

## Jemimah Smith

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**From:** Smith, Jemimah  
**Sent:** 30 October 2023 11:58  
**To:** Marco Muia  
**Cc:** Nick  
**Subject:** RE: 202 RE: EA information request

Hi Marco,

Unfortunately I do not have time to attend an onsite meeting however I am happy to schedule a teams meeting to discuss any queries.

Are you both available on 13/11/2023 at 11am for a meeting? If so please let me know and I will send an invitation.

Kind regards,  
Jemimah

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**From:** Marco Muia <marco@oaktree-environmental.co.uk>  
**Sent:** 25 October 2023 13:26  
**To:** Smith, Jemimah <Jemimah.Smith@environment-agency.gov.uk>  
**Cc:** Nick <nick@nickbrookes.co.uk>  
**Subject:** RE: 202 RE: EA information request

Hi Jemimah,

I think the easiest answer to your comments below is that trommel fines were not something the EA talked about when the plant was permitted. I think a site meeting is necessary to go through my email and your comments as there is some common ground but we need to understand why there is suddenly a complete difference in interpretation of the process after it has been in operation for over 10 years.

Regards

**Marco Muia BSc MSc MCIWM | Managing Director**



**Oaktree Environmental Ltd**

Registered in UK – Company No. 04850754

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

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**From:** Smith, Jemimah <[Jemimah.Smith@environment-agency.gov.uk](mailto:Jemimah.Smith@environment-agency.gov.uk)>  
**Sent:** Wednesday, October 25, 2023 11:19 AM  
**To:** Marco Muia <[marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk)>  
**Cc:** Nick <[nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)>  
**Subject:** RE: 202 RE: EA information request

Good Morning,

Thankyou for your email.

I apologise for the delay in my reply, we have had multiple people on leave within the team causing the slowed response.

- The aggregates protocol you have provided is an internal document which states that the site will follow the WRAP Quality Protocol for Aggregates. This protocol must be followed by all businesses producing aggregates from inert waste to meet the end of waste criteria. While this protocol has changed since the variation to your permit was made in 2011 it is the responsibility of the site to ensure they are following the correct protocol and legislation in relation to the activities.
- Appendix C of the WRAP quality protocol specifies the only acceptable input materials for producing aggregates from waste. This does not include 19 12 12 trommel fines, therefore the process you are currently following by washing trommel fines derived from mixed waste, which is not inert, to create aggregates, does not meet the criteria. As stated in condition 1.1.3 operators are not obliged to comply with the quality protocol, however if they do not the aggregate will normally be considered waste.
- Your environmental permit does not allow trommel fines to be processed through the wash plant as permit condition 2.1.1 states 'Treatment of wastes listed in table S2.2 consisting only of washing, sorting, screening, separation, crushing and blending of waste for recovery as a soil, soil substitute or aggregate'. Table S2.2 does not include 19 12 12 trommel fines derived from mixed waste.
- You have no evidence of discussions with EA permitting team or officers that trommel fines should have been included within the wastes accepted for the wash plant and we can't find any reference on our records from your application that you requested trommel fines to be included.
- If you do wish to treat 19 12 12 trommel fines through the wash plant you can undergo a permit variation application process, however as discussed above the output would not meet the WRAP quality protocol end of waste criteria and would remain as waste.

If you have any further questions let me know.

Regards,  
Jemimah

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**From:** Marco Muia <[marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk)>  
**Sent:** 03 October 2023 13:33  
**To:** Smith, Jemimah <[Jemimah.Smith@environment-agency.gov.uk](mailto:Jemimah.Smith@environment-agency.gov.uk)>  
**Cc:** Nick <[nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)>  
**Subject:** 202 RE: EA information request

You don't often get email from [marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk). [Learn why this is important](#)

Good afternoon Jemimah,

Nick has forwarded your email so that I can discuss the historical wash plant applications (planning and permitting) with you. The following notes will hopefully aid our discussion.

- It is some considerable time since the application for the permit variation was granted in 2011. The plant was already in operation using a Paragraph 13 exemption.

- The attached aggregate protocol was submitted to the Agency whilst the exemption was in place. The Appendix A flowchart shows the process and identifies the trommelled waste being segregated for input to the wash plant.
- There was some disagreement regarding the exemption and as it was due to be withdrawn from the permitting regs and ceased to have effect from April 2012, Nick decided to submit the permit application as a compromise as it would have been needed anyway.
- During the application process and on numerous occasions since then we have discussed the inputs to the wash plant with inspecting officers and there was no discussion of trommel fines as the term was not commonly used around the time of the permit variation application and the period when the wash plant was commissioned and operated. If it was we would have included 19 12 12 in the application.
- It was agreed during discussions that the waste types processed on site, including those processed in the trommel and picking line were compatible with the wash plant process.
- The outputs from the trommel were not considered as final outputs and were only the middle of the recycling process on site, culminating in the output of recycled aggregates and soils, consistent with the protocol flowchart.
- The inputs to the transfer station, such as 17 09 04 were processed to extract suitable materials which, if coded, would fall within Table S2.2 as other 17 codes as the physical nature of the waste had not been changed (consistent with waste coding guidance issued in 2006 but since withdrawn).
- I've attached the 2006 guidance which was current at the time of operation and it is important to note that 19 12 12 was principally used for household waste and the word trommel isn't in the guidance.
- 17 09 04 was not listed as an input to the wash plant as it needed processing to remove any waste that was not compatible with the plant.
- The site was inspected on 7<sup>th</sup> March 2012 (attached) and I visited the site on 12<sup>th</sup> March 2012. Rachel Argyros was the inspecting officer during the exemption phase of operation and she encouraged the submission of the permit application and inspected the site for some time thereafter. The CAR form does not raise an issue with the waste inputs to the plant. It should be noted that the waste inputs were the issue of concern with the exemption and we did have a difference of opinion on the matter but the permit was varied to resolve the disagreement. My photos clearly show the inputs to the site that were present at the time of the inspection.

I trust this email provides sufficient background to the matter and would be happy to discuss it in person with Nick and yourself on site.

Regards

**Marco Muia BSc MSc MCIWM | Managing Director**



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**From:** Nick <[nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)>  
**Sent:** Thursday, September 28, 2023 10:07 AM  
**To:** Marco Muia <[marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk)>  
**Subject:** FW: EA information request

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**From:** Smith, Jemimah < >  
**Sent:** 28 September 2023 10:04  
**To:** Nick <[nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)>; Gary <[gary@nickbrookes.co.uk](mailto:gary@nickbrookes.co.uk)>  
**Subject:** FW: EA information request

Good Morning,

I have not yet received a response to the request below which has led to a delay in the completion of the compliance reports from the inspection we carried out on 14/9/2023.

If you have any of the information requested, please send it to me by 2/10/2023 otherwise we will issue the compliance reports without the required information.

Regards,  
Jemimah

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**From:** Smith, Jemimah  
**Sent:** 15 September 2023 10:21  
**To:** [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk)  
**Subject:** EA information request

Good Morning,

Thankyou for your time yesterday.

As discussed during the inspection yesterday please can you send the following information by 22/9/2023.

- Any documentation from the permit variation process which discusses trommel fines being processed through the wash plant.
- Your 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.

If you have any questions, please let me know.

Regards,

**Jemimah Smith**  
**Environment Officer (Cheshire Waste)**  
Environment Agency | Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT

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