

Compliance Assessment Report

Report ID:
CAR_NRW0032419

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	27/10/2017	Time in	10:00	Out	11:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Management plans and storage					
Lead officer's name	Tye, Laoni					
Accompanied by						
Recipient's name/position	Nigel England Luke England and Carl Jones/ Director. Director and TCM	Date issued	13/11/2017			

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	C2	1.1.1
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
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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 officer Laoni Tye attended site with our seconded Fire and Rescue Service officer Robert Salter. We met with Director Nigel England who took us around site. The weather was mild and dry with little wind at the time. The purpose of the visit was to discuss any progress with the updated Fire prevention and mitigation plans and ensure that any fire risks were being adequately managed. There were breaches recorded during the visit which are outlined below.

Breaches recorded

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. (permit condition added August 2017 - correspondence sent from NRW updating on this).

We have escalated this breach to a Category 2 due to the reasons that follow.

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 been stored in these stockpiles for 8 months. There did not appear to be any proper monitoring in place and stockpiles were not being rotated.
- Although there are fire breaks within the stockpiles, there is still a risk that the fire would spread between some of 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. 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. Comments on this have been provided separately sent with this CAR form.

Action: Please see comments made in the email for updating the FPMP. We will be requesting the full FPMP which includes all the necessary additional information, as provided, no later than 2 weeks from the issue date of this CAR form which must be complied with.

Action: You must implement an FPMP and carry out procedures on site in line with relevant guidance.

Thank you the IMS has now been received (09/11/17) since the inspection and will be reviewed.

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 30th November 2017.

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 discussion points

Vehicle wash down area

We were advised that the area to the north of hangar B is still used as the vehicle wash down area although the site rarely washes vehicles. The land is meant to drain down towards the concrete pad although there was standing water in the area suggesting that this may not be the case. Since returning to

the office and looking at the drainage plans it appears that the drain from the area around concrete pad will drain to surface water drain which appears to go to a soakaway to the west of the site. If vehicles continue to be washed in this area you will be required to improve the drainage on site as it would not currently be permitted. We have not scored a breach on this occasion as we did not see any vehicles being washed and have not assessed any impact.

The waste fines were covered and the sheeting had been secured with tyres to stop it blowing off. This will assist in reducing potential risk to the environment from leachate.

We discussed covering the Hangar B waste to prevent the ingress of water but advised that this could insulate the stockpiles and heat them further. We did not feel that this would provide any additional benefit.

EPR Compliance Assessment Report

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Operator/Permit holder	Siteserv Recycling (sw) Limited	Date	27/10/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Compliance notice in place	31/08/2018
C2	C2	See comments	24/11/2017

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. 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.