and will have noted that we have adopted a consistent approach to scoring the types of issues noted in our audit of Nick Brookes.

A permit breach score should be recorded where compliance failure leads to potential for pollution - we don't have to await the consequences of a real incident. However, as the CAR form commentary sets out, there have been multiple significant pollution incidents at landfills, resulting from malodours attributable to elevated hydrogen sulphide concentrations in landfill gas. So this is not a hypothetical pollution risk.

Previous compliance history

I don't see the relevance of your point about previous compliance assessments. Not every aspect of site operations are assessed on every visit and I don't expect a specific audit of this type has been conducted before. Yes, the audit campaign has been targeted at sites producing mechanically treated waste fines for landfill disposal for the reasons set out in the CAR. The aim of the audit is to improve operator behaviour in segregating plasterboard before mechanical treatment

Treatment of trommel fines in admixture with screened soils through the wash plant

I am unable to comment upon any 'agreement' during the variation process that would authorise the mixed waste trommel fines to be treated in this way – if you have written evidence to support such authorisation please supply it and I will discuss the matter with the Area team. But the permit as written appears clear that a 19-12-11 material is not authorised for washing. The blending of the trommel fines with soils for washing could be seen as a means to dilute the trommel fines output prior to landfill.

Gypsum mass balance

I don't accept your argument about the need to discount incidental contamination tonnage within the input source-segregated gypsum. For this to stand-up the incoming loads recorded as plasterboard would have had to be almost entirely other wastes.

The returns data is pretty clear: 1546 tonnes of gypsum in, 245 tonnes of gypsum out – so only 16% of the received waste was sent out as gypsum which is a huge gap, leaving aside the additional gypsum tonnage that should be being picked out from 17-09-04 & 20-03-01 inputs which would reasonably produce an output figure for gypsum that was higher than the input figure.

Summary

You have specifically highlighted the current issues at Walleys Quarry but whilst extreme, that is not the only landfill that has caused significant odour incidents. But you are right to conclude that our focus on improving plasterboard management systems at waste transfer facilities is to prevent further such incidents occurring. In 2005 far less mechanical waste treatment took place and this appears to be a significant factor in changes observed at the landfills. I can assure you that trommel and screener fines are a national focus for the Environment Agency. The findings of our campaign will be shared with national colleagues in the landfill sector, non-hazardous waste

treatment sector and non-site based regimes, which may lead to additional guidance. You may wish to lobby for this through your trade association too. In the meantime we have provided as much guidance as we can within our CAR form to you to help you meet your obligations.

In summary

The risk category and score we give a non-compliance reflects the potential environmental impact it could have. The landfill of wastes containing plasterboard/gypsum in cells with bio-degradable wastes will result in the generation of hydrogen sulphide, which has the potential to cause significant environmental pollution from odour: this is why it is banned under the landfill directive. Four landfills in the West Midlands area have very high hydrogen sulphide levels and have had major or significant odour pollution incidents within the period covered by the gypsum audit. These are attributable to elevated hydrogen sulphide in landfill gas emissions, resulting from the break-down of gypsum co-disposed with bio-degradable wastes – this is all set out in the text of the CAR. Your site was audited because you have sent waste to a landfill where an odour incident has occurred. We have also audited the receiving landfill sites to check if they are fulfilling their obligations.

We have adopted a consistent approach in how we have performed and reported the gypsum audits we have undertaken at landfills and transfer stations. The same score has been attributed at other sites where we have identified the same issues. I have reviewed the arguments you have raised against the score and do not consider that it should be amended.

If you remain unsatisfied, you can raise your challenge to my line manager, Colin Sully (colin.sully@environment-agency.gov.uk).

Iain

Iain Storer BSc Hons CEnv MIEMA PEA

Installations Technical Leader | West Midlands

Area Lead – Hazardous Waste Treatment & Transfer

Environment Agency | Mance House, Arthur Drive, Hoo Farm Ind Est, Kidderminster DY11 7RA

Contact | Ext: 020 847 45068 | **Int:** 45068 | www.gov.uk/environment-agency

Incident management roles: EM Duty Officer | Tactical Liaison Officer



Incident Hotline: 0800 80 70 60

Customer Enquiries: 03708 506 506

From: Marco Muia <marco@oaktree-environmental.co.uk>

Sent: 17 March 2022 14:54

To: Storer, Iain <iain.storer@environment-agency.gov.uk>

Cc: Nick <nick@nickbrookes.co.uk>; 'gary@nickbrookes.co.uk' <gary@nickbrookes.co.uk>;

operations@newtechenvironmental.co.uk; Finlayson, Tammy <Tammy.Finlayson@environment-agency.gov.uk>

Subject: 202 NICK BROOKES CAR RESPONSE

Dear Iain,

Please find attached our letter on behalf of Nick Brookes in relation the recent CAR issued for the site.

Regards



Oaktree Environmental Ltd

Registered in UK – Company No. 04850754



M: 07767 761252 T: 01606 558833 – Lime House, 2 Road Two, Winsford, Cheshire CW7 3QZ

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