

Compliance Assessment Report CAR_NRW0037013

Permit being assessed: AB3294ZQ.

For: Linton Yard, held by Recycling Equipment (UK) Limited

At: Bynea Business Park, Heol Y Bwlch, Bynea, Llanelli, SA14 9SU.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 24/09/2020 between 11:00 and 12:30.

Parts of permit assessed: See Below

NRW Lead Officer: Michael Edwards, accompanied by David Morgan.

Report sent to: Gary Samuel, TCM on 09/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
C1	Submit evidence of continuing competence	22/10/2020
G4	Submit all missing waste returns.	22/10/2020
C2	Review EMS	29/10/2020

Action 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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Arranged site inspection of Recycling Equipment (UK) Limited undertaken by Michael Edwards and David Morgan of Natural Resources Wales. Met on site by operators Gary and Winston Samuel along with external consultant Ifon Jones.

C1 - Staff training and competency.

Under condition 1.1.4 of the environmental permit the operator is required to comply with the requirements of an approved competency scheme. This certification expired 13th September 2020. Gary Samuel had confirmed that he had booked his continuing competency for 5th October as the earliest available date given the current circumstance.

Action – Provide evidence of continuing competency.

C4 - Waste treatment and Storage.

Condition 2.1.1 refers to the permitted operating procedures outlined in **Schedule 1, Table S1.1**. Under this condition, all wastes must be treated and stored prior to treatment within a building on an impermeable surface.

During the inspection, mixed wastes were stored and treated within the main building on site, where the machine is used to remove recyclates. No bailing activity was observed during the inspection on this occasion.

Further to the above conditions, **Table S1.1** also specifies the conditions for storage of waste following treatment. Wastes were stored in an appropriate manner within the main building and bays behind.

C3 - Waste acceptance

No non permitted waste types were identified during the inspection.

It has been raised in previous inspections (**CAR_NRW0033097** and **CAR_NRW0036402**) that gypsum-based construction material is not a permitted waste type that the site can accept under **condition 2.3.2** and **Table S2.1**. Following the most recent inspection, waste transfer notes for the removal of the materials previously identified on site was provided. The waste being taken to Northern Waste Group.

G4 - Waste Returns

Under condition 4.2.2 of the permit the operator is required to submit quarterly waste returns. "Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste

accepted and removed from it during the previous quarter”.

As of 8th October 2020, no returns for the year 2020 have been submitted.

This has been scored as a **category 4 breach of condition 4.2.2.**

ACTION– the operator must submit all missing waste returns.

Environmental Management System

The current management system in place for the site has not prevented the above non compliances identified during the inspection. Subsequently this is a breach of condition 1.1.1 (a) which states: “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 and those drawn to the attention of the operator as a result of complaints”.

This has been scored as a **category 3 breach of condition 1.1.1 (a).**

ACTION – As discussed on site a full review of the written management system is required. The management system should reflect the on site operations and be produced in accordance with the conditions of the permit and the ‘How to Comply with your environmental permit’ guidance documents available on the following link; <https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

Permanent deposit of waste and use of U1 waste exemption

During the inspection we discussed the use of the U1 waste exemption and its use on site with the operator believing that approximately 1500 tonnes of waste had been used. Following a review of the activities undertaken on site and the conditions of the U1 waste exemption. NRW does not believe the use of the exemption is appropriate, as the activity does not reflect a construction activity.

As such, the U1 waste exemption will be de-registered and the deposited waste must be removed from the site to suitably authorised facility. NRW will also be considering its enforcement response in this matter and you will be written to separately regarding this.

Pre-application advice

A brief pre application discussion was held following the site inspection regarding potential permit variations to include a waste recovery operation, an end of life (ELV) facility and to increase the permitted waste type and annual tonnage.

As the operators want to submit the variations as a single application, it was suggested that the operator produce and submit a Waste Recovery Plan (WRP) prior to the application to determine whether the operation is considered a deposit for recovery operation. Information on what is required in these plans can be found on this link: <https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-for-a-waste-permit/permanent-deposit-of-waste-for-recovery/?lang=en>. As discussed these permits cannot be given retrospectively.

Officers also suggested that the operator consider reviewing their permit to determine what activities they would like to undertake, as several exemptions have been registered to the site and as explained, exemptions cannot be used to ‘prop up’ the permit.

Thank you for your time during the inspection.

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.

What are suspended scores?

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 Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.