

Compliance Assessment Report CAR_NRW0045024

Permit being assessed: CB3097FG.

For: JD Jones Recycling, **held by:** JD Jones Metals Ltd

At: Highway House, Ferry Terrace, Waterloo, Pembroke Dock, Sir Benfro, SA72 6TY.

Type of assessment: Audit,

Reason: Routine.

On: 06/08/2024 between 14:30 and 15:00.

Parts of permit assessed: Duty of care.

NRW Lead Officer: Andrew Prestt.

Report sent to: Darren Jones, Director, on 20/08/2024.

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	Duty of care

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	Ensure all waste carriers licenses are checked for business waste entering the site. Ensure full customer names and addresses are on waste transfer notes. Updated the permit from JD Jones Metals Ltd to All Pembrokeshire Recycling Ltd.	02/09/2024

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.

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

Compliance of Control of Pollution (Amendment) Act 1989

On Tuesday 6th August 2024 Andy Prestt, Carriers and Brokers Officer; Gary Tawn and Nathan Miles, Pembrokeshire County Council visited JD Jones Metals Ltd– permit reference CB3097FG checking waste transfer notes, customer waste carrier licenses and site duty of care compliance processes.

The Operator

The company All Pembrokeshire Metal Recycling Ltd is now operating at the site.

You will be contacted by your usual local Regulatory Officer regarding issues surrounding the change of company at the site and the requirements to transfer the permit. JD Jones Metals Ltd is listed as in Liquidation.

Waste Transfer Notes and Duty of Care - Compliance of Control of Pollution (Amendment) Act 1989.

W1A – General Management – Permit Condition 1.1.1(a) – Category 3 Breach.

Your management system must explain how you will comply the requirements of waste Duty of Care. This includes ensuring any waste carriers you accept waste from are registered. You must also complete a Waste Transfer Note for each load of waste transferred to your site, and this must include all the required information.

During our inspection, we noted that you were not complying with the Duty of Care requirements. As a result, we have scored a breach against permit condition 1.1.1(a) which states: *“The operator 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-conformances, closure and those drawn to the attention of the operator as a result of complaints”*

From the sample of waste transfer notes inspected from business transporting business waste the following issues were identified:

- Full names and full address need to be on the waste transfer notes.
- Waste carrier licenses need to be checked when business waste enters the site.
- Waste carrier license numbers must be written on every waste transfer note when business waste is received at the site.

ACTION: You must ensure your management system includes procedures explaining how you will comply the requirements of Duty of Care and then you must operate in line with these procedures,.

As a waste carrier – All Pembrokeshire Recycling Ltd must update customer accounts with other permitted waste sites you transport waste to because when I visited Bayliss Metals Cardiff recently your carrier was still under the name JD Jones Metals Ltd when it is now All Pembrokeshire Recycling Ltd.

If a business is not registered as a licensed waste carrier and refuses to do so

Andrew.prestt@naturalresourceswales.gov.uk is to be contacted to get the business to sign up as a waste carrier.

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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.