

## Compliance Assessment Report CAR\_NRW0044471

**Permit being assessed:** TB3190HN.

**For:** Brecon Recycling Centre, **held by:** Sundorne Products (Ilanidloes) Limited

**At:** Brecon, Powys, LD3 8LA.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 21/05/2024 between 14:00 and 14:45.

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

**NRW Lead Officer:** Luke Taylor, accompanied by Gillian Coates.

**Report sent to:** Mark Phillips, TCM, on 26/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
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
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
W1A	Please ensure that paint is transported with adequate secondary containment between sites	31/07/2024

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

This report is being produced following an unannounced compliance inspection, conducted on Tuesday 21st May 2024. The inspection was carried out by Luke Taylor (Waste Regulation Officer) and Gillian Coates (Hazardous Waste Regulation Officer) of Natural Resources Wales.

At the time of the inspection the weather was dry and bright and the site was operational.

Since the last inspection was carried out in January 2023 the site has been redeveloped, with a one way system introduced, changes to the site drainage and site layout.

The following non-compliance were identified:

### **W1A General Management - Category 3 - Permit Condition 1.1.1**

Due to the age of the permit the site management system is referred to as the working plan. However, The Environmental Protection (Miscellaneous Amendments(England and Wales) 2018 inserted a condition that the operator must manage and operate the waste operation in accordance with a system (a “written management system”), described in a document or documents, which identifies and minimises the risks of pollution arising from the waste operation. It must also meet the requirements of other regulations that relate to environmental protection, including regimes such as Duty of Care.

The latest copy of this on file with NRW was provided in January 2023 and is dated 2015, although some of the Standard Operating Procedure documents have been updated since then, notably in 2022.

Currently, waste paint is periodically transported to Potters main site in Welshpool for onward disposal. This is achieved by staff moving the paint containers from the plastic bins in which they are stored in, and placing them in polypropylene builders tonne bags, which are then placed in the rear of a roll on/off skip with waste mattresses.

This results in the paint having no secondary containment when being moved between sites, as builders tonne bags are not adequate for this purpose. When transporting the paint it must still have secondary containment to capture any spillage. The door of a roll on/off skip does not achieve this, and any spillage in transit would likely leak out onto the carriageway behind the vehicle. In addition, any paint spilled within the skip will contaminate the mattresses.

Under the duty of care code of practice you must prevent waste from escaping from your control, or from your employees’ or waste contractors’ control, you must also make sure it is handled and stored safely and securely. This includes by using containers that are:

- Clearly and correctly labelled,
- Suitable for the storage, transport and subsequent management activities by you and the following waste holder,

- Designed to prevent leakage, contamination or spoiling of waste (spoiled waste is waste that cannot be managed in the way intended),
- Ensuring vehicles are covered and waste is secured appropriately for transport purposes.

Within the management system, Standard Operating Procedure 02 (SOP-02) states that segregated waste streams for recycling or recovery must not contain impurities or contamination with other materials that makes it unsuitable for the processing site receiving it. By transporting paint in tonne bags with mattresses there is also a risk of contamination occurring.

**ACTION - Please ensure that paint is transported with adequate secondary containment between sites. Deadline 31/07/2024**



(Paint in plastic bins)



(Roll on/off skip used to transport paint to Welshpool)

### **Other observations**

A permit variation has been submitted, which is currently with the NRW Permitting team, and will take account of the altered site boundary, drainage and layout, and also consolidate the permit into a new style permit, incorporating variations made since 2004. As such, there is no score for the operations being outside the permitted boundary at this time.

The site was very busy on the day of the inspection but was being managed well, with staff on hand to assist householders as required. The site was clean and tidy, with no evidence of litter or debris anywhere.

If you wish to discuss this CAR, or have any queries in relation to its contents, please email: [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.