

Compliance Assessment Report CAR_NRW0044632

Permit being assessed: XB3393HM.

For: Project Red Recycling, **held by:** Project Red Recycling Limited

At: Heol Creigiau, Efail Isaf, Pontypridd, CF38 1BG.

Type of assessment: Site Inspection,

Reason: Routine.

On: 26/06/2024 between 13:10 and 14:10.

Parts of permit assessed: W1A, W2A, W2E, W4A.

NRW Lead Officer: Elysia Lovelock, accompanied by Eleanor Davies.

Report sent to: George Harvey, Environmental Manager and TCM holder, on 28/06/2024.

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
W2A - Waste - Operations - Permitted activities	C3 Minor	2.1.1
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W4A - Waste - Information - Records	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	8

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	<ol style="list-style-type: none"> Please advise of a date by when the shutter door will be replaced. And, when suitable maintenance to both buildings will be undertaken/completed to prevent the ingress of water, providing suitable evidence. 	05/07/2024

Criteria	Action needed	Complete by
	3. Please investigate the Duty of care failings identified above and inform NRW of your findings accordingly.	
W2A	Ensure waste is stored in line with Table S1.1, 'within a building equipped with suitable containment measures.' Please provide date stamped photographs evidencing that appropriate waste storage beneath the existing infrastructure has been achieved. Please ensure waste storage is also in line with the site's Fire Prevention and Mitigation Plan, to be reviewed by Natural Resources Wales in due course.	05/07/2024

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

Senior Industry and Waste Regulation Officer Elysia Lovelock and Waste Regulation Team Leader Eleanor Davies, attended the permitted facility of Project Red Recycling Limited, Heol Creigiau, Efail Isaf, Pontypridd, Rhondda Cynon Taff, CF38 1BG, to undertake an unannounced routine site inspection on Wednesday 26th June 2024. During the inspection, the weather remained dry and humid.

Following our arrival at approximately 1310 hours, one of the Site Managers were called to meet us at the weighbridge office. The Site's Recycling Manager arrived shortly afterwards, followed by the site's Environmental Manager and Technically Competent Management (TCM) holder, George Harvey.

The purpose of the unannounced site inspection by Natural Resources Wales officers was to assess the sites compliance with the conditions of the environmental permit held by the Operator, reference EPR-XB3393HM.

Actions required following the last inspection and changes to site's infrastructure and information contained within the site's Environmental Management System were discussed.

General Management

Permit condition 1.1.3, states 'Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.'

Records

And permit condition 4.1.2, states 'The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.'

In accordance with the above permit conditions, the site's Environmental Manager confirmed that copies are now kept within the weighbridge office.

Environmental Management System EMS

In accordance with permit condition 1.1.2, which states, 'Records demonstrating compliance with condition 1.1.1. shall be maintained.' Following the last inspection (CAR_NRW0042767 refers), as requested, the Operator submitted an amended Environmental Management System to Natural Resources Wales for review.

In line with the request for the Operator to review their Environmental Management System (as per CAR_NRW0042767), the Environmental Management System EMS has been revised by the Operator, and the Environmental Manager advised that mitigation has been modified following the Operator's review of their Risk Assessments as part of the EMS review. Some of these amendments were discussed on site.

As advised on site, following issue of this Compliance Assessment Report, the Operator's Revised Environment Management System will be reviewed in the coming months, with a Fire Prevention and Mitigation Plan review to follow.

Document Date of the most recently revised Environmental Management System, for review by NRW, is currently being confirmed with the Operator.

W1A – General Management**Maintenance**

Permit condition 1.1.1 states: The operator shall manage and operate the activities:

a. 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; and

b. using sufficient competent persons and resources.

Regarding an action previously specified in CAR reference CAR_NRW0042767, the Environmental Manager did advise that a replacement shutter door for the food waste building has been ordered, however due to the bespoke nature of the door, this has caused delays. The building therefore currently remains without a shutter door in working order. I note, the Operator has removed the requirement for the food waste to be contained within a sealed skip from the sites Environmental Management System and has amended the

requirement for the use of the shutter door. This will be reviewed as part of Natural Resources Wales review of the revised Environmental Management System.

In addition to a new shutter door, please ensure both buildings are maintained to prevent the ingress of water.



Duty of care

A sample of the waste transfer notes received at the site on the 26th of June 2024 were photographed during the site inspection and have been reviewed in line with the permit's conditions and directly applicable Duty of Care legislation.

The review of the site's accepted waste transfer notes has identified failures in your Duty of Care. Please investigate the cause of this issue and inform NRW of your findings accordingly.

A waste transfer note accepted at the site on 26th June 2024 did not have either a description of the waste or a European Waste Code EWC listed. Another also did not include complete details of where waste has been collected from and had incomplete details of a company carrying waste. I note, there was also a waste transfer note incorrectly referencing RPS 211. Please refer to advice and guidance previously provided re RD051.

A Category 3 (C3) non-compliance with permit condition 1.1.1, which has the potential to have a minor environmental effect, has been recorded for issues identified above, under sub-criteria W1A – General Management.

Action Required:

1. Please advise of a date by when the shutter door will be replaced.
2. And, when suitable maintenance to both buildings will be undertaken/completed to prevent the ingress of water, providing suitable evidence.
3. Please investigate the Duty of care failings identified above and inform NRW of your findings accordingly.

Due: Friday 5th July 2024

Sump

Following Compliance Assessment Report reference CAR_NRW0042767, the operator has updated the inspection checklist for the annual inspection of the sump. This now includes the sump, in addition to the tank. This will assist in maintaining appropriate records regarding inspection and maintenance.

Waste Acceptance

Following the last inspection, an internal investigation was conducted by the Operator to identify the cause of the non-compliance with the sites waste acceptance procedures which was identified as human error and rectified. The Operator does not deem specific procedures necessary for the acceptance of waste under Natural Resources Wales Regulatory Decision 051.

Advice & Guidance:

As Regulatory Decision 051 allows the site to accept waste not specified by the permit, please ensure staff are familiar with the criteria required for the utilisation of Regulatory Decision 051.

Site Infrastructure

In addition to the comments above regarding the buildings, since the last inspection (CAR_NRW0042767 refers), the site's inert waste transfer station's infrastructure is now in the process of being altered from a hardstanding to an impermeable surface with sealed drainage. Works are well underway, with the Operator currently exploring the options available concerning the drainage, which will be provided in due course. Of note, the site remains compliant with the following requirement which states, that the operator is only authorised to carry out operations in line with Table S1.1., which states under A1 -Inert waste transfer station with treatment that 'all waste shall be stored and treated on hardstanding.'

Advice & guidance: However, please be mindful that in the sites interim state, by introducing an impermeable surface without sealed drainage, there is an increased risk of greater run-off/potential discharge to the surrounding environment/nearby watercourse, as having a smaller surface area of hardstanding, there is a potential for percolation through the remaining hardstanding to be impaired. Please ensure this is monitored and managed effectively to prevent any discharge beyond the site's permitted boundary.

In addition to the above, there has also been some maintenance on parts of the remaining hardstanding.



The Environmental Manager also advised that the ambiguity within the Environmental Management System EMS regarding the maintenance vs mechanical intervention with regards to the hardstanding has been addressed in the revised EMS.

Earth Bund

The inert waste transfer station part of the site was free from pooling. Making it possible to see the condition/integrity of the earth bund, which we acknowledge is a voluntary secondary pollution prevention measure previously implemented by the operator. The bund appears to be visually in good condition.

W2A – Permitted Activities

Under permit condition 2.1.1, it states: The operator is authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

Within Table S1.1, it states under A2- Household, Commercial and Industrial: ‘All activities must take place within a building equipped with suitable containment measures’.

Activities include “R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced). During the visit, officers observed the below storage practices.



Waste was also observed outside of the food waste building.



Advice & guidance: This has been observed on several visits and, while we appreciate the operator stating that the waste will be turned around quickly, this is clearly an ongoing problem that needs to be addressed by the Operator.

A category 3 (C3) non-compliance with permit condition 2.1.1, which has the potential to have a minor environmental effect, has been recorded in relation to the permit's activities specified in schedule 1 table S1.1, under sub-criteria W2A – Permitted activities.

Action Required: Ensure waste is stored in line with Table S1.1, 'within a building equipped with suitable containment measures.' Please provide date stamped photographs evidencing that appropriate waste storage beneath the existing infrastructure has been achieved. Please ensure waste storage is also in line with the site's Fire Prevention and Mitigation Plan, to be reviewed by Natural Resources Wales in due course.

Due: Friday 5th July 2024

We thank the Operator for their time during the regulatory site inspection and for their ongoing cooperation and efforts in addressing the issues previously identified.

If you require any assistance or wish to discuss this report or the requirements outlined within, please contact Senior Industry and Waste regulation Officer Elysia Lovelock.

For a summary of the actions required, please refer to **Section 2. What action is required?**

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 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.