

Compliance Assessment Report CAR_NRW0045523

Permit being assessed: QP3098FL.

For: Withyhedge Material Recycling Facility, **held by:** Resources Management U K Ltd

At: Withyhedge MRF, Bowling Farm, Rudbaxron, Haverfordwest, Pembrokeshire, SA62 4DB.

Type of assessment: Audit,

Reason: Routine.

On: 28/10/2024.

Parts of permit assessed: Waste Acceptance.

NRW Lead Officer: David Ellar.

Report sent to: Howard Evans and John Evans, Manager on site and Compliance, on 08/11/2024.

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

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|----------------------|
| W2E - Waste - Operations - Waste acceptance | C3 Minor | 2.3.2 and table S2.2 |

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 |
|----------|---|-------------------|
| W2E | Cease accepting wastes to the Waste Transfer Station (WTS) which are not listed on the permit in table S2.2. Cease accepting more waste than is permitted. | Already completed |

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

A desk top audit of your waste returns and duty of care Waste Transfer notes (WTN) was undertaken by NRW officer David Ellar.

In November 2023 NRW undertook a review of Resources Management UK Ltd (RML) quarterly waste returns, the returns reviewed were for Q3 2022, Q4 2022, Q1 2023 and Q2 2023 for waste received under the MRF permit, findings of the audit were detailed in a previous CAR ref: CAR_NRW0042866. The review raised some concerns regarding overall tonnages of waste received and unpermitted waste types.

On the 04 April 2024 a Regulation 35 notice was issued to RML under the Environmental Protection Act 1990, Section 34(5) and the Waste (England and Wales) Regulations 2011. The notice was issued to gain a further understanding of waste types and quantities received at Withyhedge MRF Transfer Station. RML were required to provide NRW with Duty of Care Waste Transfer Notes (WTN) relating to all waste received at Withyhedge MRF Transfer Station. The specified documents had to be produced by 22 April 2024. This CAR details the findings of NRW's audit into the WTN and Annual waste returns.

It was found that in 2023 the overall tonnage of waste received at the site exceeded the 150,000 tonnes allowed under the WTS permit, In total 201433.57 tonnes of waste was received meaning that the permit limit was exceeded by 51,433.57 Tonnes.

The data reviewed also showed a total of 1611 tonnes of unpermitted waste was received in Q1 2024. Unpermitted waste means waste types not listed in table S2.1 of the permit. It was noted however the final destination for these wastes was Withyhedge Landfill, these waste types can be accepted at the landfill under its current permit.

W2E– Materials Acceptance – Permit condition 2.3.2 (a) Table S2.2 – Category 3 breach.

You have been given this category 3 breach of permit condition 2.3.2 (a) Table S2.2 because during the audit on your waste returns it was noted that over the 4 quarters of 2023 you have accepted 194,085.61 tonnes of waste to the WTS for onward disposal or use at landfill.

Permit Condition 2.3.2(a) states: 2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc];

Table S2.2:

Table S2.2 Permitted waste types and quantities for waste transfer station

| | |
|-------------------|---|
| Maximum quantity | The maximum quantity of waste to be accepted on site shall not 150,000 exceed tonnes per year. |
| Exclusions | Notwithstanding the waste types set out in this table, wastes having any of the following characteristics shall not be accepted: <ul style="list-style-type: none"> • consisting solely or mainly of dusts, powders or loose fibres • sludges • liquids • hazardous waste |
| Waste code | Description |
| 19 | WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE |
| 19 12 | wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified |
| 19 12 05 | glass |
| 19 12 12 | other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 |
| 20 | MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS |
| 20 03 | other municipal wastes |
| 20 03 01 | mixed municipal waste |
| 20 03 07 | bulky waste |

You are only permitted to accept 150,000 tonnes of waste to the WTS, and you have exceeded this limit by 51,433.57 tonnes.

The details for each quarter have been summarised in the table below:

| Quarter | Months | Input (tonnes) |
|------------------|-------------|----------------|
| Q1 - 2023 | Jan - March | 580,28.66 |
| Q2 - 2023 | Apr - June | 447,89.42 |
| Q3 - 2023 | July - Sept | 580,10.63 |
| Q4 - 2023 | Oct - Dec | 406,04.86 |
| | Total | 201,433.57 |
| | Permitted | 150,000 |
| | Difference | 51,433.57 |

In response to this, Gavin Powell (RML) stated in an email dated 20/09/24 that 'In a proactive measure to significantly reduce the volume of waste received over the 12 month period RML stopped receiving waste in May 2024'.

You have also received this breach of permit because you have accepted wastes which are not included in the list of wastes in Table S2.2 which can be accepted at the WTS.

Table S2.2 of permit allows you to use the WTS for wastes conforming to the waste codes 19 12 05, 19 12 12, 20 03 01 and 20 03 07 only. This issue was highlighted in CAR_NRW0042866 and RML were asked to cease receiving unpermitted waste types under this permit by 31/12/2023. Data submitted showed that in Q1 - 2024 unpermitted waste types were still being received under the permit.

The following table shows the wastes accepted during Q1 -2024, which is after RML were notified of the issues. Those highlighted in red are unpermitted and not allowed to be imported under the WTS permit:

| EWC code | Q1 -2024 t |
|----------|------------|
| 20304 | 30 |
| 100101 | 76 |
| 120117 | |
| 150101 | 185 |
| 170904 | 62 |
| 180104 | 682 |
| 180114 | 44 |
| 190203 | 99 |
| 190307 | |
| 190801 | 371 |
| 191204 | 62 |
| 191212 | 49,201 |
| 202301 | 898 |
| | |

In total 1,611 tonnes of unpermitted waste was received under the WTS permit in Q1 2024.

In response to this, Gavin Powell (RML) stated in an email dated 20/09/24 that RML 'now recognise that despite their low-risk nature, these waste types still fall outside the permitted codes listed in Table S2.2 of our permit and we have implemented an operational change to accept the materials direct to landfill'.

ACTION: Cease accepting wastes to the Waste Transfer Station (WTS) which are not listed on the permit in table S2.2.

ACTION: Cease accepting more waste than is permitted.

If you have any questions regarding this audit please don't hesitate to contact David Ellar.

Ends

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.