

Compliance Assessment Report CAR_NRW0040675

Permit being assessed: MP3894VQ.

For: Old Barry Sidings, held by R R Davies Ltd

At: Hopkinstown, Pontypridd, Mid Glamorgan, CF37 2PE.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 26/10/2022 between 10:15 and 11:15.

Parts of permit assessed: All Permitted Areas

NRW Lead Officer: Jodie Baskerville, accompanied by Hannah Goddard.

Report sent to: Robert Davies, Site Manager/Director on 08/12/2022.

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	C16
C2 - General Management - Management system and operating procedures	Action only (X)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	Condition 11
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Condition D25.2

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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	Please ensure that no burning of waste takes place on site, and all members of staff are made familiar with the conditions of your environmental permit and environmental management system.	05/12/2022
C2	Please send through the most recent copy of your Environment Management System for review.	31/01/2023
B3	Please arrange for the interceptor on site to be emptied and cleaned as soon as possible and copies of the paperwork forwarded to Natural Resources Wales.	31/01/2023
G4	Please submit to Natural Resources Wales copies of your missing waste returns, up to and including the current	31/01/2023

Criteria	Action needed	Complete by
	reporting period as soon as possible but by the date stated.	

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 Assessment Report Form has been completed following a site inspection undertaken on the 26th October 2022 at Old Barry Sidings, Nr. Pontypridd. Permit Number EPR-MP3894VQ.

Present

Robert Davies - Site Manager/Director Old Barry Sidings

Jodie Baskerville - Natural Resources Wales

Hannah Goddard - Natural Resources Wales

The main purpose of the visit was a routine site inspection and introductions were made as Jodie Baskerville is now the Regulating Officer for the site. This was an unannounced inspection undertaken with Hannah Goddard, Senior Officer of the Cwm Taf and Bridgend Environment Team.

Background

The permit held by R.R. Davies at Old Barry Sidings is for the operation of an End-of-Life vehicle (ELV) and Scrap Metal Recycling Facility.

It is clear that the current active permit for the site is very outdated and in need of modernisation.

Site Drainage

Whilst on site we observed a lot of standing water pooling. Any surface water on site is supposed to drain through to an interceptor via a silt trap in the middle of the yard. At the time of the inspection the interceptor chamber was in need of cleaning, having not been serviced since April 2021. The facility receives a lot of sediment due to being located at the

foot of a hill that discharges a significant amount of rainwater through the site, which sits next to the Rhondda River. This, along with the type of pollutants emitted at your facility poses a potential risk of pollution to the river.



Condition 11 of your permit states;

'Site drainage arrangements shall be constructed and maintained so that water does not accumulate at the facility. These shall include interception of contaminated surface water and spillages, to prevent contamination of the drainage system, or any watercourse or ground water.'

The above breach of Condition 11 has been scored a Category 3 breach under B3 Infrastructure - Site drainage engineering (clean and foul)

Action - Please arrange for the interceptor on site to be emptied and cleaned as soon as possible and copies of the paperwork forwarded to Natural Resources Wales. Please also ensure that a suitable timetable for maintenance is implemented and paperwork kept for review by Natural Resources Wales.

Depollution of Vehicles

The site has a dedicated depollution bay with impermeable surface and equipment for the extraction of liquids. Hazardous wastes removed as part of the depollution process are housed in tanks in a shelter adjacent to the depollution bay and a spill kit was readily available. At the time of the visit, there were various items being stored on top of some of the storage tanks.



Action - Please ensure any storage tanks and drums are kept clear in order to protect the integrity of them and prevent the escape of any hazardous wastes.

Storage

There are large volumes of cables being stored on site. Please ensure that all paperwork pertaining to these are retained in the event that NRW should wish to check this.

During our time on site, it was noted that WEEE was deposited on the ground in addition to a full skip.



Whilst the permit does not state any specific conditions relating to the storage of WEEE, Condition C15 states;

'The facility shall be suitably organised to provide segregated storage areas for the various wastes. These areas shall be separated either by a distance of not less than 0.6 metres or by a permanent partition wall of adequate construction'

Action - Please ensure that the various waste streams received on site are stored appropriately taking into consideration the requirements as set out in condition C15 of your permit.

There is an area at the front of the site where various metal streams are weighed and stored. This area was also being used for the storage of acid lead batteries.



Condition D35 of your permit states;

'All lead/acid batteries shall be stored in a designated area.'

(i) This area shall be constructed with an impervious base and bunding with a blind sump so as to prevent the escape of any of the contents of the batteries or any contaminated liquor. The area shall be covered to prevent ingress of water into it. The bunding and sump shall be emptied regularly into a suitably constructed and labelled container.'

However, section 1.4.3 of your working plan states;

'All materials will be stored in designated storage areas, lead acid batteries will be stored in containers with an impermeable, acid resistant base and kept inside to prevent the ingress of water...'

Whilst the surface is impermeable and the batteries are located inside a building, I would advise that these batteries to be stored inside a container within this building, as per your working plan.

Waste Returns

Your current permit was modified in 1999 to add Condition D25. This condition required you to keep a record of all wastes received and all materials removed from site.

Condition D25.2 states;

'A summary of the information, including nil returns, shall be submitted to the Agency in a format required by the Agency. Summaries shall be for each financial year and shall be submitted to the Agency within one month of the end of each financial year'

No waste returns have been received by Natural Resources Wales since 2019.

The above breach of Condition D25.2 has been scored Category 4 breach under G4 Monitoring and records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales.

Action - Please submit to Natural Resources Wales copies of your missing waste returns up to and including the current reporting period by 31st January 2023

Technically Competent Manager (TCM)

David Craig Jones is the TCM for the site. As an active working member of the site staff, he is always on site. We do not currently have a copy of his WAMITAB qualification on file.

Action - Please forward a copy of the WAMITAB qualification to Natural Resources Wales by 31st January 2023

General

Whilst on site it was noted that some burning had taken place in an old bath.



Condition C16 of your permit states;

'No waste material shall be burnt within the boundaries of the facility. Any fire occurring

within the confines of the facility shall be treated as an emergency and immediate action shall be taken to extinguish. All outbreaks of fire shall be reported immediately to the Waste Regulation Authority'

The above breach of Condition C16 has been scored a Category 3 breach under A1 - Specified by Permit

Action - *Please ensure that no burning of waste takes place on site, and all members of staff are made familiar with the terms and conditions of your environmental permit and Environment Management System.*

Fire safety is a big concern. Natural Resources Wales alongside all Welsh Fire Services have produced a document called "Fire Prevention and Mitigation Plan Guidance". This guidance will become part of all permits regulated by Natural Resources Wales going forward. This will require each site to put together and submit to NRW for approval, a FPMP. I would advise that you start thinking about and putting together the information that would be required for this document.

Environment Management System

Whilst it is evident that your current permit is very outdated, it is clear that the absence of a fully functional Environment Management System (EMS) is contributing to many of the failures on site. It is vital that your EMS reflects the activities being undertaken on site and how they are carried out to minimise any risks. All risks need to be identified and processes put into place and documented as to how these risks are managed so as not to cause harm to the environment or people and to ensure full compliance with permit conditions and any directly applicable legislation.

Furthermore, it is a requirement of your permit as detailed in condition C1.

"The licence holder shall operate the facility in accordance with the working plan as approved by the Waste Regulation Authority and attached to this licence. The licence holder shall obtain approval from the Waste Regulation Authority for any proposed change in the actual conduct of the operations from the proposals approved in the working plan, as altered by any previously approved changes before the change is implemented"

Action - *Please send through a copy of your current Environment Management System document for the site for review.*

Many thanks for your time during the inspection.

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.