

Compliance Assessment Report CAR_NRW0042866

Permit being assessed: QP3098FL.

For: Withyhedge Material Recycling Facility, held by Resources Management U K Ltd
At: Withyhedge MRF, Bowling Farm, Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 16/11/2023.

Parts of permit assessed: Waste Return Audit

NRW Lead Officer: Sally Wakeford.

Report sent to: Howard Evans, John Edwards, Manager on site, Compliance Manager on 24/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C3 Minor	2.3.2(a) Table S2.2

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
C3	Cease accepting wastes to the Waste Transfer Station (WTS) which are not listed on the permit in table S2.2. Cease accepting more waste than is permitted.	31/12/2023

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

A desk top audit of your waste returns was undertaken on 16 November 2023 by NRW Officer Sally Wakeford. The returns which have been reviewed are Q3 2022, Q4 2022, Q1 2023 and Q2 2023.

During the last inspection, the MRF was not in operation and only the waste transfer station (WTS) permit was being utilised.

The Permit states the maximum quantity of waste accepted on the site for the Waste Transfer Station (WTS) is 150,000 tonnes per year.

All wastes accepted on your site and included in the waste returns for the returns reviewed have been sent for onward disposal at the adjacent landfill or used for landfill construction.

None of these wastes have been submitted to the Materials Recycling Facility (MRF) part of the permit for treatment.

C3 – Materials Acceptance – Permit condition 2.3.2 (a) Table S2.2 – Category 3 breach.

You have been given this category 3 breach of permit condition 2.3.2 (a) Table S2.2 because during the audit on your waste returns it was noted that over the past 4 quarters – Q4 2022, Q1 2023, Q2 2023 and Q3 2023 you have accepted 194,085.61 tonnes of waste to the WTS for onward disposal or use at landfill.

Permit Condition 2.3.2(a) states:

2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc];

Table S2.2:

Table S2.2 Permitted waste types and quantities for waste transfer station

Maximum quantity	The maximum quantity of waste to be accepted on site shall not 150,000 exceed tonnes per year.
Exclusions	Notwithstanding the waste types set out in this table, wastes having any of the following characteristics shall not be accepted: • consisting solely or mainly of dusts, powders or loose fibres • sludges • liquids • hazardous waste
Waste code	Description
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 05	glass
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 03	other municipal wastes
20 03 01	mixed municipal waste
20 03 07	bulky waste

You are only permitted to accept 150,000 tonnes of waste to the WTS, and you have exceeded this limit by 44,085.61 tonnes.

The details for each quarter have been summarised in the below table:

Quarter	Months	Input	D&R Codes	Output	Output R&D codes	Output reasons
Q3 2023	July - Sept	58,010.63	D15	58,010.63	D05.02 & R10.01	to landfill or landfill construction
Q2 2023	Apr-June	44,789.42	D15	44,789.42	D05.02 & R10.01	to landfill or landfill construction
Q1 2023	Jan - March	58,028.66	D15	58,028.66	D05.02 & R10.01	to landfill or landfill construction
Q4 2022	Oct - Dec	33,256.90	D05.02 & R10.01	33,256.90	D05.02 & R10.01	to landfill or landfill construction
Total		194,085.61		194,085.61		
Permitted		150,000.00				
Difference		44,085.61				

You have also received this breach of permit because you have accepted wastes which are not included in the list of wastes in Table S2.2 which can be accepted at the WTS.

As shown about Table S2.2 allows you to use the WTS for wastes conforming to the waste codes 19 12 05, 19 12 12, 20 03 01 and 20 03 07 only.

The following table shows the wastes accepted during each quarter reported. Those highlighted in red are not allowed to be imported under the WTS permit.

Wastes imported to WTS			
Q3 2023	Q2 2023	Q1 2023	Q4 2022
02 03 04	020304	020304	010409
10 01 01	100101	100101	100101
12 01 17	120117	120117	120117
15 01 01	170904	170504	170904
17 09 04	180104	170904	180104
18 01 04	190801	180104	191204
19 08 01	191204	191204	191212
19 12 04	191209	191212	200301
19 12 09	191212	200301	
19 12 12	200301		
20 03 01			

The non-conforming wastes include:

01 04 09	waste sand clays from phys/chem processing of minerals		
02 03 04	food waste - materials unsuitable for consumption or processing		
10 01 01	bottom ash from power stations		
10 01 03	fly ash from power stations		
12 01 17	waste blasting materials (mirror non-haz)		
15 01 01	cardboard packaging (to landfill)		
17 09 04	mixed c&d (mirror non-haz)		
18 01 04	healthcare wastes - eg dressings, plaster casts, linen, diapers		
19 12 04	plastic and rubber		
19 12 09	minerals (sand/stone)		

ACTIONS:

Cease accepting wastes to the Waste Transfer Station (WTS) which are not listed on the permit in table S2.2.

Cease accepting more waste than is permitted.

You must ensure you remain within the maximum allowed wastes on site. If you wish to increase the amount of waste and types of waste allowed under the WTS permit, then you must apply for a variation to your permit.

Waste returns will be re-audited in 6 months time to ensure changes to the operations have taken place, taking into account Q4 2023 will not reflect any changes needed. If you have any questions please don't hesitate to contact Sally Wakeford.

END

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the

Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.