

Compliance Assessment Report CAR_NRW0037366

Permit being assessed: RP3998FJ.

For: Jwb Recycling Ltd, held by JWB Recycling Ltd

At: Landow, Glamorgan, CF71 7PB.

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

On 24/11/2020 between 11:00 and 12:15.

Parts of permit assessed: Management and infrastructure

NRW Lead Officer: Loku Ranasinghe, accompanied by Laoni Tye.

Report sent to: Lee (Jake) Bremner, Site Manager/Director on 21/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	6.2.2

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
A1	Cease de-canning and treatment of catalytic converters.	21/01/2021
G4	Submit 2020 Waste Returns (January – December 2020) by the 31st January 2021	31/01/2021

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

CAR Comments

Weather- overcast and cold.

Officers Laoni Tye and Loku Ranasinghe attended site and met Site manager/director Mr Lee (Jake) Bremner Mrs Wendy Bremner on site.

Management and infrastructure were the main points covered by the site visit.

Jake mentioned that they are in the process of closing down the business and enquired about the surrender process. (See further advice below)

Had a tour around the site.

Walked through areas of storage, waste accepting bay/hall, and process areas.

Inspected the contents of the some of the closed containers.

Breaches

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(a1) Specified by Permit – Category 3 – Condition 1.1.1

The processing of cat converters is a contravention of the current permit which does not contain the R08 activity code under the above condition. This is required following the 2016/18 change in policy, which has been communicated to Jake in the 2018 inspection and the subsequent CAR form., along with the advice needed to make an application for permit variation.

Given the business will be permanently closed by March 2021 Jake has undertaken to follow the action points below in the interim. It is expected the remaining Cat Converters would be sold as whole.

Action: You must cease de-canning and treatment of catalytic converters.

(g4) Waste Returns – Category 4- Condition 6.2.2

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No waste returns have been submitted to NRW since 2018 and we mentioned this to Jake / Wendy.

I have attached below the spreadsheet for the waste returns which also contains the guidance.

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Link : <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste->

[management/operator-waste-return-and-deadlines-for-returns/?lang=en](https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/operator-waste-return-and-deadlines-for-returns/?lang=en)

Action – Submit 2020 Waste Returns (January – December 2020) by the 31st January 2021

Also ,

No consignment returns have been made to NRW(See below on Hazardous waste) .
Please see guidance below:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/completing-hazardous-waste-consignment-notes/?lang=en>

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Action Only

(b4) Containment of stored materials

Removed RCF - These are stored in drums (see photo) inside plastic bin bags. Jake is not sure what guage they are but said they are storing bags. We advised that these should be 1000gauge polythene bags, but for the current batch to have them double bagged (with 1000 gauge) rather than opening up the bin bags. We did not see any lying around in the open. We noted that the drums were stacked quite high and pointed out the H & S implications of this to Jake.

Action- Any remaining RCF material to be double bagged with 1000 gauge polythene.

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Other comments – No breaches

(c4) Storage, Handling, Labelling and Segregation

Front storage area - There were some unprocessed Cat converters in a metal cage/bin and separated other types of metals (copper wire etc).

Metal drums that Jake stated contained the salvaged precious metals from the Cat converters.

The rear storage building contained various separated fractions of waste including plastics (stripped wire, computers) and metals (cables, motors, radiators, components from power plant dismantling).

Handling- the de-caning station I served by a flexible extraction arm leading to a Nederman unit. This does not appear to vent externally which raised the potential H & S issue. However the Unit is not being used and will not be used under the circumstances. (See further advice below)

(c3) Waste Acceptance

Jake said their initial waste acceptance is based on experience (they know what they are allowed to accept) and anything they are not allowed to they reject and send straight back. Did not observe any wastes that were not mentioned in the working plan.

Scales are available at the reception hall.

(d1) Site security

Fenced in . Jake said he had a few issues in the past with theft, but no issues recently.

Hazardous Waste Legislation

We are considering our enforcement response to the following :

Directly Applicable Legislation – breaches

You are in breach of the Hazardous Waste (England and Wales) Regulations 2005, due to several actions or inactions including the following:

- Consignment Returns not submitted to NRW -required under Regulation 53
- Hazardous waste not consigned as such when leaving site- required under Regulation 34
- Not registered as a hazardous waste producer- required under Regulation 21

We have seen Duty of Care Returns with some of the transferred materials leaving the site as “ceramic catalytic converter”- under 16 01 18 which is incorrect.

Further Advice RE- Surrender

We have asked Jake to inform us when ready to surrender the permit and informed that he will need to make an application to our permitting team, who we will liaise with. Please find the relevant advice below. Also mentioned he is liable for the annual fees until surrender application is accepted. Also advised that he should start putting his paperwork together for the waste he is disposing of, as part of proof of his surrender.

Surrender advice

Advice on permit surrender applications can be found via our web site and the guidance pages

linked below:

This link will take you to the application forms you will need.

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

page 36 of How to Comply provides some advice that may assist:

<https://cdn.naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf?mode=pad&rnd=131467604540000000>

and Regulatory Guidance Note 9 (RGN9) details the information required to support your surrender application:

<http://naturalresources.wales/media/682295/rgn-9-surrender.pdf>

The cost for making your surrender application will be based on the sites OPRA score multiplied by £128. I have included a copy of the last OPRA spreadsheet we have on file to assist. However if this record does not reflect your sites current situation please use the blank spreadsheet attached to produce a new OPRA score.

Link to the charging scheme:

<https://cdn.naturalresources.wales/media/690044/environmental-permitting-charging-scheme-2019-20-final-new.pdf?mode=pad&rnd=132131926500000000>

If after reviewing these links above you feel you need assistance with your surrender application please feel free to contact us, please note we can provide up to 2 hours of free basic advice to help you understand what type of permit is required, how to apply, clarify guidance, sign post best practice and industry standards and identify environmental sensitivities in the area. If you require more detailed pre-application advice you can use our pre-application discretionary advice service which is charged for at our standard hourly rate plus VAT. More information is provided in the guidance linked below.

<https://cdn.cyfoethnaturiol.cymru/media/691712/environmental-permitting-charging-scheme-guide-2020-21.pdf>

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.