

## Compliance Assessment Report CAR\_NRW0042719

**Permit being assessed:** UP3794FZ.

For: Worldcare Wales Ltd, held by World Care (wales) Ltd

At: Worldcare Wales Ltd, Llandudno Junction, Conwy, LL31 9PN.

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

On 16/10/2023 between 14:15 and 15:15.

Parts of permit assessed: See below

**NRW Lead Officer:** Sarah Walton.

**Report sent to:** Lee Jones, Owner/Technically Competent Manager on 02/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor (Suspended)	1.1.4: 'Maximum storage capacity of the site shall not exceed that which can be contained within skips and bays constructed in accordance with conditions in section 2.1'.

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

Total number of non-compliances recorded	Total non-compliance score
1	0

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
C4	Remove waste from site, so that waste can be contained within skips and bays only as required by the Environmental Permitting Regulations 2016 Regulation 36 Notice issued to the operator on .	09/11/2023

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

#### **4. Details of our assessment**

A site inspection took place on Monday 16th October 2023. NRW Officers Sarah Walton and John Holmes, met with Lee Jones (Owner/TCM). The purpose of the inspection was to check compliance with the Environmental Permitting Regulations 2016 Regulation 36 Notice that was issued to site on 05/09/2023.

Upon entering site, it was evident that waste levels had been reduced since the last site inspection.



**Photograph showing view of site from the entrance gate**

To begin with, Officers walked around site to check waste volumes on site.

#### **C3) Materials acceptance**

**Permit Condition 1.1.4: 'Maximum storage capacity of the site shall not exceed that which can be contained within skips and bays constructed in accordance with conditions in section 2.1'.**





**Photographs showing waste storage on site**

The photographs above show waste being stored adjacent to the trommel. This waste still exceeds this bay. The walls of the bay cannot be seen due to waste exceeding the storage capacity. Waste volumes need to be reduced in this area so that waste is contained within the bay only.



**Photograph showing waste storage on site**

Again, the above photograph shows that waste continues to exceed the capacity of the skips on site.

Whilst the site has made progress in reducing waste volumes, the site is not fully compliant with the requirements of the EPR2016 Regulation 36 Notice.

Waste on site should be contained within bays and skips, in that no waste should be spilling out of them, so that the height of the waste does not exceed the height of the walls of the skips/bays. Waste should be sufficiently contained within skips and bays so that each separate waste storage area can be clearly distinguished.

With waste volumes having been reduced on site, the fire risk has also been reduced.

However, the site continues to store waste in a manner that exceeds the storage capacity of skips and bays, which is a breach of permit condition 1.1.4. **Therefore, a C3 score has been applied against permit condition 1.1.4. This score has been suspended due to an Enforcement Notice being in place. Should the Notice not be complied with, this score will be re-instated.**

**ACTION: Reduce waste volumes on site, so that the maximum storage capacity of the site shall not exceed that which can be contained within skips and bays.**

**As the EPR2016 Regulation 36 Notice has not been fully complied with, a further enforcement response will now be considered.**

Towards the end of the site walk around, officers stopped to inspect the trommel area and the wastes that were segregated following trommel treatment.



**Photograph showing trommel fines on site, within a bay of the trommel.**

The above photograph shows trommel fines that have arisen from the trommel on site. On a previous inspection, it was noted that these fines were being moved to the permitted site next door and screened to produce 'soil and stone'. Officers challenged this because this waste cannot be soil and stone, given the mixtures of waste that pass through the trommel. Waste inputs are not controlled and are residual wastes from skips, which could contain a variety of contaminants.

Furthermore, waste arising from the trommel would be expected to be assigned a Chapter 19 12 waste code which is described as 'Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising)', as per WM3 Waste Classification guidance.

Lee Jones explained that the movement of this waste to the site next door had stopped. Lee accepted this waste was now classified a 19-12-12 LoW code and that it was destined for disposal.

Officers then visited the site office, to collect the paperwork required by the notice. Lee explained that one of his employees had collated the documents for NRW and that he was not involved in gathering the Waste Transfer Notes that had been requested.

Officers had a brief look through the Waste Transfer Notes that were being provided as part of the Notice response. There was a large selection of Waste Transfer Notes showing waste coded as '170504 Soil and Stone' being moved from World Care for disposal at a permitted landfill site. Lee confirmed that this waste was the 19-12-12 trommel fines. Officers queried why the fines were being coded as 17-05-04. Lee stated that he was not involved with the paper work on site. However, Lee explained that the site accepting the trommel fines was able to accept 19-12-12 wastes. It is very concerning to officers that a substantial amount of waste has been misclassified and transferred to a site as 17-05-04 soil and stone, when in fact this waste is trommel fines.

It is expected that the Technically Competent Manager would have some involvement with documents required by the permit, as this is such a crucial element of day to day operations, to ensure you are fulfilling your waste duty of care.

By transferring mis-classified waste, you could be committing an offence under the Environmental Protection Act 1990.

In this case, the site accepting the waste may not be authorised to accept trommel fines (19-12-12). Officers will continue to investigate this matter.

Officers signed out of site at approximately 15:15pm.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

**Sarah Walton**

**Waste Regulation Officer**

**Email:** [sarah.i.walton@cyfoethnaturiolcymru.gov.uk](mailto:sarah.i.walton@cyfoethnaturiolcymru.gov.uk)

**Post:** Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

*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.