

Compliance Assessment Report CAR_NRW0042839

Permit being assessed: AB3998CJ.

For: Worldcare Recycling, held by Worldcare Recycling Limited

At: Plot 2, Tremarl Industrial Estate, Llandudno Junction, Conwy, LL31 9PN.

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

On 09/11/2023 between 15:00 and 16:00.

Parts of permit assessed: See below

NRW Lead Officer: Sarah Walton.

Report sent to: Jonathan Lee Jones, TCM / Owner on 04/12/2023.

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	Permit Condition 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]'
C2 - General Management - Management system and operating procedures	C2 Significant	Permit condition 1.1.1 "The operator shall manage the activities (a) in accordance with a written management system, that identifies and minimises the risk 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	Permit Condition 4.2.2: 'Within one month of the end of each quarter, the operator shall submit to Natural Resources

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		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'.

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

Total number of non-compliances recorded	Total non-compliance score
3	35.1

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
C3	Stop accepting 19-12 wastes other than those authorised by the site permit. Any 19-12-12 waste accepted to site which is not described as treated bottom ash, should be removed from site. Waste Transfer Notes should be supplied to NRW to evidence the removal.	22/12/2023
C2	Review site EMS and ensure that the procedures are adequate to maintain compliance with the site's permit conditions. Submit this document to NRW for review, by Wednesday 10th January 2024. It is advised the EMS is consolidated into one working EMS document.	10/01/2024
G4	Submit outstanding waste returns to NRW. This includes Q2, 3 and 4 of 2019, Q1-Q4 of 2020, Q1-4 of 2021, Q1-4 of 2022 and Q1 and 2 of 2023. Please submit these documents by Friday 15th December 2023.	15/12/2023

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.

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 Thursday 9th November 2023. Representing NRW was Sarah Walton (Waste Regulation Officer) and John Holmes (Enforcement Officer). Officers met on site with Lee Jones (Owner/TCM).

Whilst inspecting the adjacent permitted facility, officers noticed a substantial pile of inert waste at Worldcare Recycling Ltd. There has also been no response to the actions noted in the previous CAR form (CAR_NRW0042464) from a site inspection on 06/09/2023.

C3 Materials Acceptance

Permit Condition 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]'

Prior to entering site, officers conducted a site inspection at World Care (wales) Ltd (EPR/UP3794FZ). Lee Jones (owner and TCM of both sites) described how wastes at the end of the trommel were moved to Worldcare Recycling Ltd's inert waste treatment site. Lee was unsure of what LoW code was assigned to the waste.

As this waste has been treated through the trommel, it is expected this waste would be assigned a Chapter 19 12 waste code as per WM3 waste classification guidance (wastes from waste management facilities has been mechanically treated). This inert waste treatment site (EPR/AB3998CJ) can only accept three chapter 19-12 waste codes which are:

- 19-12-05 described as glass (consisting of clean glass only),
- 19-12-09 described as minerals such as sand and stone and
- 19-12-12 described as 'other wastes (including mixtures of materials) from the mechanical treatment of wastes, other than those mentioned in 19-12-11 (consisting of treated bottom ash including IBA and slag other than that containing dangerous substances only).

The wastes identified to be coming into site were neither glass, minerals or treated bottom ash, therefore this waste should not be accepted to site.

This would be classed as an unlawful waste transfer and would be an offence under Section 33(1)(a) through Depositing, knowingly causing or knowingly permitting the deposit of controlled waste or extractive waste on land without, or other than in accordance with, an environmental permit **and/or** an offence under Regulation 38(2) of the Environmental Permitting Regulations 2016 through failure to comply with or to contravene an environmental permit condition.

Through accepting waste codes not authorised by the site permit, this is a breach of permit condition 2.3.2. The wastes accepted onto site should be inert. The waste being accepted from World Care (wales) Ltd has passed through a trommel and is residual skip waste which could be contaminated. This has the potential to affect inert waste streams with contaminants like hydrocarbons and gypsum, which could affect the use and end destination of this waste stream.

As such the permit has been scored a C3 for this breach.

ACTION: Stop accepting 19-12 wastes other than those authorised by the site permit. Any 19-12-12 waste accepted to site which is not described as treated bottom ash, should be removed from site. Waste Transfer Notes should be supplied to NRW to evidence the removal.

19-12-12 trommel fines cannot be transferred from World care (wales) Ltd(EPR/

UP3794FZ) to Worldcare Recycling Ltd (EPR/AB3998CJ).

C2 Management Systems

Permit condition 1.1.1 *"The operator shall manage the activities (a) in accordance with a written management system, that identifies and minimises the risk 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 Environmental Permit has limits for the volumes of waste that can be stored on site. Within table S1.1, it states 'Storage of wastes listed in table S2.1 shall not exceed 40,000 tonnes at any one time' and 'Storage of wastes listed in table S2.2 shall not exceed 10,000 tonnes at any one time'.





Photographs showing waste storage on site

The stockpile of untreated inert material had increased since the previous site inspection. Officers queried the volume of waste currently being stored on site. Lee could not provide an accurate answer to this question but estimated around 2,000 tonnes. Officers believed this estimate to be vastly underestimated, given that most of this material was made up of concrete, brick and rubble and that the footprint of the stockpile covered a significant proportion of the site.

The permit has conditions relating to waste volume limits. It is concerning that the operator does not know how much waste is being stored on site. In addition to this, there did not appear to be separate waste stock piles according to the waste type that has come into site. It appears that all inert waste streams are stockpiled together and then crushed and screened to make a 'product'. This process is not compliant with WRAP's quality protocol in which waste inputs should be clearly defined and segregated according to the end use. Unless the operator is able to prove otherwise, NRW will view all outgoing material as a waste.

As the site has not submitted any waste return documentation for the last 4 years, and the operator has failed to submit these documents and Waste Transfer Notes requested on the previous site inspection, NRW has concerns about the competence of the operator to operate the permit in line with the requirements of the Environmental Permit. So far, no documentation has been forthcoming to evidence what is going in and out of the site.

The site EMS procedures are either not being followed or inadequate to ensure full compliance with permit conditions. For example SOP Procedure 3 for storage of waste, has no mention of the waste storage volume limits which have been noted above. There is no procedure in place to manage waste volumes according to the waste type and description. This is evident on site, given that Lee Jones did not know quantities of waste on site and

that there was no clear segregation of wastes taking place on site.



Photograph showing waste storage on site

The treated waste was being stored right next to the untreated inert waste pile, with no segregation. The ground was thick with mud and water, which made it difficult to access. Again, there do not appear to be any procedures in the site EMS detailing how wastes will be sorted and segregated on site to ensure compliance with WRAP Quality Protocol.

The Guidance Note EPR 1 'How to Comply with your Environmental Permit', is listed as an operating technique in table S1.2 of the site's permit.

On page 35, there is a section on waste storage. This states:

"If you store waste pending its disposal or recovery elsewhere, your management system must include:

- storage times and procedures to ensure that these times are not exceeded
- maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded
- maximum storage heights to prevent or minimise the emission of dust, litter and throughput management
- a procedure to identify the specific waste types stored at your facility
- procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures".

A check through the site's EMS documents, could not find any procedures relating to the above matters.

Due to the lack of adherence to EMS procedures and also the inadequacy of the EMS, the permit has been scored a CCS C2.

The lack of EMS procedures relating to waste acceptance and storage and treatment , means that insufficient checks are being performed on incoming wastes. As a result, unauthorised waste types have been witnessed coming into site. This poses significant environmental risk due to the lack of controls in place. Incoming waste streams may be contaminated.

There is no segregation of wastes on site and the volumes and descriptions of waste being stored on site are unknown.

Officers are yet to have sight of any Waste Transfer Notes for the site.

There do not appear to be sufficient procedures to evidence compliance with WRAP quality protocol. As such, all material on site will be classed as waste unless the operator can prove otherwise (Evidence of WRAP procedures, testing etc).

The EMS is spread across a number of documents (around 40 in total), which makes it difficult for both the operator and the regulator to work from.

Within the bundle of documents that make up the EMS, is a procedure titled 'Treatment Of Waste To Produce Soil, Soil Substitutes and Aggregates & Operating techniques and non-technical summary'. On page 3 of the document, section 2.1.1 states 'The site has an in house Environmental Management System (EMS) and intends to implement the WRAP Quality Protocol for the Production of Aggregates from Inert Waste'. There does not appear to be any further details or procedures noting how the site operates in line with and complies with WRAP's 'Quality protocol: aggregates from inert waste'.

ACTIONS:

- Review site EMS and ensure that the procedures are adequate to maintain compliance with the site's permit conditions. This must include procedures for complying with WRAP Quality Protocol. Submit this document for NRW to review by Wednesday 10th January 2024. It is advised the EMS is consolidated into one working EMS document.
- Submit to NRW, evidence to show that site is adhering to WRAP Quality Protocol. The response should include evidence of testing and delivery documentation. Please provide this evidence by Wednesday 10th January 2024.



(G4) Reporting and notification to Natural Resources Wales

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'.*

A check of the permit file, found that no waste return documentation has been submitted for the site since Quarter 1 of 2019. That means there is over 4 years worth of missing data for the site.

This non-compliance was noted on the previous site inspection on 06/09/2023 and noted in CAR_NRW0042464.

There was an action to submit the outstanding waste returns by 13/10/2023. These waste returns have not been received by NRW.

Therefore, a further CCS C4 score has been issued for this permit breach.

ACTION: Submit outstanding waste returns to NRW. This includes Q2, 3 and 4 of 2019, Q1-Q4 of 2020, Q1-4 of 2021, Q1-4 of 2022 and Q1 and 2 of 2023. Please submit these documents by Friday 13th October 2023.

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

Kind Regards,

Sarah Walton
Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

Gogledd-Orllewin / North West

Ffôn/ Phone: 03000 655 023

E-bost/Email: Sarah.I.walton@cyfoethnaturiolcymru.gov.uk

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 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.