Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032828

This form will report compliance with your permit as determined by an NRW officer					
Site	Site Serv Recycling Ltd	Permit Ref	JB3893HP		
Operator/Permit holder	Siteserv Recycling (sw) Limited				
Regime	Waste Operations				
Date of assessment	22/12/2017	Time in	10:00	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Storage and management system				
Lead officer's name	Tye, Laoni				
Accompanied by	Rob Salter				
Recipient's name/position	Nigel England, Luke England and Carl Jones/ Directors and TCM	Date issued	05/02/2018		

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**
C2 - General Management - Management system and operating procedures	C2	1.1.1 and 3.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3 - Suspended	2.3.1

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)	31

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 officer Laoni Tye visited site with Fire and Rescue Service secondee Robert Salter. We met with Carl Jones, site TCM. The purpose of the visit was to provide feedback on the FPMP and to discuss a potential trial proposed by site, to process the fire damaged waste stored outside of the building, to aid with its recovery and removal from site. There were breaches recorded during the visit which are outlined below. Advice and guidance on updating the FPMP and discussions surrounding the trial was provided in separate email (dated 22/12/17 and 29/12/2017).

C2 – Management – Management system and operating procedures. Category 2 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 the risks of pollution, including those arising from operators, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.
And

condition 3.4.1 states that the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

During the visit, it was clear that the current FPMP guidance was not being complied with. The main areas of non-compliance leading to a potential significant risk of pollution are as follows:

- If you store waste at risk of self-combustion for longer than 3 months you must demonstrate what additional measures you will take, including monitoring and turning of the piles (see page 14 of the guidance https://naturalresources.wales/media/683222/guidance-note-16-fire-prevention-mitigation-plan-english.pdf) Waste has now been stored in these stockpiles for 11 months (9 at the time of the visit). There did not appear to be any proper monitoring in place and stockpiles are not being rotated. We understand that there was a proposal to trommel the waste and therefore turn the stockpiles, but this does not limit the requirement to monitor and prevent flare ups in the meantime. At the time of writing this CAR form, the trommelling has still not begun and therefore piles are still sat in situ.

- Although there are fire breaks within the stockpiles they are not in line with current guidance. As discussed if there was a flare up in one of the piles there is still a risk that the fire would spread between the stockpiles. There is no evidence that the minimum separation distances and stack sizes specified by the FPMP guidance have been adhered to.

- The FPMP has not yet been considered as sufficient by NRW as it has not been produced in line with NRW FPMP guidance. The original plan was submitted in January 2016 (FPMP V1). The original plan was not considered sufficient as it was a document detailing what the site should be doing in order to comply and recognised that the site were not in compliance with relevant guidance. We made numerous requests in CAR forms for this to be updated but we did not receive an update. In March 2017 there was a fire on site which caused a major incident due to the large quantities of waste in the building and lack of stockpile management. It was June 2017 when we received an updated version but again this was not considered sufficient and it was not in line with relevant guidance. Comments were provided to you in an email from our seconded FRS officer who found numerous areas of non-compliance with current guidance and improvements to be made. We then received an updated document (FPMP V3) on the 9th November which although was an improvement has still not been considered sufficient.

  Clear advice and guidance was provided during the visit and in a follow up email on the 29th December 2017, but at the time of issuing this CAR form we are yet to receive the updated document.

Action: You must implement an FPMP and carry out procedures on site in line with current plans and guidance. Decisions on how the waste will be managed - trommelled or rotated need to happen as a matter of urgency.

Action: Clear advice and guidance has been provided on numerous occasions. As agreed during a telephone conversation on the 31st January 2018, the final draft FPMP should be submitted no later than 9th Feb 2018.

C4 – Management – storage, handling, labelling and segregation. Category 3 breach* Suspended score*

Condition 2.3.1, table 2.3 states that unless stored or treated outside as specified waste:
a) all bulking, transfer or treatment of waste shall be carried out inside a building;
b) all waste shall be stored in a building or within a secure container
c) all waste shall be stored and treated on an impermeable surface with sealed drainage system

Specified waste shall be stored and treated on hard standing or on an impermeable surface with a sealed drainage system.

There are large volumes of waste stored outside of a building which is not in line with this condition. This score has been suspended and there is an enforcement notice in place to bring the site back into compliance.

Action: Please provide an update (quarterly report) on how much of this waste has been removed by 28th February 2018.

Please note: This breach can only be suspended for a maximum of 6 months from the date of issue of the compliance notice and therefore scoring will re commence after February 2018.

Other comments

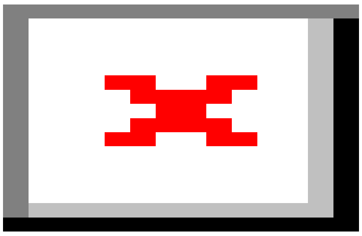
Hangar A

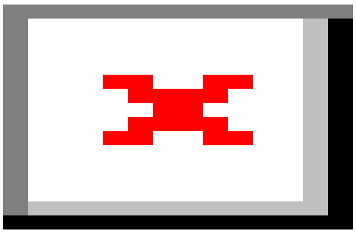
There was a stockpile of loosed mixed plastics adjacent to a stockpile of baled plastics which due to there being an insufficient fire break, would be considered one large stockpile. This would likely be in exceedance of the length restrictions (7m loose, 10m baled) and height restrictions (4m)set out within the guidance for the safe storage of combustible wastes. We understand however, that this was due to be moved and had only been put there momentarily to aid with moving waste around the building. We understand that as a working site, this may be required on occasion, but please ensure separation distances are adhered to when storing waste.

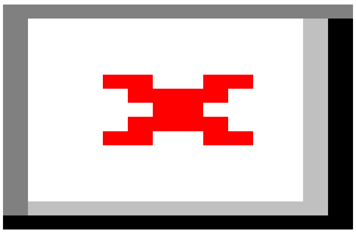
There was a stockpile of mixed waste material consisted mainly of a mix of plastics and cardboard which appeared to be co-mingled waste. We were advised that the waste had come in separate streams and that a mishandling of some sort had led it to be mixed. As advised at the time, should you start receiving and treating mixed waste in the future (1000 tonnes per year or more) and 50% of that waste is made up of glass, metal, paper/cardboard or plastic then the MF regs will apply to you. Should this be the case, you would need to notify us and start operating in line with the requirement of the regulations. This would include sampling and testing the materials you receive and send out. Please see below for a summary of this:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295178/pb14150-mrf-guide.pdf

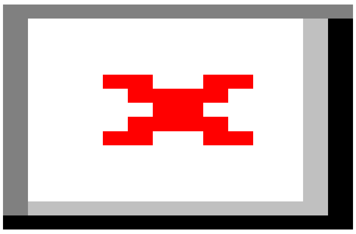
Should you require further information on this or you wish to consider it for the future please let us know.

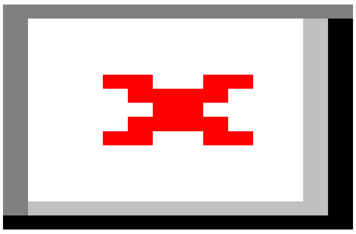
Photographs











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Operator/Permit holder	Siteserv Recycling (sw) Limited	Date	22/12/2017

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	See comments section. Enforcement notice in place	31/08/2018
C2	C2	See comments section	09/02/2018

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.