

Compliance Assessment Report CAR_NRW0042856

Permit being assessed: EB3893HR.

For: Cox Skip And Waste Mangement, held by Paul Andrew Gareth Cox
At: Village Farm Road, Village Farm Industrial, Pyle, Bridgend, CF33 6BP.

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

On 10/07/2023 between 10:50 and 12:10.

Parts of permit assessed: All

NRW Lead Officer: Amy Bailey, accompanied by Elysia Lovelock.

Report sent to: Paul Cox, Site O on 23/11/2023.

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	C2 Significant	2.3.1
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.3.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
3	66

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	Undertake the necessary improvements to ensure that the site can meet the requirements as per permit condition 2.3.1, as outlined in Table 2.3 Operating techniques in respect of the impermeable surface and sealed drainage.	16/10/2023
B4	Ensure mattresses are stored inside, as per permit condition 2.3.1.	Already completed
C2	Please provide a comprehensive and updated written management system (EMS) in line with the above permit condition, and how to comply guidance, provided via email.	16/10/2023

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

Introduction

Industry and Waste Regulation Officer Amy Bailey, and Senior Industry and Waste Regulation Officer Elysia Lovelock, of Natural Resources Wales, attended the permitted facility of Cox Skips and Waste Management, 80 Village Farm Road, Pyle, CF33 6BN on the 10th July 2023 to undertake a planned inspection, arriving at approximately 10:50. Throughout the duration of the inspection the weather remained dry and overcast.

Cox Skips and Waste Management hold a Standard Rules permit, standard rules SR2008 No1 are conditions of this permit. Environmental permit reference EPR-EB3893HR, issued 17th December 2014, allows the operator to operate a household, commercial and industrial waste transfer station, at the above specified location, with treatment activities consisting only of manual sorting or manual separation of waste into different components for disposal (no more than 50 tonnes per day) or recovery. These rules do not allow waste treatment activities such as screening or crushing and hazardous waste is not permitted.

The purpose of the planned inspection was to assess the sites compliance with the conditions of the environmental permit held by Cox Skips, with a focus of this visit being to assess and discuss the sites drainage and surface infrastructure.

We were met by the sites Technically Competent Manager, Paul Denyer and site manager's Andrew Cox and Tony Cox. Site Operator, Paul Cox was not on site. Andrew and Tony Cox are Paul Cox's sons and manage day to day operations on site.

2.3 Operating Techniques

Site drainage and surface requirements

Permit condition 2.3.1 states 'The activities shall be operated using the techniques and, in the manner, described in Table 2.3 below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste²:
 - a) all bulking, transfer or treatment of waste shall be carried out inside a building;
 - b) all waste shall be stored in a building or within a secure container.
 - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

Table 2.3 of condition 2.3.1 outlines the Operating techniques, in respect of the drainage and site surface requirements.

Surface requirements

Hardstanding

Please note, Point 2. within Table 2.3. only applies to the following specified wastes:

As per the list given to you on site during the visit, "specified waste" means the following waste codes in Table 2.2: 01 01 01, 01 01 02, 01 04 08, 01 04 09, 01 04 13, 02 04 01, 10 11 12, 10 12 08, 10 13 14, 15 01 07, 17 01 01, 17 01 02, 17 01 03, 17 01 07, 17 02 02, 17 03 02, 17 05 04, 17 05 08, 19 12 05, 19 12 09 and 20 02 02."

So for the specified wastes, specifically, there is the option to have either a hardstanding or impermeable surface with sealed drainage.

The site does not currently benefit from either, as for the area within the yard to be classed as a hardstanding, 'hardstanding' means permeable ground surfaced with a durable hard material. It must be level, load bearing, not prone to rutting or surface water ponding, and able to be kept clean of debris.

Officers observed that the surface currently is not permeable and there is water pooling

across the yard. This does not meet the definition of a hardstanding.



Action required: Improve the area of hardstanding so that it is: Permeable, level, load bearing, not prone to rutting or surface water ponding, and able to be kept clean of debris.

Action Due: As per discussion on site, the deadline for this work to be completed is the 16th October 2023.

Impermeable surface with sealed drainage

“impermeable surface” means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface, and should be read in conjunction with the term “sealed drainage system”

For all other permitted waste types/codes as listed in the permit, Table 2.3 Operating techniques, point 1.a) - c) apply.

An impermeable surface with ‘sealed drainage system’ in relation to an impermeable surface, means a drainage system with impermeable components which does not leak, and which will ensure that:

- a. No liquid will run off the surface otherwise than via the system;
- b. Except where they may lawfully be discharged to foul sewer, all liquids entering the system are collected in a sealed sump.

Please note point (b), does not negate the requirement for a sealed drainage system as liquids still need to go via a sealed drainage system to foul sewer if there is a consent in

place.

The site currently benefits from an interceptor, with certain areas benefiting from impermeable surface, however I note they are not bunded or connected to the sealed drainage system. I understand however, this is because of recent changes to the site's layout, this has meant that not all required areas are connected to the sealed drainage system.

Whilst we appreciate that the site is undergoing changes in terms of its layout, the site is required to comply with requirements outlined in Table 2.3 'Operating techniques', in respect of the drainage and site surface requirements.

This therefore constitutes a breach of permit condition 2.3.1.

I also note during the inspection, that the ACO drains at the entrance to the site were blocked, this would suggest that they are not being inspected regularly or correctly maintained to ensure that run off from the permitted activity does not escape the site boundary. Tony Cox, Site Manager, advised officers that these would be replaced as part of the drainage improvements.

As the site is not currently compliant with permit condition 2.3.1, this has been recorded on this occasion as a category 2, as whilst on site, whilst there was no runoff observed escaping the site boundary, we score based on potential impact and there is a potential for this permitted activity to have an environmental effect for the following reasons:

1. Waste types are not currently being stored or treated in line with Table 2.3.
2. The infrastructure in place does not currently ensure compliance with the drainage and surface requirements outlined in Table 2.3.
3. The area of the site designated for the storage of the specified wastes outlined in the permit and above, requires hardstanding or an impermeable surface with sealed drainage as per Table 2.3, neither of which are currently in place.
4. The area of the site which requires an impermeable surface with sealed drainage is not bunded or connected to a sealed drainage system.

Considering all of the above, with the site's current infrastructure, there is the potential for run off from this permitted site, from both areas storing specified wastes and all other waste types, to escape the site boundary and enter surface water drains. This would be considered a high-level incident, as on the industrial estate there are separate foul sewer and surface water lines. Surface water lines are designated for rainwater only which discharge directly into the river Afon Fach.

Discharge to consent via a foul sewer does not negate the requirement for a sealed drainage system and does not allow for site run off to enter surface water drains.

Result: A category 2 (C2) non-compliance with permit condition 2.3.1 has been recorded under sub-criteria (B3) Site Drainage engineering (Clean and foul), which has the potential to have a significant environmental effect, has been recorded in respect of the sites required infrastructure for the reasons outlined above.

Action Required: Undertake the necessary improvements to ensure that the site can meet the requirements as per permit condition 2.3.1, as outlined in Table 2.3 Operating techniques in respect of the impermeable surface and sealed drainage.

Action Due: As per discussion on site, the agreed deadline for this work to be completed by, is the 16th October 2023.

Storage and treatment

Advice & Guidance: As part of the above, please also ensure that the site can comply with the storage and treatment of waste, as per the requirements outlined within Table 2.3, which states:

(1). Unless stored or treated outside as specified waste

(b) all waste shall be stored in a building or within a secure container.

Mattresses

During the inspection officers noted that mattresses were being stored outside. As per the above permit condition, mattresses should be stored inside a building or within a secure container, as this is not one of the specified wastes.



Result: A category 3 non-compliance with permit condition 2.3.1 has been recorded under sub criteria B4 for this breach.

Action Required: Ensure mattresses are stored inside, as per permit condition 2.3.1.

Action Due: 16th October 2023

C2 Management System. Category 2 breach

Permit condition 1.1.1 (a) specifies that 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'*

The issues identified with the site's drainage and surface mean that the site is not currently being managed in a way that prevents and minimises risks to the environment. Therefore, overall management of the site is being considered as a root cause breach on this occasion.

In addition to this, the current written management system (working plan/EMS) in place is not sufficient and does not cover the specification outlined in the above permit condition.

Result: A category 2 (C2) non-compliance with permit condition 1.1.1 which has the potential to have a significant environmental effect, has been recorded on this occasion as the root cause breach for the breach identified of permit condition 2.3.1. for the reasons outlined above, under sub-criteria (C2) Management system and operating procedures.

Action Required: Please provide a comprehensive and updated written management system (EMS) in line with the above permit condition, and how to comply guidance, provided via email.

Action Due: As per discussion on site, the deadline for this work to be completed is the 16th October 2023.

We wish to thank you for your time during the visit and continued cooperation to work with us as the regulator to resolve issues when identified during compliance assessments.

If you have any queries regarding this Compliance Assessment Report, please contact regulatory officer Amy Bailey on 0300 065 3000, or via email at

Amy.bailey@naturalresourceswales.gov.uk

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.