

## Compliance Assessment Report CAR\_NRW0040343

**Permit being assessed:** AB3097HG.

For: Unit 1- Crugmore Farm, held by M D Recycling Limited

At: Crugmore Farm, Penparc, Cardigan, Ceredigion, SA43 1RD.

**Type of assessment carried out:** Site Inspection, Reason: Other.

On 31/08/2022 between 15:45 and 16:45.

Parts of permit assessed: Waste Recovery Activity

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Marc Davies, Owner on 28/09/2022.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                       | C3 Minor          | 2.2.1            |
| A1 - Specified by permit                       | Action only (X)   |                  |
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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 |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| A1       | Submit the volumetric survey and detailed design plan as set out in CAR_NRW0039175                                                                                  | 30/09/2022  |
| A1       | Ensure that the final levels of the Recovery Activity and the site perimeter are clearly marked prior to completing the final levels of the Recovery Activity area. | 31/10/2022  |
| A1       | Remove all waste material illegally deposited outside the permit boundary as part of the waste recovery activity                                                    | 31/03/2023  |

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.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

Malcolm Dines carried out a pre-arranged compliance visit to assess compliance with the Section 59 notice in force and for which the deadline expired on 31st August 2022 and met with Marc Davies (Technically Competent Manager and Director of M D Recycling Ltd) on site. The weather was dry and bright, there was no activity on site during the compliance visit.

### Permit Breaches

#### A1 - Specified by Permit - Cat 3; Permit Condition 2.2.1

You have been given this category 3 breach under the above condition because following the previous compliance visit (CAR\_NRW0039175) it was agreed that the waste illegally deposited outside the permit boundary would be removed by 31st August 2022, as this would allow the work to be carried out when the ground conditions were the most suitable.

It was known before the site visit that this deadline had not been complied with as the previous CAR form required you to submit a design of the revised recovery activity area and a third-party survey and volumetric assessment of the material deposited so far and none of this work had been submitted within agreed deadlines and were not available on-site.

It was agreed on-site that the required documents must be submitted before 30th September 2022, these were submitted by email on 9th September 2022. However, no adequate reason has been given for the failure to submit these documents within agreed timescales and the plan of the revised layout for the Recovery Activity is dated 31st August 2022. Therefore this is a breach of permit condition 2.2.1.

The survey shows that 70,009.244 tonnes has been used in the Recovery Activity, including the material illegally deposited beyond the site boundary and the quantity required for re-designed Recovery Activity area as you have now submitted is 71,601.474 tonnes. The permitted quantity for the Recovery Activity is 75,704 tonnes and therefore the amount of material currently deposited is within permitted quantities and is also less than is required to complete the Recovery Activity.

Actions – The illegally deposited material must still be removed as per the Schedule 59 Notice however, you may use this material in the Recovery Activity. The volumetric survey was dated 31st August 2022, therefore, from that date, you may only import another 1,600 tonnes of material for the Recovery Activity. Exceeding the required tonnage of 71,601.474 tonnes will be considered to be an illegal deposit of waste and may be subject to further enforcement action.

In order to ensure that Natural Resources Wales (NRW) are able to effectively regulate the Recovery Activity you must ensure that the perimeters of the Recovery Activity area are clearly marked and level markers placed around the area that clearly show the final levels for the site as set out in the plan (ref: 11101 - 000 dated 31/08/2022) submitted to NRW on 9th September 2022. The deadline for this action to be completed is 31st October 2022.

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](mailto: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](mailto: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.