

Compliance Assessment Report CAR_NRW0041784

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 28/04/2023 between 12:00 and 12:25.

Parts of permit assessed: Various

NRW Lead Officer: Jak Rose.

Report sent to: Roger Collingbourne, Operator on 09/05/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2 - Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		previous quarter.
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	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
2	4.1

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
C2	Review site operations to ensure the risk of unauthorised wastes are not accepted to site as detailed within the EMS. During times the site is left unattended the Operator must put in place pre-acceptance checks for incoming loads.	30/06/2023
G4	Submit quarterly returns for wastes accepted and removed from site	31/07/2023

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

This compliance report details the site inspection conducted by Natural Resources Wales

(NRW) Officers on 28 April 2023 at: Roger Collingbourne, Unit 14, Star Trading Estate, Ponthir Road, Caerleon, Newport NP18 1PQ EPR- RB3997TX.

Waste Regulation Officer Jak ROSE conducted an un-announced inspection. The purpose of the inspection was a routine site inspection. Officer ROSE entered Star Trading Estate and walked on foot through to the site at the rear of the estate. Officer ROSE arrived at 12:00 and the site was open and unattended. The last site inspection was completed on 12 July 2022 (CAR_NRW0040151). The weather conditions were fine and dry with sunshine and a light breeze.

ACTIONS FROM PREVIOUS SITE INSPECTION(S) - CAR_NRW0040151 on 12 July 2022

Action(s)	Completed (Yes/No/Ongoing)	Action Taken by Operator
Please send proof of continuing competence	YES	Mr Gwyn JONES sent through evidence of wamitab COTC.
Review EMS to ensure information is still relevant and correct	YES	EMS sent through on 22 July 2022.
The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.	YES	Received via email on 26 July 2022.

Introduction

The site operates under a SR2008 No3 - household, commercial and industrial waste transfer station with treatment.

The scope of the site's operations consists of producing reusable aggregate and accepting "specified waste" as defined in *section 4.4* of the standard rules permit. These wastes means that they can be stored and treated outside as specified waste as per the *Operating Techniques*.

Permit Breaches

C2 - Management system and operating procedures – Category 3 Breach – Permit Conditions 1.1.1

"The operator shall manage and operate the activities: in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of

the operator as a result of complaints.”

During the inspection the site was left open and unattended. Unauthorised carriers entering the site may be an issue as Star Trading Estate is open to access by the public and the site itself is left unattended with no pre-acceptance checks taking place. This was raised in the previous inspection (CAR_NRW0040151).

The Operator has stated that each load is visually checked for the presence of asbestos containing material. Mr. COLLINGBOURNE previously advised NRW Officers that the site gates may be left open due to agreements between himself and other contractors using the site.

There is no weighbridge or checkpoint therefore the Operator is reliant that each load is checked by the contractor who has no affiliation to Mr. COLLINGBOURNE. It was highlighted during NRW's previous inspection that this has its risks and fundamentally it is the responsibility of the Operator to ensure the loads are checked before they are tipped.

The Environment Management System (EMS) outlines that Mr. COLLINGBOURNE inspects loads prior to their being tipped at the site and again following tipping to ensure the contents are as described in the transfer notes.

ACTION REQUIRED: Review site operations to ensure the risk of unauthorised wastes are not accepted to site as detailed within the EMS. During times the site is left unattended the Operator must put in place pre-acceptance checks for incoming loads.

DUE DATE: 30 June 2023

G4 - Reporting and notification to Natural Resources Wales – Category 4 Breach - Permit Condition 4.2.2

“Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter”.

Quarterly returns are required as by the permit conditions. An annual waste return was received on 10 January 2023, but these must be sent to NRW on a quarterly basis. Below are the submission deadlines for each quarter.

Waste Return Submission Deadline

Quarter	Period	Deadline
1	1 January to 31 March	30 April
2	1 April to 30 June	31 July
3	1 July to 30 September	31 October
4	1 October to 31 December	31 January

ACTION REQUIRED: Submit quarterly returns for wastes accepted and removed from site.

DUE DATE: 31 July 2023.

Technically Competent Manager (TCM)

Mr. Gwyn JONES is the nominated TCM for the site. The current certificate held is due to expire on 28th September 2023, please ensure that a continuing competency test is booked in adequate time to ensure that your qualification remains up to date.

Inspection Observations

- No dusts were seen leaving the site. Stockpiles appeared to be well managed (See Photo 1 and 2)



Photo 1 (above) – unprocessed stockpile awaiting crushing and sorting.



Photo 2 – processed stockpiles at the rear of the site.

Summary

NRW Officers left site at 12:25.

If you have any issues with this report, please contact Jak Rose on jak.rose@naturalresourceswales.gov.uk.

I look forward to working with the site in the future.

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.

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.