Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032223

This form will report compliance with your permit as determined by an NRW officer					
Site	Riverside Garage	Permit Ref	EB3433RE		
Operator/Permit holder	Grant Haines				
Regime	Waste Operations				
Date of assessment	31/08/2017	Time in	11:30	Out	12:10
Assessment type	Site Inspection				
Parts of the permit assessed	Permit and EMS				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Tony Haines / Director	Date issued	02/10/2017		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1 - Table 1.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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

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

Routine inspection carried out at NAG Recycling Ltd, Riverside Garage, Newtown Industrial Estate, Cross Keys, Gwent, NP11 7PZ by Officer Alex Bowder on 31st August at 11:30 of the permit **EPR-EB3433RE**. The weather was warm and dry at the time of visit. Spoke with business operator Mr Tony Haines.

NRW recently attended a local residents meeting with the site to discuss operations and how things affect the local community – thank you to the business for attending.

Actions from last CAR form

Site drainage – The slot drains were clearer than last inspection. Please continue to regular check and clear these.

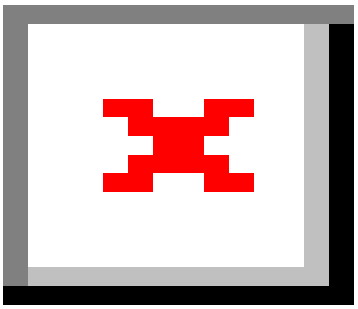
Oil on yard surface - No oil was seen on the floor at the time of visit. Ensure to use spill kits.

Site fencing - Some of waste has been pulled away from the perimeter fencing as requested.

Breach – Category 3 - **C4 - Management - Storage, Handling, Labelling & Segregation;** **Condition 1.1.1:** *"No waste management* *operations shall be authorised by this licence unless: a) specified in and undertaken in accordance with the limitations in the following table [...]"*	**Waste volumes** Waste volumes were exceeding the **80m3 allowance** at the time of visit and have not been reduced since the last inspection. We have established that the limit on specified waste management operations is 80 cubic metres. The 'no limit subject to maximum storage capacities' condition in your permit means that the **combined** waste streams must not exceed 80 cubic metres. For instance, if you have four waste streams on site, you are permitted to store 20 cubic metres for each. This storage limitation was specified when the permit was issued due to the size of the site and its capacity to hold these volumes. Waste must not be stored above the concrete bay walls. Because of the amount of waste on site, material was again being stored outside the permit boundary on the public road which can cause issues. **ACTION:** **An Action Plan will be issued with measures that we have agreed to on how the site intends to reduce the volume of waste to permitted levels.** **You will state how you intend to implement these measures**

	and how you intend on continuing them. **No waste is to be stored outside of your permit boundary.**

Breach – Category 3 - **C2 - Management systems and operating procedures;** **Condition 1.1.1:** *"No waste management* *operations shall be authorised by this licence unless: a) specified in and undertaken in accordance with the limitations in the following table [...]"*	**Noise** There have been reports of work being carried out from the site outside of stated operating times. Section 4.9 of your Working Plan '**control and monitoring of noise'** needs expanding. A noise prevention plan must be developed in the next three months by **January 2nd 2018.** **ACTIONS:** **Please ensure that staff cannot access the yard and work is done on the grounds outside of specified operating hours.** **Create Nosie Prevention plan - guidance below.**



Picture 1 - showing waste skip stored outside the yard and waste above concrete bay walls

Environment Management System (EMS) Audit

The primary purpose of this inspection was to focus on the site's Management System. You need to update your Management System from a **Working Plan** to an Environment Management System (EMS). It is evident that the document was last updated on November 2012. Although operations won't have drastically changed, your Management System should be updated accordingly to show us how you run the site in line with your permit.

The business' document is a site-specific Management System that covers the various work areas. Having analysed the document, we want to focus on:

- **Waste Storage volumes**

- **Noise Control**

- **Fire Prevention Mitigation Plans (FPMP)**

The document references the historic Waste Management Licence (WML) number 30055 as well as Natural Resources Wales Environmental Permit number **EPR-EB3433RE.** The document references the Environment Agency - this needs updating to Natural Resources Wales.

The content of a Management System should depend on the risk and complexity of the activities but as a minimum, it should address the following;

1. Site specific processes, activities or operations – operating hours
2. Emissions and discharges
3. Accidents, incidents and emergencies
4. Site engineering and infrastructure
5. Plant and machinery use and maintenance
6. A review of your activities against what your permit allows you to do
7. Waste acceptance, quantities, treatment and storage procedures
8. Storage of materials on site
9. Fire Prevention Plans
10. Noise Prevention plans
11. Drainage infrastructure
12. Transportation and distribution
13. How any potential pollution could impact on air, water, land & neighbours?
14. Procedures to enable you to apply the waste hierarchy of re-use, recover, recycle, dispose
15. Duty of Care

Under the 'Technical Competence' paragraph it is useful to state the expiry and continuing competency dates for the site's WAMITAB qualification holder, so that parties are aware of renewal etc.

Section 1.5.4 - Storage

We have established that the limit on specified waste management operations in the yard is **80 cubic metres**. The 'no limit subject to maximum storage capacities' condition in your permit means that the

combined waste streams must not exceed 80 cubic metres. Therefore, you must amend this table in your document to reflect your permit limitations.

For instance, if you have four waste streams on site you are only permitted to store 20 cubic metres for each waste type. This storage limitation was specified when the permit was issued due to the size of the site and its capacity to hold these volumes.

We have established that the waste must not be stored above the concrete bay walls – this should be stated in the plan.

The duration storage times of two days are acceptable.

Your Management System must include:

- storage times and procedures to ensure that these times are not exceeded
- maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded
- maximum storage heights to prevent or minimise the emission of dust, litter and throughput management
- a procedure to identify the specific waste types stored at your facility
- procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures.

Section 4.9 - Control and Noise

This section needs expanding – **ACTION**: we require the business to produce a Noise Prevention Plan. There is a condition in your permit which requires you to take appropriate measures to prevent or minimise noise.

The measures required need to be what are reasonable, good practice and balances the costs and benefits to prevent or minimise noise.

We expect any standards of industry good practice to be met along with any recommendations in our guidance. If there are noise problems at your site, and you have already implemented some measures, there may be a case to justify further measures or restriction of the activity, depending on the severity of the problem and the cost.

Even if you are following normal standards and guidance but the impact is unreasonable, then you will have put in place further measures and we will judge with you what is reasonable and to what extent further measures are possible, required or justified.

Your plan must demonstrate the measures you will employ and how you will respond to prevent or minimise the noise.

Having a **noise management plan** that sets out several measures you will take will not necessarily mean you will comply with this condition. You may need to update this plan with further measures to ensure that the condition continues to be met.

Appropriate measures to reduce/control noise include:

- monitoring noise levels at different places and times to find where the problem is coming from
- maintaining equipment specifically to reduce noise levels, for example balancing fans and fixing loose covers
- enclosure or abatement, for example acoustic enclosures, silencers, keeping doors and other openings in buildings closed
- timing, for example avoiding noisy work during evenings and weekends
- siting away from sensitive receptors, for example of delivery or vehicle routes or noisy plant
- switching off plant, vehicles and ventilation units when not in use
- reducing or stopping your activities that are causing the noise until either the circumstances have changed or other appropriate measures have been put in place to allow the operations to re-commence without significant noise.

Where very low background levels prevail, site noise levels should not be significantly above the background and, if practicable, should be well below.

Sometimes ambient noise increases over time (creeping background). This increases the environmental value of noise abatement measures. Where this has been identified in discussions with us or previously with the local authority, you must consider it when planning noise control techniques to maintain acceptable noise levels.

Please ensure activities are limited to **specified operating hours** and noise is reduced to a reasonable minimum.

Section 5.2 - Fire Prevention Mitigation Plans (FPMP)

This section needs expanding. You should identify all fire hazards and state any potential sources of ignition on site. A detailed fire plan should be included in the document; sent separately are Prevention Guidelines for standards that you must meet. You should include fire procedure list of:

Sources of Fuel
For instance, any storage of petrol, diesel, oils, paints, wood frames of buildings/wooden roofs, tyres or vehicles.

Work Processes

Any fuel oils kept to a minimum within the premises and to be stored in contained facilities. Containers and paints to be kept in secure storage. Awareness of site security and vandalism.

Structural features that could promote the spread of fire

Building material on site. The trommel material separating unit.

Identify people at risk

Identify people at significant risk in case of fire, indicating why they are at risk and what controls are or need to be in place.

Evacuation plans and decided meeting points. Upon discovery of a fire instructions for all personnel on site.

Fire Fighting Equipment

Fire extinguisher types and their locations. Emergency Action Plan (EAP)

Section 5.3 - Spillages

This needs to be more strictly adhered to. Oil and fuels have been seen on the floor on numerous occasions which suggests better management should be done.

No ELVs seen on site at the time of inspection. Checked around the back on the premises to inspect fencing and any fallen waste on river bank - none found.

Waste returns correctly submitted on time.

NRW will be attending site to discuss the development of the Noise Prevention Plan. If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0032223**

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Site	Riverside Garage	Permit Ref	EB3433RE
Operator/Permit holder	Grant Haines	Date	31/08/2017

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.

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			
C4	C3	Reduce volume of waste - no waste to be stored outside of permit boundary	02/11/2017
C2	C3	Create Noise Prevention Plan by JAN 2nd 2018	02/01/2018

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.