

Compliance Assessment Report CAR_NRW0043554

Permit being assessed: CB3396FF.

For: Cwrtgwenddwr Wood Recycling Facility, **held by:** John Jones Civil Engineering & Groundworks Ltd

At: Cwrtgwenddwr Wood, A470, Builth Wells, LD2 3YR.

Type of assessment: Site Inspection,

Reason: Routine.

On: 23/01/2024 between 12:00 and 14:00.

Parts of permit assessed: All.

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard, Chris Gurney.

Report sent to: Miriam Jones, Owner, on 29/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
D1 - Incident Management - Site security	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	C4 No impact	1.1.1
E2 - Emissions - Land and groundwater	C3 Minor	3.1.1

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

Total non-compliances recorded	Total non-compliance score
3	8.1

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
B3	Improve clean water interceptor drain around base of quarry wall to prevent dirty surface water from waste activities entering clean water drainage	28/04/2024
C2	Comply with requirements of EMS with regards the cleaning of oil spills and notification to NRW	28/02/2024
D2	Review and revise the Environmental Management System and the Site Risk Assessment to include reference to the Private Water Supply located near to the site.	28/03/2024
E2	Ensure that all oil leaks are cleared-up immediately	28/02/2024

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

This was a pre-arranged site visit carried out by Malcolm Dines and Jeremy Goddard of the Mid Wales Waste and Enforcement Team who met with owner Miriam Jones who accompanied the officers for the duration of the visit. Also present was Chris Gurney of the South Powys Environment Team, who was there to discuss environmental matters regarding the wider site. It was raining heavily during much of the visit and the site was very wet.

Permit Breaches

B3 - Site drainage engineering (clean and foul) - Cat 3 (Consolidated); Permit Condition 3.1.1

You have been given this breach of the above permit condition because on the quarry side of the site, you have removed more of the the quarry wall at the bottom of which you had previously installed a interceptor land drain to prevent water entering the site and also to prevent run-off from entering surface water. Now that the drain is exposed again there is nothing to prevent sediment from entering this drain and discharging to the watercourse (Cwrtgwenddwyr Pic_1).

The compliance score for this permit breach has been consolidated under the permit breach scored under compliance criteria E2, below.

Action: Ensure that dirty water from the waste activities cannot enter the surface water drain at the base of the quarry wall. **By 28th April 2024**

C2 - Management system and operating procedures - Cat 3; Permit Condition 1.1.1

You have been given the above Cat 3 breach of permit because you failed to operate in accordance with your Environmental Management System (EMS).

Section 4.6.2 of your EMS states, "Any minor spillage of liquid wastes or oil shall be cleaned up immediately". At the time of the visit there was a visible leak of oil on the surface of the site that appeared to have come from the excavator. You were aware of an issue with the excavator prior to the visit and yet the spill had not be cleaned up immediately. The area of the site where the oil was spilled is hardstanding and oil left here will eventually pollute the ground. Section 4.6.3 of your EMS states that you will inform Natural Resources Wales (NRW) immediately of any oil spill. You failed to notify NRW of this oil spill.

Action: Ensure that you comply with your EMS at all times, **effective immediately**

D2 - Accidents, emergency and incident planning - Cat 4; Permit Condition 1.1.1

You have been given this Category 4 breach of permit under the above criteria as on the last Compliance Report (CAR_NRW0042653) you were required to review and revise your EMS and specifically the Site Risk Assessment to include reference to the Private Water Supply (PWS) located near to the site. Although you addressed this non-compliance, you did not revise your EMS instead you merely stated that you considered the original EMS to be correct. This is not an adequate response, although the review may not have identified any off-site impacts, the PWS should have been included in your Site Risk Assessment prior to your applying for the permit as you have been aware of the PWS for many years. The presence of the PWS would have then been assessed as part of permit determination. When you applied for the permit and for the subsequent variation you signed the following declaration,

"If you knowingly or recklessly make a statement which is false or misleading to help you get an environmental permit (for yourself or another person), you are committing an offence under the Environmental Permitting (England and Wales) Regulations 2016. I declare that the information in this application is true to the best of my knowledge and belief. I understand that this application may be refused or approval withdrawn if I give false or incomplete information."

The failure to include the location of the PWS close to your site may result in NRW considering that you have failed to comply with the above declaration.

As this is an outstanding action from have not completed multiple pre-op or improvement conditions each should be scored separately The compliance score for this breach is consolidated with the above Category 3 breach of the same permit condition.

Action: Identify and include the location of the Private Water Supply for Cwrtgwenddw

House in your Site Risk Assessment by 28th March 2024.E2 - Emission to land - Cat 3; Permit Condition 3.1.1

You have been given the above Cat 3 breach of your permit because at the time of the site visit there was an oil spill from the excavator (Cwrtgwenddw'r Pic_2) that had broken at least a day earlier and yet the spill had not been cleaned up. It has been considered that you have breached this condition by failing to take the appropriate measures set out in your EMS, such as cleaning up the spill immediately and notifying NRW, to prevent or to minimise, those emissions and therefore, as the area of the site where the oil was spilled is hardstanding, it is reasonably foreseeable that the spill will cause pollution of the ground.

Action: ensure that any oil spills are managed in accordance with your EMS **effective immediately**

Other MattersOutstanding Compliance Actions

On the last Compliance Report (CAR_NRW0042653) you were required to ensure that the surface water storage tank and interceptor could be identified and were accessible for maintenance purposes. The manholes for both were easily accessible at the time of this site visit and a black pipe that comes out of the storage tank was seen to be a breather pipe for the tank. Officers did notice that in the area of the tank and interceptor there was an odour of fuel oil however, there was no obvious source for this odour.

On the last Compliance Report (CAR_NRW0042653) you were required to submit copies of Luke Bridges' Continuing Competency certificates in order to demonstrate compliance with the requirements of a Technical Competence award. The relevant certificates were subsequently provided as required.

On the last Compliance Report (CAR_NRW0042653) you were required to ensure emergency contact phone numbers are available outside the site gates to enable emergency out-of-hours access. It was seen that this action had been completed.

Washdown Area

At the time of the compliance visit it could be seen that the washdown area had been used. This area is the concrete slab of an old building and two-thirds of the slab falls to ground towards the boundary of the site, the remaining part of the slab falls to a drain that takes liquids to the surface water drainage tank. Please remember that as this tank then discharges to the interceptor and then to groundwater, you must not use detergents in the washdown process as they will prevent any oils within the interceptor being retained and they will then discharge to ground.

Fires on site

Following the site visit, Natural Resources Wales received a report of a fire at your site that produced black smoke and an acrid smell. Your permit does not allow emissions to air and your neighbours have a right to expect that your activities will not detract from their quality of life.

Your Environmental Management System only covers the burning of waste rather than fires in general. Fires are a key issue at waste operation sites and as a minimum we expect your

Environmental Management System to make it clear that fires are not permitted at the waste site and not just the burning of waste.

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 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.