

Compliance Assessment Report CAR_NRW0040151

Permit being assessed: RB3997TX.
For: Unit 14, held by Roger Collingbourne
At: Ponthi, Caerleon, Newport, NP18 1PQ.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 12/07/2022 between 12:00 and 12:45.
Parts of permit assessed: 1,2,3,4

NRW Lead Officer: Jak Rose, accompanied by Alex Bowder.
Report sent to: Roger Collingbourne, Operator on 21/07/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.4 Fire
E1 - Emissions - Air	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Please send proof of continuing competence	Already

Criteria	Action needed	Complete by
		completed
C2	Review EMS to ensure information is still relevant and correct	30/09/2022
D2	The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.	30/09/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers on 12 July 2022 at: Unit 14, Star Trading Estate, Ponthir Road, Caerleon, Newport NP18 1PQ- Permit number **EPR- RB3997TX**. The Grid reference for the site is: **ST 33536 92042** and known as 'Unit 14'.

Waste Regulation Officers Jak ROSE and Senior Officer Alex BOWDER arrived at site at 12:00 and met with Operator Mr Roger COLLINGBOURNE. The last inspection was completed on 10th September 2019. It was requested that an entire site walk around was undertaken. The weather conditions were fine and dry during the time of inspection.

Officers walked in via the entrance gates. Access to the site is through the Star Trading Estate which is accessed by other commercial businesses. The road is without tarmac and gives rise to dust, this was not substantial in respects of site emissions.

To remind the operator, following each assessment Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the people/property/environment
- 2 - Significant impact or effect on the environment/people/property
- 3 - Minor impact or effect on the environment/people/property
- 4 - A non-compliance which has no potential environmental effect

Permit Breaches

D2 – Accidents, emergency, and incident planning – Cat 3 - Condition 3.4. – Fire

The operator shall manage and operate the activities in accordance with a written fire prevention

plan using the current, relevant fire prevention plan guidance.

The permit operates under a Standard Rules permit *SR2008 No03: household, commercial and industrial waste transfer station with treatment*. In 2017 NRW informed you that there had been made changes the standard rule set (environmental permit) you hold. A copy of this letter for your reference as it mentions an extra fire protection measures for certain standard rule set holders.

Please note that for the standard rule sets you will be required to manage and operate your activities in accordance with a written fire prevention and mitigation plan (FPMP). This plan must be produced in accordance with the current guidance. To access the FPMP guidance please visit: <https://naturalresources.wales/permits-andpermissions/environmentalpermits/guidance-to-help-you-comply-with-your-environmentalpermit/?lang=en>

Action: Submit a Fire Prevention Management Plan

Deadline: 31 September 2022

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Management - Environmental Management System (EMS) – Action Only

This was provided following the last inspection. This may need to be reviewed to ensure the information regarding the site activities is still relevant. The document we have on file is from 2018. The EMS should be a live document and explains how the site complies with the conditions of the permit.

Action: Review EMS to ensure information is still relevant and correct

Deadline: 31 September 2022

General Observations



Photo 1 – waste stockpile consisting of wastes highlighted in red (below)

2.3 Operating techniques

- 2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste³:
 - 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.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

“specified waste” is defined in section 4.4 of these standard rules permit.

The wastes in section 4.4. are detailed in the table below. Highlighted in red are the ones relevant to your operation taken from your Environment Management System (EMS)

EWC Waste Code	Description
01 01 01	wastes from mineral metalliferous excavation
01 01 02	wastes from mineral non-metalliferous excavation
01 04 08	waste gravel and crushed rocks other than those mentioned in
01 04 09	waste sand and clays

01 04 13	wastes from stone cutting and sawing other than those mentioned in 01 04 07
02 04 01	soil from cleaning and washing beet
10 11 12	waste glass other than those mentioned in 10 11 11
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13 14	waste concrete
15 01 07	glass packaging
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	mixtures other than those mentioned in 17 03 01
17 02 02	Glass
17 03 02	bituminous mixtures other than those mentioned in 17 03 01
17 05 04	soil and stones other than those mentioned in 17 05 03
17 05 08	track ballast other than those mentioned in 17 05 07
19 12 05	glass
19 12 09	minerals (for example sand, stones)
20 02 02	soil and stones

Therefore, these wastes do not have to comply with the Operating Techniques. Wastes that are not in this list will need to comply with the Operating Techniques.

Operations

The permit conditions state that treatment consisting only of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for disposal, (no more than 50 tonnes per day) or recovery.

There are an estimated 3000 tonnes of product that is awaiting to be dispatched. The Operator explained that this has been on site for a while (as shown in **Photo 2 and 3**)

At the time of inspection there was no processing of waste. The Operator informed Officers he would hire a proprietary crushing machine to process the stockpiled wastes. There is no permanent plant machinery on site for the processing.



Photo 2 – processed material, estimated to be around 3000 tonnes.



Photo 3 – processed soil material towards the rear of the site**Waste Acceptance**

The Operator informed us that every load is visually checked for the presence of asbestos containing material (ACM) The Operator advised that the gates to the site are secured by a coded lock.

This code is only given to contractors that regularly use the site. There is no weighbridge or checkpoint therefore each load is checked by the contractor. This is not best practice as the site is regularly left unattended. Given the security measures there could be improvements made for these incoming loads to check for wastes such as ACM. Within the EMS it says that the Operator will check these loads, there may be occasions loads are not checked as the Operator is not in attendance.

Emissions and Monitoring

As mentioned earlier in the report the entrance and tracks around the site give rise to dust emissions. Given the location of the site in relation to the nearest receptors this was not an issue at the time of inspection.

Technically Competent Manager (TCM)

Gwyn JONES has been nominated as TCM for the site and note his site visit findings on 16th June 2022. The Operator was not present during Gwyn's inspection, but he did follow up his findings with the Operator which you provided to Officers at the time of inspection.

Action: Please send proof of WAMITAB certificate

Deadline: Completed 21 July 2022

Waste returns

Waste returns are outstanding for Q1 and Q2 2022. Please submit these by 31 July 2022.

Officers left site at 12:45.

If you have any issues with this report, please contact Waste Regulation Officer Jak ROSE at jak.rose@naturalresourceswales.gov.uk or 07866 157281.

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

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If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.