

## Compliance Assessment Report CAR\_NRW0043944

**Permit being assessed:** NP3998FA.

**For:** Glan Yr Afon Civic Amenity Site, **held by:** C B Environmental Ltd

**At:** Glan Yr Afon Industrial Estate, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3JQ.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 14/02/2024 between 11:12 and 12:08.

**Parts of permit assessed:** See criteria listed below.

**NRW Lead Officer:** Luke Taylor, accompanied by Liz Park, David Fowles.

**Report sent to:** Pete Malvern, TCM, on 22/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2F - Waste - Operations - Technical requirements	C3 Minor	2.4.3
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.1.3
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.5.1
W1A - Waste - Management - General management	C3 Minor	1.1.1

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

Total non-compliances recorded	Total non-compliance score
4	16

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
W2F	Remove the skip from site and deal with the contents appropriately, provide a copy of the Hazardous Waste	12/05/2024

Criteria	Action needed	Complete by
	Transfer Note to NRW Replace with a suitable container.	
W3B	Provide secondary containment for the paint currently within the cages and provide cover for the existing IBC's to prevent the ingress of rainwater	31/05/2024
W3G	Review FPMP and provide any updated copy to NRW. Ensure all staff receive training relating to fire procedures, supplying evidence of this to NRW	31/05/2024
W1A	Fully review the EMS for the site, including all annex, to ensure it identifies and minimises the risk of pollution, in line with the guidance. Provide a copy to NRW	31/05/2024

Compliance 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.

#### **At this time, we do not intend to take any further action.**

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

On Wednesday 14th February 2024, officers from Natural Resources Wales conducted a planned compliance assessment visit at Glan Yr Afon household waste recycling centre. The visit was conducted by Luke Taylor (Waste Regulation Officer), Liz Park (Senior Waste Regulation Officer) and observed by David Fowles (Workplace Recycling Regulations Officer).

The weather at the time of the inspection was bright with light rain and no wind. Officers met with the site operatives who accompanied them throughout.

The following compliance breaches were identified:

#### **W2F Technical Requirements – Cat 3 – Permit Condition 2.4.3**

Section 2.4.3 of your permit states '*that Hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials*'.

You have been given this breach because the following was observed on site.

The skip being used to store waste paint was found to be almost entirely full of rusting paint containers and old paint. New deposits of waste paint containers left by householders were being moved by site staff to a separate storage area. The remaining mass of rusting tins and dried paint being left in situ, with it being impossible to identify whether the paint within is hazardous or non-hazardous, meaning that the entire skip must be treated as hazardous waste.

Following the site visit a copy of the latest Environment Management System (EMS) for the site was requested. The version provided is dated 28/04/2023, and states that non-hazardous paint is stored within Intermediate Bulk Containers (IBC's) with the tops removed, and hazardous paint on site is stored in a leak proof pallet box, before being transferred to Rheidol Recycling Park. This may be the case for new deposits, but not for the contents of this skip.

**ACTION - Remove the skip from site and deal with the contents appropriately, provide a copy of the Hazardous Waste Transfer Note to NRW. Deadline 12/05/2024**



(Paint tins in skip)



(Paint tins in skip)

**W3B - Emissions of substances not controlled by emission limits - Cat 3 - Permit condition 3.1.3**

Permit condition 3.1.3 requires that *'all liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container'*.

You have been given this breach because the following was observed on site:

Paint is being bulked on site within open topped Intermediate Bulk Containers (IBC's), and also on some pallets, at the rear of the site. Due to rainfall, several of these had been partially filled with water, with paint containers being submerged. Staff on site stated that the IBC's are emptied of rainwater through the valve at the base. Given the level and colour of the rainwater within the IBC's, this is likely contaminated with paint. It is not clear where this water is then disposed of as it would need to be treated appropriately. The EMS makes no reference to this activity at all.

There were also several cages with paint tins in, and two pallets of paint tins that were wrapped in plastic awaiting disposal. These cages have no secondary containment meaning paint could spill and leak onto the site surface, entering the drainage system.

This was also recorded as non-compliance breach in the CAR form sent to you by Gillian Coates, (Hazardous Waste Officer) following a visit in December 2022, (CAR\_NRW0040852 refers) and no action has been taken to remedy the situation. Failure to complete the action detailed below may result in further enforcement action being considered in accordance with NRW enforcement and Sanctions Policy.

**ACTION - Provide secondary containment for the paint currently within the cages and provide cover for the existing IBC's to prevent the ingress of rainwater. Deadline - 31/05/2024**



(Paint tins within IBC's)



(Paint tins within IBC's)

### **W3G - Fire - Cat 3 Breach - Permit condition 3.5.1**

Permit condition 3.5.1 permit requires that the site operates in accordance with a written Fire Prevention and Mitigation Plan (FPMP), using current guidance.

You have been given this breach because the following was observed on site:

Staff were asked about the FPMP for the site, but were unaware of this document, and were not aware of what specific procedures they should be carrying out in the event of a fire at the site.

The FPMP states that staff are trained on commencing employment with the operator and that, as part of site induction, staff will be taken through their role in the FPMP, with an unannounced fire drill taking place during a new staff members' probation period. This is then entered into the new starters training record. This does not seem to have occurred.

Under the heading of 'Fire Fighting Techniques', the plan states that 'All members of staff will have received some form of fire safety/fire marshal training and should be familiar with the fire response emergency procedure which is explained during their site induction'. Again, this does not appear to have taken place. Given the waste streams on site, there is a continuing risk of fire occurring, which needs to be managed appropriately. The FPMP is integral to this, and all staff need to be aware of their obligations in both preventing fires from arising and dealing with them, should one occur.

**ACTION - Review FPMP and provide any updated copy to NRW, and ensure all staff receive training relating to fire procedures, supplying evidence of this to NRW.**

**Deadline - 31/05/2024**

**W1A General Management – Cat 3 – Permit condition 1.1.1**

Permit condition 1.1.1 of your permit states that you 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-conformance, closure and those drawn to the attention of the operator as a result of complaints*'. As per the document 'How to comply with your environmental permit', this must include storage times and maximum capacities, including procedures to ensure these are not exceeded.

You have been given this breach because it is considered the current EMS is not sufficient for the following reasons:

From review of the EMS, whilst there is mention of storage limits for paint, with hazardous being 0.08 tonnes and non-hazardous 13 tonnes, there is no mention of any time limits for this storage, or any mention of exceeding storage limits. There is a considerable amount of paint being bulked at the site, and this is not normal operation for household waste recycling centres.

The EMS in its current form, does not meet the criteria set out and needs to be reviewed and updated, utilising the guidance available, to ensure that the operations comply with the permit condition.

You have also been given this breach as it was observed that the current EMS dated 28/04/2023 was not being complied with as detailed below:

Non-hazardous paint and hazardous paint were being stored in a skip and not in accordance with the EMS which states non-hazardous waste is stored within Intermediate Bulk Containers (IBC's) with the tops removed, and hazardous paint on site is stored in a leak proof pallet box.

**ACTION – Fully review the EMS for the site, including all annex's, to ensure it identifies and minimises the risk of pollution, in line with the guidance. Provide a copy to NRW. Deadline 31/05/2024**

A full review of the EMS will be conducted as part of on-going compliance work during 2024.

**W3B – Emissions of substances not controlled by emission limits - Assessed - Permit condition 3.1.1**

Permit condition 3.1.1 states that '*Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution*'.

The site itself was clean and tidy, with no litter build up visible. The level of noise from activities taking place was acceptable, and the carriageway outside the site was clear of

any deposits or debris. This permit condition was assessed and there was no evidence of non-compliance.

If you have any queries in relation to this CAR please feel free to contact me at:

[luke.taylor@cyfoethnaturiolcymru.gov.uk](mailto:luke.taylor@cyfoethnaturiolcymru.gov.uk)

Regards,

Luke Taylor

***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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 Waste compliance criteria (used in section 1 and 2):**

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 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.