

**Nick Brookes,
Nick Brookes Demolition & Waste
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Land/premises at Green Lane,
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CW5 6DB**

Date: 7th October 2020

For the attention of: Nick Brookes

Sampling & analysis of trommel fines

Dear Mr Brookes,

I am writing to you as our records indicate your company is producing trommel fines as a result of activities at your waste management facility (WML 50066, EPR/EP3798CS). Trommel fines are smaller fractions of waste, separated from other material using screening equipment and are assigned the LoW code 191211* or 191212, depending on whether the waste displays any hazardous properties.

The Environment Agency has recently carried out a national campaign in order to better understand the chemical composition of trommel fines. This involved taking samples at 40 waste sites across the country. The operators of these sites were classifying their trommel fines as non-hazardous, but the analysis showed that over half of the samples breached thresholds for hazardous waste. These samples displayed a range of hazardous properties, including: HP7 Carcinogenic & HP11 Mutagenic (due to hydrocarbons), HP14 Ecotoxic (due to heavy metals) and HP8 Corrosive (due to pH). The results of the sampling campaign have raised concerns that significant quantities of trommel fines are potentially being misclassified.

Correct waste classification is vital in ensuring that waste is properly managed across the waste chain. If you send your waste to landfill, you must ensure you only send it to a site that is authorised to accept it. Unless a hazardous property assessment has been carried out, mirror entry wastes, such as trommel fines, cannot legally be classified as non-hazardous. Under Section 34 of the Environmental Protection Act 1990 (the Waste Duty of Care), you are required to ensure the description of the waste is accurate and contains all the information

you are in a position to provide. This includes chemical analysis. If you send your waste to landfill, you must provide the landfill operator with a Basic Characterisation or the results of Compliance Testing.

You can find our guidance on waste acceptance for landfill here:

<https://www.gov.uk/guidance/dispose-of-waste-to-landfill>

Guidance on duty of care can be found here:

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

Section 4.5 outlines what you need to do to accurately describe your waste. Here it refers you to the guidance document WM3 (link below).

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

On page 8 of WM3 it explains what to do if you do not know the composition of the waste, with the following statement:

“Where the composition of a mirror entry waste is not known and genuinely cannot be determined the mirror entry waste must be classified under the ‘mirror hazardous’ entry.”

In light of the classification issues highlighted by this recent campaign, we are taking this opportunity to remind all producers of trommel fines of their legal obligations to correctly sort, segregate and classify their waste. If you are not already doing so, you must ensure that a hazardous property assessment has been carried out before transferring or moving trommel fines, or any other mirror entry waste. If the assessment shows the waste displays hazardous properties, or you cannot determine the composition, it must be consigned as hazardous waste (191211*). Only when a waste assessment, carried out in line with WM3 guidance, shows the waste does not display any hazardous properties, can the non-hazardous mirror waste code be assigned (191212).

You can reduce the risk of your trommel fines being classed as hazardous waste by sorting the waste before you pass it through the plant.

As well as assessing the chemical composition of the waste, Loss on Ignition (LOI) tests were also conducted. Over 60% of the samples had an LOI above the 10% threshold for qualifying fines. Trommel fines must be non-hazardous with an LOI of $\leq 10\%$ in order to qualify for the lower rate of landfill tax (along with other criteria). More information on qualifying fines is available on the HMRC website:

<https://www.gov.uk/government/publications/excise-notice-lft1-a-general-guide-to-landfill-tax/excise-notice-lft1-a-general-guide-to-landfill-tax>

We also analysed the sulphate concentrations of the trommel fines to identify whether gypsum or plasterboard was present. Gypsum can only be sent to landfill for disposal in a separate cell where no biodegradable waste is accepted. The results identified significant concentrations of sulphate were present. Of the 51 samples analysed, 96% contained concentrations of sulphate greater than 14,000mg/kg. This suggests that some operators are not adequately separating gypsum and plasterboard for reuse/ recycling, or disposal in a separate landfill cell.

You are in breach of the Duty of Care if you pass your waste to someone knowing that they will breach a permit condition. You may also breach your statutory duty to consider the waste hierarchy when you transfer waste to someone else. Wherever possible, you must send gypsum/ plasterboard to be reused/ recycled in preference to landfill. Where landfill is the only option, you must send gypsum/ plasterboard to a landfill permitted to accept it in a separate cell.

We will request to see copies of your waste assessments during future compliance visits. We may also take samples of your trommel fines for analysis, to check the waste has been correctly classified. This letter is being sent to all producers of trommel fines in England.

Please get in touch if you would like to discuss this letter more detail.

Yours sincerely

Tammy Finlayson

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