

Compliance Assessment Report

Report ID:
CAR_NRW0032910

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

Site	Project Red Recycling	Permit Ref	XB3393HM			
Operator/Permit holder	Project Red Recycling Limited					
Regime	Waste Operations					
Date of assessment	25/01/2018	Time in	11:00	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Site drainage					
Lead officer's name	Tye, Laoni					
Accompanied by	Lewis, Kirsty					
Recipient's name/position	Tom Pritchard, Jon Wilson and Simon Mitchell/ Director, TCM and Site Supervisor	Date issued	20/02/2018			

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	Condition 2.1.1 table S1.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	

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.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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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 Kirsty Lewis visited site on the 25th January and met with Simon Mitchell, the sites supervisor, who we thank for showing us around site. The visit was due to ongoing concerns we have with silt pollution in the watercourses downstream of the site. There had been heavy rain on the days leading up to the visit although it was dry at the time of the visit. There were breaches recorded and actions required which are outlined below.

B3 – Site drainage engineering (clean and foul). Category 3 breach.

Condition 2.1.1 table S1.1 states that discharge of site drainage to surface water/groundwater shall be via a soakaway and shall consist of clean, rainfall dependent drainage....'

Whilst on site we saw that there was silty water running off site over ground towards the watercourse. There did not appear to be an effective drainage system in place such as a properly working permeable surface or a soakaway/settlement lagoon. Further details of this can be found in the breach recorded below.

Action: Please put in place site infrastructure improvements to ensure that only clean water can discharge from site. Details of this should be fed back to NRW.

C2 – Management systems. Category 3 breach.

Condition 1.1.1 states that the operator shall manage and operate the activities in accordance with a written management system...'

There were issues in relation to site run-off and poor drainage which can be attributed to a lack of effective on site management. The area of the site was heavily silted with areas of pooling water and deep mud. Section 2.3 of the management system states that the operating site comprises of a gently sloping , permeable work surface and a settlement pond. However, whilst on site this was not working effectively as the water was not able to permeate away. This was causing silty water to pool on site. The settlement lagoon did not appear to be operational at the time of the visit either which is not in line with the management system.

There was a breach in the bund at the bottom of the site where a lot of the water appeared to be pooling. Silty run-off could be seen leaving the site down towards the watercourse. We did not witness the silt entering the watercourse which was not visible due to the vegetation along the bank, however, it is reasonably foreseeable that this could reach the watercourse causing a silt pollution. A straw bale had been put in the area to try and stop the silt run off but this had not been effective in stopping it.

Section 3.2 of the management plan states that any defects found during the daily inspection will be repaired by the end of the working day which they are found if possible...other less significant repairs shall be carried out within 5 working days of their discovery..'. There was no evidence that this had been complied with on site and the straw bale appeared to have been placed there for a longer period of time. The site was aware of the silt running off site but the issue was not effectively rectified in a timely manner. Action: Please ensure procedures within the EMS, including accident procedures are followed. Site investigations should be conducted and any information fed back to NRW. Any changes or improvements

in procedures should be updated within the EMS.

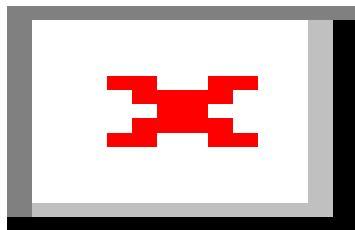
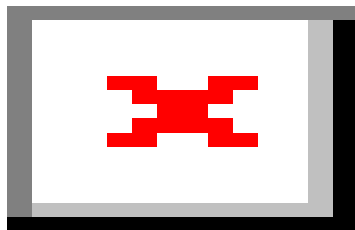
Please provide NRW with an update as to on site investigations and outcomes, including that of the settlement lagoon by the 6th March 2018.

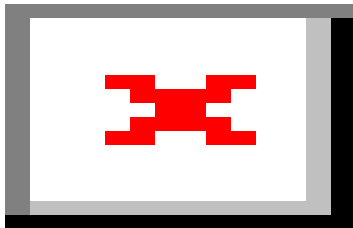
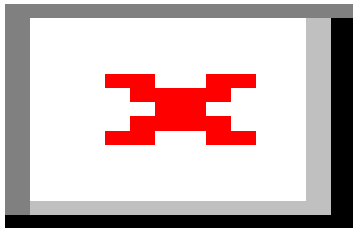
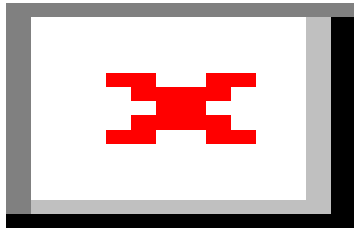
Information and actions since the visit

Since the visit we have received confirmation that the bund surrounding the site has been repaired. There is a U1 exemption in place on site allowing for waste materials to be used for construction purposes in this manner. Please ensure that the materials used are fit for purpose and that they do not contribute to any further silt run off from site.

We have also had discussions around the drainage via email and have had confirmation from site that a drainage lagoon is now in place. It is going to be closely monitored to ensure that it is collecting all site run off and that no silty run off is discharging. The results of this trial are due to be fed back to us once complete.

Photographs





EPR Compliance Assessment Report

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Site	Project Red Recycling	Permit Ref	XB3393HM
Operator/Permit holder	Project Red Recycling Limited	Date	25/01/2018

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	26/04/2018
B3	C3	Infrastructure improvements required	02/04/2018

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. 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.