

**This form will report compliance with your permit as determined by an NRW officer**

Site	Project Red Recycling	Permit Ref	XB3393HM	
Operator/Permit holder	Tom Prichard Contracting Limited			
Regime	Waste Operations			
Date of assessment	06/07/2017	Time in	16:00	Out 17:00
Assessment type	Site Inspection			
Parts of the permit assessed	Storage			
Lead officer's name	Tye, Laoni			
Accompanied by	Sherratt, Kelly			
Recipient's name/position	Jon Wilson/ TCM	Date issued	24/08/2017	

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.3.2

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.  
**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,  
**O** = Ongoing non-compliance, not scored.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
------------------------------------	----------	---	----------

**If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Environment officers Laoni Tye and Kelly Sherratt visited site on the 6<sup>th</sup> July 2017 to conduct a site inspection. The weather was very warm and dry at the time of the visit. We were accompanied around site by the site supervisor Simon Mitchell. This was an initial visit from the new regulatory officer Laoni Tye who will now be the point of contact for any queries. The visit was also in response to an incident that was reported to us of potentially unpermitted material being stored on site. Details of the visit and breaches are shown below. Please use the following details going forwards:

[Laoni.tye@naturalresourceswales.gov.uk](mailto:Laoni.tye@naturalresourceswales.gov.uk)

03000 65 4492

We advised site staff at arrival that we were looking into a report of potentially hazardous waste being stored on site. We were advised that there had not been any waste bought onto site consigned as hazardous as a rejected load from the Costains A465 project. When walking around we noticed that one of the stockpiles which we now know to be 'eco-sand' had a strong black bag type waste odour. When we asked the operatives we were advised that this material is bought onto site as a product from Recresco's, Ellesmere Port and is processed glass fines. We were also advised that when it rains the odour gets worst and it leaches a brown liquid. This then led us to taking formal samples of the material the following day to try and ascertain what this material was. We have since received analysis results from yourselves which we will outline below.

### Chemical and WAC analysis

The site have been pro-active in their response to this incident and have taken samples of the rejected loads of eco-sand stored on site. The results have been analysed by our internal teams who have deemed the waste to be non-hazardous. The WAC analysis document, reference: D6346-16, however has elevated levels of Dissolved Organic Carbon along with slight elevations above the inert threshold for some metals. This along with the olfactory and reported visual concerns we have concluded that this is not an inert material and therefore is not permitted on site. There is a breach relating to this with actions required outlined below.

Please notes that due to the site providing us with analysis of the stockpiles we did not see it necessary to process the samples. Therefore no analysis results will be available for samples collected on the 7<sup>th</sup> July 2017.

### Other comments

We have had complaints that waste may be being stored outside of your permitted boundary in the location of another permit EPR/FB3390VJ. Can you please confirm whether or not this is the case. If there is waste stored outside of your permitted boundary it will need to be moved back onto your site accordingly. We understand that you have permission from the landowner to store machinery and non-waste materials on there.

### **Breaches recorded**

#### **C3 – Materials acceptance – Category 3 breach.**

Condition 2.3.2 states that waste shall only be accepted if it is of a type and quantity listed in schedule 2 table(s) S2.1.

Odorous waste that was said to be leaching was accepted onto site and stored on hardstanding. The site are permitted to take in inert materials only. Inert is defined as 'waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise chemically or physically react, biodegrade or adversely affect other matter with which it comes into contact'. This is not in line with the permitted waste types.

**Action:** Please remove the un-permitted waste to an authorised facility that are able to store and accept this waste.

#### **C2 – Management – Category 3 breach.**

Condition 1.1.1 states that the operator shall manage and operate the activities:

a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformance, closure and those drawn to the attention of the operator as a result of complaints'

The root cause of the breach above can be seen as a lack of effective management on site and we are therefore scoring a category 3 breach under this condition. Odorous waste that was said to be leaching was accepted onto site and stored on hardstanding. This should have been identified and procedures followed in line with your management system which would have been to remove the material from site as a 'rejected load' and update the producer/NRW as appropriate. There also appeared to be a lack of uncertainty as to where the material had come from (it had come in as a rejected load which the sites operatives at the time were unaware of) and of where the material would be going to. The rejected loads were stored adjacent to the 'eco-sand' product and although we were advised which pile was which the following day there was uncertainty on site at the time of the visit. It is reasonably foreseeable to assume that this could have led to the incorrect load being removed from site.

**Action:** Please update the EMS with robust procedures to ensure material is fully checked for conformance on arrival to site. A process on quarantining the material should be included in the EMS to ensure any potentially un-permitted wastes are kept segregated. Please ensure all staff are kept updated on the procedures and are sufficiently trained in all areas of the EMS.

### **Photograph**

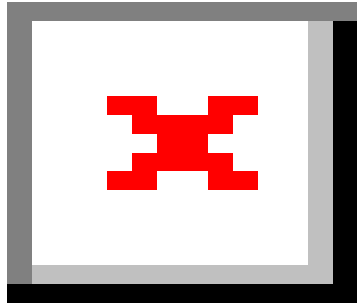


Photo taken 07/07/2017 showing adjacent stockpiles. Nearest stockpile being eco sand and further stockpile rejected load.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0032075**

**This form will report compliance with your permit as determined by an NRW officer**

Site	Project Red Recycling	Permit Ref	XB3393HM
Operator/Permit holder	Tom Prichard Contracting Limited	Date	06/07/2017

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. 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 enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C3	See comments	21/09/2017
C3	C3	Remove to an authorised facility	21/09/2017

## Section 5 – Compliance notes for the Operator

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 verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition 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 can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW 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 (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW 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.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

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

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.