

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

Site	The Old Brickworks	Permit Ref	HB3433RA	
Operator/Permit holder	Mark Robinson			
Regime	Waste Operations			
Date of assessment	19/06/2020	Time in	10:30	Out 11:15
Assessment type	Site Inspection			
Parts of the permit assessed	A, B, C, D, F and G			
Lead officer's name	Bowder, Alex			
Accompanied by	Burge, Chris			
Recipient's name/position	Mr Mark Robinson/ Director	Date issued	02/07/2020	

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	C3	2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	X	
D1 - Incident Management - Site security	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	X	

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Officers Alex BOWDER and Chris BURGE attended The Old Brickworks Limited at Uskvale Park Estate, Pontypool NP4 0HD at 10:30 on Friday 19 June 2020 to carry out a routine inspection of permit **EPR-HB3433RA**. The weather conditions were wet at the time of visit. Met with business Director Mr Mark ROBINSON who accompanied Officers around the permitted area and explained operational activities.

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 or 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 ACTIONS

The permit was last inspected on 08 August 2019. The outstanding actions were to:

- Update TCM WAMITAB qualification - **COMPLETE**
- Submit permit variation to reflect permit boundary – **COMPLETE**
- Update and submit Environment Management System (EMS) – **INCOMPLETE**
Current document is outdated, does not reflect current operations/newly issued variation or maximum storage times of waste.
- Submit schedule of works for management of large waste stockpile by September 2019 – **INCOMPLETE**

PERMIT VARIATION

The permit has recently been varied to a Tier 3 bespoke to allow for a waste treatment facility of inert soil and stone. The variation increased the permit boundary to include an area within the centre of the yard and incorporated a total storage capacity of 100,000 tonnes, with an annual throughput of 75,000 tonnes.

Status log of the permit		
Description	Date	Comments
Permit issued EPR/HB3433RA	28/08/12	Permit for waste treatment facility to produce soil, soil substitutes, road stone and aggregate issued to Mr Mark Robinson
Variation application EPR/HB3433RA/V002	Duly Made 22/11/19	Operator initiated application to expand permitted site boundary.
		Regulator initiated variation to correct permit type from Tier 2 bespoke permit to Tier 3 Bespoke permit.
Additional information received	20/02/20	Operator initiated amendment of permitted waste codes and inclusion of storage limit.
Variation determined EPR/HB3433RA	21/02/20	Varied and consolidated Tier 3 Bespoke permit for a waste treatment facility issued to Mr Mark Robinson.

A WAMITAB qualification has been updated with an expiry date of 08 August 2021. Please ensure a continuing competency refresher course is completed every two years after the expiry date lapses.

PERMIT PURPOSE

The permit allows for the storage and treatment of waste by sorting, separation, screening, crushing and blending of waste to produce soil, soil substitutes and aggregate. All treatment is for the purpose of recovery only. Unprocessed material cannot be intended for any permanent deposit under the permit.

In January 2019, it was evident that the Operator has been importing considerably larger volumes of inert material in comparison to the amount material being exported. This directed NRW to believe that the material had been permanently deposited.

WASTE STORAGE

At the time of inspection, processed material in the lower section of the yard had been treated to a reasonable aggregate standard. This was separated into distinct piles ready for export and was easily identifiable by Mr ROBINSON. The drainage for the site seemed to be effective as there were no areas pooling with water.

In the middle of the permitted area, was one large compacted stockpile consisting of inert soil and stone. This location was previously an unlicensed area to deposit material, as it was outside of the

permit boundary - this has since been rectified by the variation.

PERMIT BREACH - A1 - SPECIFIED ACTIVITIES

PERMIT CONDITION 2.1.1 - CATEGORY 3

“The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).”

The current storage for this waste stockpile is unacceptable, as it is a continuous levelled platform with no clear distinction between old and new material. This indicates that the land has been raised with this material, rather than being stored for scheduled processing. It was very difficult to distinguish between the material being deposited on top of the stockpile and older material from 2018/19.

The sides of the stockpile were growing large amounts vegetation, indicating a prolonged storage time. It was evident that fresh waste was being deposited by machinery on top of the pile, which had been levelled out; as per **Image 2** below. The waste has been compacted overtime with months of rainfall percolating through its layers.

Mr Robinson stated that some of the stockpile had been removed in-line with the actions of the NRW inspections in 2019, however no clear amount was stated. As there is no clear timescale for removal of this waste in place, this has scored a **Category 3** breach as a result. Without a clear indication or plan, NRW will consider that the material is stored **permanently** with no certainty of use.

Officers discussed with Mr Robinson that any material deposited for longer than three years is classed as a permanent deposit of waste under section 3.5 of the EPR Guidance for the Landfill Directive – as detailed in previous CAR Forms. If the Operator can provide a plan that sets out a timeline for removal and management of the stockpile for processing, NRW can assess it as end-of-waste as opposed to a permanent deposit.

ACTION

- 1. Submit to NRW your proposed timescales for the management, processing and removal of the large stockpile.
DEADLINE: 02 August
- 2. Excavate the large stockpile and create distinct piles to identify the oldest material deposited and the next for processing.
DEADLINE: 02 September 2020



Image 1 – showing vegetation growing on one end of the large stockpile in the centre of the yard.



Image 2 – showing where the stockpiled had been levelled out.

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

PERMIT BREACH

C2 - GENERAL MANAGEMENT – MANAGEMENT SYSTEM AND OPERATING PROCEDURES

CONDITION 1.1.1 – CATEGORY 3 BREACH

"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.... []".

Your permit does not directly outline the storage times for accepted waste; only the maximum storage allowance and throughput. Therefore, these details need to be clearly set out in your EMS. The document should reflect NRW's How to comply guidance, as detailed in previous compliance reports.

More details can be found on our website here:

<https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

ACTION

- Please submit an updated version of your EMS document that states the maximum storage times of material.
Update a Site Plan showing the different work areas and material deposited.

DEADLINE: 02 August 2020

QUALITY PROTOCOL (QP)

Land Raising

Historic aerial photographs illustrate that, since the permit was issued, large quantities of material have been deposited by the Operator; the site profile has changed considerably. This was pointed out by Officers at the time of inspection. Our concern is that material is being brought to site and being processed with an intention to deposit around the yard for land raising and bunding (rather than being exported as product).

Long-term storage of material is considered a permanent deposit in-line with the Landfill Directive. The QP dictates that **established outlets** need to be confirmed as a key part of the process. Material cannot meet the end-of-waste requirement if there is no market for the product.

ACTION

- Submit to NRW the intended outlets for all the material currently deposited on site.

DEADLINE: 02 August 2020

SITE BUNDING

Processed material has been deposited in varying amounts around the site perimeter. This is said to act as amenity boundaries to assist with the containment measures of the site. Officers noted that the land level had been increased a significant amount using this material and that the bunding was growing large amounts of vegetation, indicating that it has been there for a long time. Mr ROBINSON stated that all the bunding material has been processed and meets QP Protocol.

If the business can evidence that this material meets end-of-waste standards, then you are entitled to use it for this purpose, so long as County Council Planning permission is granted. It was stated that **testing** of material is only conducted when customers request for confirmation. Operators must be able to show NRW that any material deposited on site meets WRAP protocol and is appropriate.

Torfaen County Council have granted planning permission for the construction of amenity bunds around the site.

U1 WASTE EXEMPTION

Exemptions are for waste activities that do not require an environmental permit. A U1 Waste Exemption is required to be registered for any material that is used in construction around site – i.e. for site bunding. When registered, these are valid for three years. No exemption currently exists currently on site.

ACTION

- Register a U1 exemption for the material used in construction around the site. This can be done on our website here: <https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-your-waste-exemptions/?lang=en>

DEADLINE: Immediately



Image 3 – showing processed material deposited for use as a bund

WASTE RETURNS

The January - March Quarter return for 2020 declares that 1,336 tonnes were accepted to site with an EWC code of **17 09 04** - mixed construction and demolition wastes. There is no weighbridge on site to accurately measure and so tonnages are estimated using vehicle sizes.

Mr ROBINSON stated that the business does not code material leaving site, as it is classed as a product and not seen as a waste. Whilst this is accepted, NRW need to be able to view the tonnages entering and leaving site to assess the progress for the removal of waste.

ACTION

- Please submit a table showing the site's material inputs and outputs that includes the **type, tonnage and destination** for the last **three quarters**. This should contain Quality Protocol data that shows the tonnage and material type.

DEADLINE: 02 August 2020

NRW may consider issuing a statutory notice of enforcement to ensure the timely removal of waste is actioned to bring operations into permit compliance.

If you have any issues with this report, please contact Senior Officer 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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036744**

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

Site	The Old Brickworks	Permit Ref	HB3433RA
Operator/Permit holder	Mark Robinson	Date	19/06/2020

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	C3	Submit to NRW your proposed timescales for the management, processing and removal of the large stockpile.	02/08/2020
G4	X	Submit a table showing the site's material inputs and outputs for the last three quarters	02/08/2020
C4	X	Excavate the large stockpile to create distinct piles to identify the oldest material deposited and the next for processing.	02/09/2020
C2	C3	Submit updated EMS document to reflect recent variation, maximum storage times for waste accepted and a Site Plan.	02/08/2020

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.