Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0037289

Permit being assessed: XB3393HM. For: Project Red Recycling, held by Project Red Recycling Limited At: Heol Creigiau, Efail Isaf, Pontypridd, CF38 1BG. **Type of assessment carried out:** Site Inspection, Reason: Routine. On 19/11/2020 between 14:45 and 16:00. Parts of permit assessed: Storage and infrastructure **NRW Lead Officer:** Laoni Tye, accompanied by Elysia Lovelock, Gillian Coates. **Report sent to**: Tom Prichard, Simon Mitchell and George Harvey, Director, Site manager and TCM on 05/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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
B3	Improvements to the hardstanding are required to ensure an effective drainage system in place in line with the permit condition	29/01/2021
C2	See actions in body of text	29/01/2021
C4	The building needs to be brought back in line with what was applied for and included in the accompanying documentation. Alternatively a variation will be required. Please provide a written response as to how you plan to come into compliance with this aspect of the permit. Plan to be provided by 22nd January 2021.	22/01/2021

Criteria	Action needed	Complete by
D2	Stockpiles and water storage tanks to be brought in line with FPMP	22/01/2021

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

Officer Laoni Tye visited site on an unannounced visit accompanied by officers Elysia Lovelock and Gillian Coates. The purpose of the visit was to conduct a general site inspection. The weather was dry and cold. We met with site supervisors Simon Mitchell, Howard Oakes who were on site when we arrived. Technically competent manager George Harvey then joined us before we started the walk around site approximately 20 minutes later. There were breaches recorded during this visit which are detailed below.

B3 – Site drainage engineering (clean and foul). Category 3 breach.

Permit condition 2.1.1 states that the operator is only authorised to carry out operations in line with Table S1.1. Table S1.1 A1 – Inert waste transfer station with treatment states that all waste shall be stored and treated on hardstanding.

The area of the site used for inert storage and treatment was wet and muddy with pooling water across the area. There had been a breach of the bund with material leaving site and there is therefore the potential for pooling water from the area used for the treatment of the inert material to reach the watercourse. This area does not meet the definition of hardstanding as water is not able to permeate through. The root cause of this breach is detailed above under C2 – Management system.

Actions:
Improvements to the hardstanding are required to ensure an effective drainage system in place in line with the permit condition. Please provide a response to this CAR in regards to the actions you will take in order to comply. The deadline for improvements to be made is 29th January 2021.

C2 – Management systems. Category 3 breach.

Condition 1.1.1 states that the operator shall manage and operate the activities in accordance with a written management system…'

There were issues on site which can be attributed to this breach as the root cause.

Hardstanding and site drainage
There were issues in relation to site run-off and poor drainage which can be attributed to a lack of on site management and procedures. The area of the site was heavily silted with areas of pooling water and deep mud. Section 2.3 of the management system states that the operating site comprises of a gently sloping , permeable work surface and a settlement pond. However, whilst on site this was not working effectively as the water was not able to permeate away. This was causing silty water to pool on site. The settlement lagoon did not appear to be operational at the time of the visit either which is not in line with the management system.

Action: It may be that this lagoon is no longer required following changes in operations and site layout, this will therefore need to be updated in the current management systems referenced in table S1.2 and sent to NRW.

There was an issue with the bund at the bottom of the site where water appeared to be pooling. Silty material could be seen outside of the site boundary past the bund and fence, down towards the watercourse. We did not witness the silt entering the watercourse which was not easily visible, however, it is reasonably foreseeable that this could reach the watercourse causing a silt pollution. This is the second time we have substantiated this same issue on site. The reason for this bund breach needs to be investigated and any repairs to infrastructure made to ensure this does not re-occur. Repairs to the hardstanding to allow the water to permeate to the ground should remove the need for a bund. The bund however, should this be part of the mitigation to ensure run-off does not leave site and enter the watercourse, should be properly constructed, using suitable material.

Action: Infrastructure improvements required in line with what is in the EMS. Procedures outlined in the EMS should be complied with and action taken on site to ensure these issues do not arise again.

Treatment of mattresses

We witnessed mattresses being manually separated (treated) on site. This activity has not been identified in the EMS and is therefore a breach. We were advised this was a trial. Should you wish to proceed with treating mattresses please let us know.

Action: Waste should be stored in line with the EMS.

Wastes were also being stored in shipping containers outside, this is a breach of the EMS which does not account for storage within the containers. The site have been breached for this in the past as it also leads to a breach of the FPMP as there are no separation distances between stacks, with containers in between stacks full of waste.

Building

The building on site as described in the EMS and associated management systems is not in line with what was witnessed on site. See below breach C4 for further detail.

C4 – Storage, handling, labelling and segregation. Category 3 breach.

Permit condition 2.1.1 states that the operator is only authorised to carry out operations in line with Table S1.1. Table S1.1 A2 - All activities must take place within a building equipped with suitable containment measures.

Waste was being stored outside as witnessed during the visit, namely bales of plastic waste.

Action: All waste must be stored and treated inside building in line with the permit conditions by the 22nd January 2021.

 

We also have concerns about what has been described as the building throughout the documentation which was submitted with the recent variation application. We are concerned as the building witnessed on site does not represent what has been applied for and this is therefore a breach. Please see non-compliances in the documentation/application:

Email sent on the 04/10/20 states*: 'Although it is planned for the building to be updated, it is currently sealed on the northern edge, the southern edge (with the exception of the doors which would need to be opened anyway to allow for movement of material in and out of the facility) and the eastern side of the facility which is in the main concrete wall construction, reinforced with metal sheet cladding.'* – This is not the case, open sides to the Eastern side with only a low concrete wall and corrugated plastic which appeared to be loose and not providing a sealed edge. The walls are made of metal containers. Also, the hangar style storage areas (bunkers) at the front of the building have a completely open front and gaps at the back with potential to allow ingress of water and release emissions.

The EMS reference Oct 2020 states: '*As the reception area is fully enclosed on three sides the potential for the odour to escape the boundary is minimised significantly.'* The reception areas within the alcoves are only enclosed on two sides and this is therefore not being complied with.

The permit variation was issued based on the application documentation and this therefore needs to be rectified.

<u>Action: The building needs to be brought back in line with what was applied for and included in the accompanying documentation. Please provide a written response as to how you plan to come into compliance with this aspect of the permit.</u>

D2 – Accident, emergency and incident planning. Category 3 breach.

Permit condition 3.5.1 states that the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

There were numerous issues in the fact that the site activities do not match what is included within the sites current FPMP Reference: PRR_FPMP_Dec19V2.

*Stockpile sizes within the FPMP state *3 stockpiles: 2 that measure 20m x 15m x 4m (unprocessed co-mingled) 2,400m³ and 1 that measures 10m x 10m x 4m (unprocessed co-mingled) 400m³.*

The waste piles are stored within the alcoves at the front of the building which can only be accessed from one side. As discussed on site the maximum width of stockpiles are limited to 10 metres if access is from one side only. Stockpiles must therefore be reduced to 10 metres width and the FPMP updated to reflect this.

To note: It would be useful for all site staff to be aware of the dimensions of the areas where waste is stored *so that sizes of stockpiles can easily be complied with and the area does not get filled with waste and exceed these.*

The guidance and the FPMP stipulates that a 1 metre free board be left between the top of stockpiles and the top of bay walls. This ensures any walls used for separation distances are effective and reduces the chance of spread of fire between piles. This was not being complied with at the time of the visit.

Action: Stack heights need to be reduced and/or bay walls increased to ensure that a 1 metre free board is in place by the 22nd January 2021.

The FPMP states, in line with the guidance that *'The concrete walls used for the construction of the waste storage bays will be made in accordance with the requirements of BS EN 771-3 and will conform with the specifications outlined under EN 13501-1:2007-A1:2009 where the material performs as a class A1 against for fire resistance. The walls themselves would be made from solid concrete 'lego' block design where each block measures approximately 1.5m(l)x0.75m(w)x0.75m(h) and weighs circa 2.5T each'.* This is not an accurate reflection of the situation on site as some of the waste storage bays are metal and not concrete.

The FPMP states that *'There are 2x 100,000l water storage tanks held on site that are fed and topped up by the clean rainwater from the roof of the building and concrete surface'.* There are currently no water storage tanks on site. The guidance states that you must have sufficient water supplies available to your site for firefighting to take place and to manage a worst-case scenario incident (e.g. one (your largest stack) or more stacks on site are on fire). We were advised during the visit that the river would be used however, this is only something that can be considered to supplement the mains supply and should not be relied on as a primary source. It was then suggested that the 100,000 litre site drainage sump would be used, this would not be appropriate and would also rely on the tank being continually full to comply with your FPMP (which would lead to other non compliances).

Action: Water supplies need to be available on site in line with your FPMP. This should be remedied as a matter of urgency and by the 22nd January 2021.

Please note that evidence of where the water was aquired may be requested. Any water taken from the watercourse would require an abstraction license.

FPMP states *'Baled wastes will be stored in rows that are only a single bale wide, therefore the stacking of the bales will generally only be 3 high (for safety reasons)'.* This was not the case whilst on site, with bales of plastic wastes filling the alcoves at the front of the building which we were advised were approximately 15 metres deep (width).

Action: the FPMP needs to be updated in line with the guidance to reflect the on-site activities and/or stockpiles brought in line with the current FPMP by the 22nd January 2021 .

There were recommendations set out in the FPMP, one of which was reviewed by NRW during the visit:

Creation of a fire logbook (will become part of site inspection sheets).	2	**Upon permit issue**

as advised by Simon Mitchell site manager who said this was still being produced. We were advised checks are made but we are unsure as to which checks are being made and how often as this could not be explained on site. There were some records which we were shown of thermal monitoring conducted by the site manager but these had not been done for a number of months (and this is not necessarily a requirement of the FPMP for new waste stockpiles).

Action: A Fire logbook should be put in place to ensure all daily checks to maintain compliance with the sites

FPMP are being completed with details of which are being recorded by the 22nd January 2021.

Other comments

FPMP

The stack heights of maximum 4 metres or 4 bales (whichever is less) appeared to be compliant across the site.

The FPMP states *'Concrete blocks are used at the rear of all waste stockpiles to prevent waste from touching the building walls'.* The back walls of some of the storage bays could not be viewed during the site inspection however photographs were provided upon request on the 7th December 2020 and 10th December . The photographs show concrete lego blocks on the back walls in line with this.

Site drainage

There is a 1000 litre underground sump from the impermeable surface serving the household waste transfer station. The manhole was lifted during the visit and it appeared to be almost empty. There was a pipe visible from the manhole which attaches to the tanker.

Waste transfer notes for the last 3 drainage removals were emailed upon request following the visit and paperwork was provided showing that Ok Environmental Services Ltd collected site drainage (3,000 litres), taken to Lamby way on the following dates:

16/11/2020

30/11/2020

02/12/2020.

Odour assessment reports

Copies of the odour assessment checks that are made on/off site were emailed following the visit upon request.

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.