

Compliance Assessment Report

Report ID:
CAR_NRW0035862

This form will report compliance with your permit as determined by an NRW officer

Site	Ex-mod R A F Site	Permit Ref	FP3995EL		
Operator/Permit holder	Wern Tarn Recycling Ltd				
Regime	Waste Operations				
Date of assessment	22/10/2019	Time in	11:15	Out	11:40
Assessment type	Site Inspection				
Parts of the permit assessed	A, B, C, F and G				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Leyton Shillibier and Nick Gillam/ Director and Transport Manager	Date issued	23/10/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Officer Alex BOWDER attended Wern Tarw Recycling Limited at Ex-Mod RAF site, Mount Pleasant Road, Tythegston, Bridgend at 11:15 on Tuesday 22nd October 2019 to carry out an introductory inspection of permit **EPR-FP3995EL** (*EAWML 100048*). The weather conditions were mild and dry at the time of the visit. Met with business Director Leyton Shillibier who showed the Officer the permitted area and explained the operational procedures on site.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1** - Major, serious persistent and/or extensive impact on the environment/people/property
- 2** – Significant impact on effect on the environment/people/property
- 3** – Minor impact or effect on the environment/people/property
- 4** – A non-compliance which has no potential environmental effect

PREVIOUS CAR FORM ISSUES

- Technically Competent person - valid qualification
- Updating the Environment Management System (EMS)

GENERAL OBSERVATIONS

Wern Tarw Recycling Limited operate a Tier 2 Bespoke environmental permit that allows Waste Transfer Station activities for inert and excavation wastes (*EAWML 100048*). The inputs do not include hazardous waste such as asbestos. Wastes can be accepted for treatment, recovery or disposal and the maximum quantity for waste to be accepted on site shall not exceed 25,000 tonnes annually.

The permit states that inert materials must be stored and treated on hardstanding or impermeable surface with sealed drainage. The gates were locked and there was no activity on site at the time of inspection.

PERMIT SURRENDER

The business discussed the possibility of surrendering the permit in the future. If the company did decide to cease operating and apply to surrender the licence, further details can be found on our website for how to action this:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-surrender-a-waste-permit/?lang=en>

You might be eligible to apply for a **low risk surrender** which would come at a reduced fee.

If you want to apply for low risk surrender, we must confirm that an intrusive investigation is not needed, in line with the criteria in box 1 of “Site Condition Report – guidance and templates” (H5). In order to apply for this, the business would have to demonstrate that only non-hazardous activities took place and that contamination testing would not be required.

If we agree you may have basic or low risk surrender the charge will be £2,532 for low risk surrender or the full surrender charge which is specified in NRW’s charging scheme.

In summary, to apply for the surrender of the permit you would be required to:

- Complete a Site Condition Report (SCR) – see website for further details
- Provide a general overview and summary from the CAR Forms to show record of no pollution.
- Include photos to show that the site is in a good condition and not contaminated in any way.
- Give a detailed site plan and clear the yard of any waste and litter.



Image 1 – showing yard empty of materials with material acting as a bund around the edges

TRADING NAME

The Officer questioned whether the company was trading under the name of Shillibier Ltd or Wern Tarw Recycling Ltd. It was stated that both entities exist and are used interchangeably. If the Operator wanted to change the name of the licence holder for the permit for business continuity purposes, you would need to transfer the permit into the desired entity. More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-for-a-waste-permit/apply-to-transfer-a-waste-permit/?lang=en>

SOIL TESTING AND ANALYSIS

All wastes aggregates on site are treated to WRAP Quality protocol for recycled aggregate standards. Sampling and soil analysis are conducted on each batch to ensure they meets the criteria for use as a non-waste.

TECHNICALLY COMPETENT MANAGER (TCM)

Nick Gillam is the designated TCM for the site, who is currently undergoing WAMITAB course to obtain relevant modules.

ACTION: Please can the business send confirmation of the course along with booked test dates.

Spoke about the requirements to complete the continuing competency to keep the qualification valid – **please ensure this is completed once expiry has lapsed.**

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

The business' Management System is kept on file in the office. **Please see that there is a separate EMS**

document for the Village Farm Industrial Estate permitted site.

INFRASTRUCTURE AND DRAINAGE

The yard infrastructure within the permitted areas was in a reasonable condition. There is no drainage system in place within the permitted area.

WASTE RETURN DOCUMENTS

The Officer reminded the business to continue to submit nil returns to NRW each quarter as long as the permit is active. Please use the most current version of Waste Return document when submitting data in future, as this requires TCM details to be filled out. This can be found at the bottom of the page on our website:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/operator-waste-return-and-deadlines-for-returns/?lang=en>

The site submitted its Quarter 2 spreadsheet for 2019 on 29/07/19. It has been declared that nothing was accepted to site, however 1060 tonnes have been removed coded as **17 05**.

Wastes are being correctly coded under a 17 code which constitutes construction and demolition wastes (including excavated soil from contaminated sites):

- **17 05** - soil (including excavated soil from contaminated sites), stones and dredging spoil

No unauthorised waste types were witnessed on site at the time of inspection. I look forward to working with the site in future.

If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

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EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C1	X	Please can the business send confirmation of the WAMITAB course along with booked test dates.	24/11/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.