Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID:
CAR_NRW0035832

This form will report compliance with your permit as determined by an NRW officer					
Site	Rheidol Recycling Park	Permit Ref	QP3198FU		
Operator/Permit holder	C B Environmental Ltd				
Regime	Waste Operations				
Date of assessment	28/08/2019	Time in	10:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	1.1.1; 1.1.2; 1.1.4; 2.1.1; 2.3.1; 2.3.2; 2.4.1; 4.3.1				
Lead officer's name	Dines, Malcolm				
Accompanied by	Park, Liz				
Recipient's name/position	Pete Malvern/ Technically Competent Manager	Date issued	22/05/2020		

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**
C2 - General Management - Management system and operating procedures	C3	1.1.1 and 2.3.1
C3 - General Management - Materials acceptance	C3	2.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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	**3**	**Total compliance score** (see section 5 for scoring scheme)	8.1

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

Waste Returns Review

The waste returns for the previous 12 months (July 2018 to June 2019) were reviewed as part of this compliance visit. The review highlighted several areas of concern, including incorrect coding and description of wastes; failure to account for waste and quantities of waste that breached permit conditions.

The review identified several instances where waste has been accepted onto the site under a specific European Waste Catalogue (EWC) code, but there was no material being exported from the site under that code. It was explained that this situation occurred for several reasons:

1. the waste had been sorted on-site and exported under a different EWC code (i.e. 15 01 01 being exported as 19 12 01).
2. because the waste stream had been incorrectly accepted into the site computer system. For example, when the site weighbridge had been used only to weigh a vehicle before the material being carried was taken to another site.
3. errors with the weighbridge computer system at the site were identified, including new software not updating correctly and so creating errors with the returns, but also that the system did not have all the correct EWC codes which resulted in wastes being incorrectly identified.

With regards to Point (1); where the treatment of wastes does not result in a physical change to the make-up of the material, the waste code remains the same. Chapter 19 EWC codes are only used where a waste stream has been generated following treatment that has segregated it from mixed wastes.

With regards to Point (2); this is a failure of the management system as there should be a procedure in place to ensure that vehicles using the weighbridge for the sole purpose of weighing the load and not to deliver material to the site are recorded as a waste import to the site. Please ensure that the waste acceptance procedure for the site is set-out with a clear process for differentiating vehicles that are only using the weighbridge to determine the weight of the load from those that are delivering waste to the permitted activity, and that the Environmental Management System (EMS) is updated with this process.

With regards to Point (3); there should be a process in place for ensuring that the weighbridge software is kept up-to-date with the correct information to ensure that waste is correctly described and recorded. And when any updates are made, or updated software installed, there should be a review mechanism to ensure that no errors occur, or are kept to a minimum.

The review identified that a net total of more than 10 tonnes of asbestos had been removed from the site during one three-month reporting period. The Environmental Permit for the site limits the amount of hazardous waste that can be stored at the site prior to disposal to no more than 10 tonnes at any one time. It was explained that this occurred as the container used to store asbestos can hold more than 10 tonnes of material and the level of waste in the container was monitored, rather that the weight of asbestos that that had been accepted at the site. This is a failure of the EMS as, although it was known that the container could hold more than the quantity of asbestos permitted at the site, the procedure to monitor the quantity of material that it contained was inadequate. The EMS must be improved to ensure that the amount of asbestos stored at the site does not exceed the permitted quantity. Due to this breach relating to hazardous wastes, any further breaches of this permit condition may result in enforcement action. If you wish to store more than 10 tonnes of asbestos waste at any one time this will mean that you will need to vary the permit to become an installation.

The review identified several instances where wastes had been coded or described incorrectly. It is the responsibility of the holder of the waste to accurately describe and code the waste using the List of Wastes (LoW). For example: soil and stones are recorded as being accepted for "The Manufacture of Building Materials): Soil cannot be made into a building material. It was explained that soil and stones are screened to remove stone and other materials (e.g. turf and root balls), with any stone being added to the feedstock for the recycled aggregate process (Aggregates Protocol to meet end-of-waste requirements). Turf is added to the green waste that is dispatched to a composting facility and the root balls are added to other residual wastes that are dispatched to another facility for further sorting and disposal. Any other materials are segregated according to their material type and treated in line with the site's other waste processes. The remaining soil fraction is considered suitable for use (i.e. as a soil infill) and either sold or given away. It was explained that the soil and aggregates were not included in the waste returns, "due to a lack of clarity/understanding on how/if those tonnages should have be included due to the change in waste status" and there has been confusion over which R&D code is appropriate for this process and if/how the tonnages removed from site should be recorded due to the suitability of the soil to be used.

It is a fundamental element of the Waste Duty of Care that an operator understands how to code and record waste. "How to comply with your waste permit" states, "You must have enough trained and competent staff to manage and operate your site to ensure you comply with your permit". Failure to adequately describe or code waste, or to understand how to code waste is an indication that an operator does not have staff who are adequately trained or competent in these basic matters. The information required to adequately code and describe waste handled at a waste site is available using the following links:
https://www.gov.uk/government/publications/waste-classification-technical-guidance
https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018XC0409(01)&from=EN
https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice
and
https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN
If further advice is required, waste operators are advised to engage the services of a waste consultant who can provide additional specialist information.

It is not a sufficient defence for a permitted waste operator to say that they did not code or report waste flow because they did not understand how to apply the List of Waste requirements. Page 40 of "How to comply with your waste permit" states, "You must:

- comprehensively characterise and quantify each waste stream arising from the regulated facility
- use government guidance to decide how each waste stream is to be recycled, recovered or disposed of
- be capable of justifying decisions that deviate from best practice."

For sites operating under an Environmental Permit for Waste, as stated in "How to comply with your environmental permit", you must have a written Environmental Management System (EMS) that must include:

- procedures to enable you to apply the waste hierarchy of re-use, recover, recycle, dispose
- your Duty of Care

"How to comply with your environmental permit" is one of the specified Operating Techniques set out in Permit Condition 2.3.1 and so failure to follow the requirements of this document is a breach of this permit condition and attracts and Compliance Classification Score (CCS) of 3.

The failure to submit accurate waste returns is a breach of permit condition 4.2.2 and receives a Compliance Classification System (CCS) score of 4 under Compliance Assessment Report (CAR) Criteria G4

Permitted Activities
Currently there are two Environmental Permits in force at Rheidol Recycling Park . C B Environmental Ltd, operate the permit that is regulated by Natural Resources Wales that covers: End-of-Life Vehicle de-pollution and dismantling; metal recycling; waste wood treatment; soil and aggregate processing and waste transfer activities;

and Aber Heat and Power Ltd. operates a Biomass Boiler under a Part B Authorisation regulated by Ceredigion County Council. this permit covers the burning of wood waste in a biomass boiler for the production of power and the use of heat from that process to dry waste material.

Wood waste arrives at Rheidol Recycling Park and is accepted, sorted and stockpiled under the Environmental Permit regulated by Natural Resources Wales. It is then taken to the area to the west of the main transfer building which is designated by C B Environmental Ltd for activities related to the biomass boiler, here it is shredded and stock-piled in external bays as feedstock. The Biomass boiler is sited in the rear of the main waste transfer building.

During the compliance visit the Operator discussed the plan to vary the permit regulated by NRW to remove the area where the Part B Permit (Biomass Boiler) and associated activities take place so that the activity regulated by Ceredigion County Council is distinct and separate from the permit regulated by NRW, rather than over-lapping as it is currently. This would not be a variation, but a partial surrender. Please note that under Schedule 1, Part 2, Chapter 5.1 of the Environmental Permitting Regulations, when determining the extent of an installation carrying out a Part B activity, the Part B permit does not include any location where the associated storage or handling of wastes or residues to be submitted to the Part B activity is carried on. This means that, irrespective of what is written in the Part B permit, the storage and shredding of wood prior to incineration is not part of that activity and therefore must regulated by NRW under the Waste Transfer Station permit.

Please also note that this permit does not authorise the drying of wastes. There must be a clear process in the EMS to show how the Waste Duty of Care is complied with for any wastes that are dried under the Part B permit.

Soil and Aggregates Processing (inc. End-of-waste status)
C B Environmental Ltd, process inert waste at Rheidol Recycling Park and produce end-of-waste aggregates under the Aggregates Quality Protocol. This compliance visit also reviewed compliance with this Protocol as any operator wishing to produce aggregate from waste under the protocol are required to provide evidence that they have complied with the Quality Protocol (QP).

Section 3.3 of the Aggregates Quality Protocol requires the operator to ensure that there is delivery documentation for every load dispatched from the site. The Aggregates Quality Protocol for Rheidol Recycling Park did not contain any detail about how QP compliant material was dispatched from the site and did not contain records of materials dispatched from the site. Unless these records are held elsewhere, please provide a copy of them before 1st December 2019.

Section 4.2.2 of the QP requires operators to include detail about: the storage of materials, their certainty of use and contingency plans where materials are not able to be used in their QP procedure. There was nothing in the QP procedure for Rheidol Recycling Park regarding this matters.

An important part of complying with the QP is that an Operator ensures that the aggregate they produce is done so in accordance with a Factory Production Control (FPC) process. Rheidol Recycling Park does have an FPC but there are several parts of the FPC requirement that are not included:

- It does not specify who is the nominated Management Representative. This is the person who is responsible for ensuring that the FPC is implemented.
- There are no defined controls on sub-contractors.

The FPC must contain Waste Acceptance Criteria and this must be specifically developed for each site and location. The Rheidol Recycling Park QP does include a Waste Acceptance Criteria in the FPC, and in general it is excellent, it includes all of the requirements of the QP: list of wastes accepted (inc EWC); source/place of origin; supplier and method of acceptance, but it does not list haulier details. This minor omission need to be included.

The aggregate production section of the QP for Rheidol Recycling Park needs to be improved:

- The manner in which processing equipment is maintained and adjusted during production must be defined, currently it is too generic and needs to detail where adjustments might occur. It also refers to "Method

Statement of Production" but this "Method Statement" was not included and there was no information about how to find this section or document.

- There is nothing in the QP about how input materials are stockpiled in a controlled manner in clearly identified locations. This should be considered when the QP is updated, especially the stockpile location(s) given the difficulties in reporting waste quantities.
- An FPC requires that the finished product must be identifiable up to the point of sale. The Rheidol Recycling Park QP does not specify if stockpiles are labelled or if there is a plan showing which stockpile relates to which product. The site does not have separate storage bays for different product and so this needs to be improved both in the QP document and on the site.
- An FPC requires procedures to maintain quality during handling, storage, transport and delivery. The current Rheidol Recycling Park QP does not have any of this in the FPC.

The QP requires that all personnel involved in the QP process must be trained and that records of this training must be kept. As the staff training records for Rheidol Recycling Park are kept separately, the QP for the site must specify where these records are kept.

The Quality Protocol for Rheidol Recycling Park does provide enough evidence to show that C B Environmental Ltd have complied with the requirements of the Aggregates Quality Protocol, especially with regards the storage or "product" and the lack of dispatch procedures for the site. Please ensure that the deficiencies in the site QP as indicated above are addressed before 1st January 2020.

The greatest concern was that the Quality Protocol for Rheidol Recycling Park did not include any records of materials dispatched from the site. Combined with the failure to accurately describe and report, through the required waste returns process, the type and quantity of inert wastes being submitted to the QP process.

Condition 1.1.1 of the permit requires all activities be operated and managed in accordance with a written Environment Management System (EMS). The Quality Protocol is there because the intention of the Operator is to produce a non-waste aggregate however, until that material is sold and exported from the site as a non-waste product, it is still classified waste and therefore the Quality Protocol forms part of the site EMS.

Environmental Management System (EMS)
Waste Acceptance:

- 2.2 "wastes will not be accepted unless[…]the site permit allows the corresponding EWC number"
- No reference to the QP. This should be referred to as wastes accepted into the site are then processed into QP product.

Operational Waste Management (Table 4)

- Doesn't go into enough detail for waste streams where treatment is undertaken.
  - 17 01 07 C&D Mixed Inerts: Mentions QP but not whether all material is accepted into QP or what happens to the fines produced during crushing and screening.
  - Would be good to have a column listing the waste types that sorted material is separated into and exported as this will show cradle-to-grave handling. Currently having to join the dots and guess at what happens.
- There is no information about how wastes are moved between this permit and the Part B permit for the biomass boiler and how the Waste Duty of Care is complied with.

Waste Returns:

- No reference to Waste Returns in the EMS. Procedure required to detail how returns are completed: timescales for completion; staff carrying out returns; procedures for identifying errors/non-permitted waste types and subsequent review of procedures.

This is a breach of permit condition 1.1.1 and receives a CCS score of 3 against CAR criteria
The failure to ensure that the Quality Protocol for Rheidol Recycling Park meets the requirements of the WRAP Aggregates from Inert Waste Quality Protocol is therefore a breach of permit condition 1.1.1 and receives a CCS score of 3, the failure to operate in accordance with the specified operating techniques is a breach of permit

condition 2.3.2 and also receives a CCS score of 3. As these breaches are both scored under CAR Criteria C2, they are consolidated into one score.

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G4	C4	Ensure that waste returns are correct	31/12/2019
C3	C3	Operator must ensure that no more than 10 tonnes of asbestos waste is stored at the site at any one time.	18/11/2019
C2	C3	Improve written procedures for the handling and storage of wastes to be submitted to the Aggregates Quality Protocol and Biomass boiler process as well as a written procedure for ensuring waste returns are complied accurately. Ensure that staff have the correct level of understanding as to how to correctly describe and categorise wastes	31/12/2019

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.