

## Compliance Assessment Report CAR\_NRW0042653

**Permit being assessed:** CB3396FF.

For: Cwrtgwenddwr Wood Recycling Facility, held by John Jones Civil Engineering & Groundworks Ltd

At: Cwrtgwenddwr Wood, A470, Builth Wells, LD2 3YR.

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

On 12/10/2023 between 13:05 and 15:00.

Parts of permit assessed: All operational areas

**NRW Lead Officer:** Malcolm Dines, accompanied by Luke Taylor.

**Report sent to:** Miriam Jones, Owner on 26/10/2023.

### 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	2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
E2 - Emissions - Land and groundwater	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
F5 - Amenity - Deposits on road	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	8

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	You must not burn any wastes within the permit boundary.	01/11/2023
B3	Ensure that interceptor and surface water storage tank can be identified and are accessible for maintenance purposes	01/11/2023
C1	Ensure staff are trained and understand the EMS especially with regards to fires at the site.	01/11/2023
C1	Submit copies of Luke Bridges' Continuing Competency Certificate(s)	01/11/2023
C2	Ensure that comply with Paragraph 4.7.1 of your EMS regarding the burning of wastes.	01/11/2023
C2	Review and revise the Environmental Management System and the Site Risk Assessment to include reference to the Private Water Supply located near to the site. Submit the revised Site Risk Assessment to NRW for approval.	01/12/2023
D2	Ensure that emergency contact details are available outside the site entrance	01/12/2023

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 was a pre-arranged site visit carried out by Malcolm Dines and Luke Taylor, who met owner, Miriam Jones and TCM Luke Bridges on-site and who accompanied the officers for the duration of the compliance visit. The weather was dry and overcast but clear. Although this compliance visit was planned as part of Natural Resources Wales' compliance regime, it also followed an incident report of potential contamination of a private water supply and also of the burning of waste at the site. These matters were addressed as part of the compliance visit.

### **Permit Breaches**

A1 - Specified by Permit - Cat 3; Permit Condition 2.1.1

You have been given this category 3 breach of permit under the above condition because during this compliance visit it was observed that there had been a fire between the workshop and the quarry wall at the rear of the site. This is within the permit boundary and your permit does not authorise the burning of wastes. Although it was not clear what the fire had contained, there was evidence that wastes including or containing plastics and metals had been burned. Irrespective of whether these wastes originated from the permitted activity, you must not burn any wastes within the permit boundary. The burning of waste plastic and metal, or of wastes containing these materials, is not permitted other than in accordance with an Environmental Permit that specifically authorises such activities and if identified in the future, NRW may consider this to be an illegal waste activity rather than a breach of permit and could take appropriate enforcement action.

**Action:** You must not burn any wastes. This action does not have a deadline as it must be complied with at all times.

C2 - Management Systems and Operating Procedures - Cat 3; Permit Condition 1.1.1

You have been given this category 3 breach under the above condition because you have failed to comply with Paragraph 4.7.2 of your Environmental Management System (EMS) states that, "No wastes shall be burned on-site". As stated previously, the remains of a small fire was observed within the boundary of your permit. Your EMS is a document that you write to ensure that your activities comply with environmental obligations and to prevent harm to the environment and because of the fire failure to comply with your own document means you failed to meet either of those objectives.

C1 - Staff Competency and Training - Action Only

Due to the failure to comply with your EMS, please ensure that your staff at the site have access to your EMS and are trained to understand how to comply with the EMS. As part of your permit compliance, training records for staff must be retained.

C1 - Staff Competency and Training - Action Only

Luke Bridges' is continuing to provide Technical Competent Management for your site. Mr. Bridges confirmed on-site that he had just undertaken this continuing competency assessments for both the transfer, and the treatment, of Hazardous Wastes.

**Action:** Please provide copies of Mr. Bridges' Continuing Competency Certificates by 1st November 2023.

C2 - Management Systems and Operating Procedures - Action Only

When you applied for your permit and for the subsequent permit variation, you failed to make reference to the Private Water Supply located approximately 60 metres from the permit boundary and which provides drinking water to one of your neighbours.

Because the Private Water Supply was not identified in your permit applications AND because the Private Water Supply is not identified on Natural Resources Wales' (NRW) mapping system, our Permitting Team did not assess the risk to the Private Water Supply

when determining the permit.

As the Private Water Supply is over 50 metres from the site boundary, it would not need to be considered during permit determination however, as you were aware of the presence of the spring when you applied for the permit, you should have identified this in your Risk Assessment and included in your Environmental Management System any precautions considered necessary to prevent contamination of the spring.

**Action:** Review your Site Risk Assessment to include reference to the Private Water Supply located near to the site and submit the revised Site Risk Assessment to NRW for approval. Your Site Risk Assessment will then be assessed by NRW's Permitting Team as if submitted with a permit application.

### B3 - Site drainage engineering (clean and foul) - Action Only

During the compliance visit it was not possible to identify the exact location of the interceptor. Vehicles were parked in the location of the interceptor and no manhole covers were visible. It is important that the interceptor can be identified and that it is possible to access this infrastructure in an emergency. It is recommended that drains and manhole covers are colour-coded to identify clean and dirty water drains.

### **Other Matters**

#### Identification of Permit Boundary

While on-site we had a discussion about the permit boundary and, in particular the proximity of the stream that is culverted under the site to the permit. During these discussions Mr. Bridges indicated that the northern extend of the permit boundary did not reach the culverted stream. However, in your EMS you have a plan of the site that identifies the culverted stream and clearly shows that it passes under the permitted area of the site. The failure to properly understand the exact location of the site boundary could result in waste being stored outside the boundary potentially causing a breach of permit. It is recommended that you clearly mark the permit boundary at the site, to prevent a breach of permit by your staff and, if NRW Officers are unable to accurately identify the permit boundary, errors in the regulation of the site.

#### Dampening down the site

During the compliance visit, you confirmed that you do not have dust suppression systems on the crusher, but that in the event of dry weather or dust being an issue, you would use water from the drainage system storage tank to damp down material and/or the site prior to operating depending on the cause of the dust.

#### The cleaning of vehicles

You stated that you do not have a washdown bay and do not intend to create one and that you only really wash down the wheels of the vehicles if needed. Although the site plans identify a washdown bay, this was a design feature included with the plans as a potential future development. You were advised that if you did want to create a washdown bay at the location shown on the plans, then you would need to improve the site infrastructure to ensure washdown waters were collected by the drainage system.

Pollution control

At the time of this compliance visit there was no evidence of any run-off from the site. You have taken on-board a previous recommendation to construct a kerb around the upstream side of the culvert for the stream that passes under the site. Although the culvert is set-back by 2-3 metres from the main track to the site, some kerb or bund around the culvert entrance would minimise the risk of mud being splashed into the watercourse. Additionally, the open drain/ditch that you had created at the base of the quarry wall to prevent surface water entering the operating area has now been piped and backfilled to prevent sediment entering the watercourse to the south of the site.

*In this document 'Natural Resources Wales' means the Natural Resources 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](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.