

Compliance Assessment Report

Report ID:
CAR_NRW0019584

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

Site	Transform Recycling Limited	Permit Ref	MB3597TW			
Operator/Permit holder	Transform Recycling Ltd					
Regime	Waste Operations					
Date of assessment	20/04/2016	Time in	11:00	Out	12:15	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Sherratt, Kelly					
Accompanied by	Carter, Alex					
Recipient's name/position	Mr Jon Hughes/ MD & TCM	Date issued	14/07/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
A1 - Specified by permit	C3	1.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.1.1
B4 - Infrastructure - Containment of stored materials	C3	2.2

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.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Transform Recycling Site visit 20th April 2016

The purpose of the site visit was a hand over between Mr Alex Carter and Mrs Kelly Sherratt.

The weather had been dry and sunny over the previous days.

Upon arrival to the site it was noted that within a locked part of the site there was a significant pile of waste wood that in the most had been chipped to a large partial size, and some broken up waste wood pallets. The piles were above 7ft in height (approx) across places, from what could be seen from the pavement outside the site. The metal fencing surrounding the site was being used as a supporting wall to hold back the volumes of waste wood. The fencing is not designed for this purpose, but merely as boundary fencing within the industrial estate. This poses a risk to the public highway and pedestrians using the pavement. An attempt has been made to prevent the waste wood from escaping by using some green netting on the inside of the metal fencing.

Myself and Officer Carter accessed the site through open, unlocked gates on the right hand side of the side site. We were faced with a small open fronted metal shed which contained a finer chip waste wood. There was no boundary wall to the river bank and from inspection waste chipped wood appeared to have overtopped the river bank. Visually noted sprouting through the waste wood was what appeared to be Japanese knotweed and bindweed. Although not both notifiable, these weeds will need to be treated appropriately prior to the waste wood being moved to other sites, so as to prevent further contamination.

My findings in line with the site permit are

B1) Infrastructure. Engineering for the prevention & control of pollution

Cat 3 breach Permit condition 2.1.1, Table S1.1 Activities. This table states that "All waste must be stored and treated on hardstanding, or an impermeable surface with sealed drainage".

From my site visits on 20th April 2016 and 11th May 2016 , I could not access one area of the site as the gates were locked and the site is completely full of waste wood. So I cannot inspect to see if there is any

formal infrastructure underneath. Although if there is any drainage it can be assumed that it is totally overwhelmed by the sheer volume of waste and is likely not to have been maintained as there is no evidence that this waste stockpile being moved within the past 6 months at the very least. Given the verbal evidence from Officer Carter.

Action required: Please ensure all waste wood is stored on an impermeable surface with sealed drainage to ensure no direct emissions to ground. A written plan of timings and works to be sent to Mrs Kelly Sherratt for approval by **Monday 4th July 2016**

B4) Infrastructure. Containment of stored materials

Cat 3 breach Permit condition 2.2 Table S1.1 Activities.

“Waste must not be stored or treated within 5 meters of the Eastern site boundary of the site until FP01 in table S1.3 is discharged”.

Table S1.3 Pre operational measures for future development. FP01 states “Storage of waste within five meters of the eastern site boundary (boarding the river Taff)”. **Pre operational measures Construction of a boundary wall along the eastern site boundary for added protection to the river Taff from site run off.**

Evidence of construction shall be submitted to NRW for written approval.

Waste wood is stockpiled and overtopping the river bank sidings. The permit requires a 5 meter buffer zone. I cannot find within our records any evidence of a variation to this pre operational requirement of a wall. A submission of planned works is required outlining why the site feel that there is no requirement for a wall, and action is required to pull back all waste wood from the top of the river siding, to allow for the 5m buffer as a minimum.

Action required: Please move all waste wood to allow for a 5 meter buffer along the river edge. H&S of all site operatives should be a priority whilst undertaking these works, and by no means is this permit breach a request to compromise anyone’s wellbeing whilst working near the river. Within your written submission a rational of why there has been no pre operational works under taken, and the timings of when waste wood is going to be treated and moved from river bank, to be included in the method statement by **Monday 4th July 2016**.

C2) General management

Cat3 breach Permit condition 1.1.1 (a)

“The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;”

I cannot find within our records a written management system (EMS) which is up to date outlining all of the above. A full and relevant Environment Management system detailing site operations and appropriate risk assessments in line with the horizontal guidance note H6 was requested in an improvement plan dated 4th September 2014 to be submitted by 1st January 2015.

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Action requested: Can the site EMS be sent electronically at the soonest opportunity please, to be sent to kelly.sherratt@cyfoethnaturiolcymru.gov.uk or submitted in writing by Monday 4th July 2016, in line with the above.

My understanding after the introductory meeting held at the Pontllottyn site with Officer Bowden, is that waste wood is being held at both the Llandow and TaffsWell site, until such time that a large piece of machinery is full working. Mr Hughes explained that a large piece of machinery had been purchased at considerable cost to the Transform company, but as the kit was not working properly, a lengthy legal process was likely to resolve the repair or even replacement of machinery. Other machinery wood chipper and work force were still in place but waste wood would be processed at a slower rate. With this in mind the company need to look at the 3 waste wood sites as a whole, wood should not be stored for longer than 3 months at the Llandow site, and although there are no set limits within the TaffsWell permit without the benefit of a site EMS. It can be assumed to be circa 6months maximum storage, with the ability for the waste to be accessed by machinery so that all waste wood can be stored to minimise fire risk. There was a document handed to Mr Hughes on the site visit outlining the fire prevention measures required. All waste wood stockpiles across the 3 sites need to have fire breaks within the waste body, currently the sites pose a significant fire risk.

Any questions please contact Kelly Sherratt on 03000 653080.

EPR Compliance Assessment Report

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CAR_NRW0019584**

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Site	Transform Recycling Limited	Permit Ref	MB3597TW
Operator/Permit holder	Transform Recycling Ltd	Date	20/04/2016

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
B4	C3	waste wood to be removed in a prompt manner, taking in to account the H&S risks of working near river banks	30/06/2016
B1	C3	need to remove wood waste until civil infrastructure works have been completed.	31/08/2016
A1	C3	Permit holder needs to submit ems	30/06/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.