

Compliance Assessment Report CAR_NRW0037365

Permit being assessed: UP3495FT.

For: Fred Lloyd & Sons Ltd, held by Fred Lloyd & Sons Ltd

At: New Inn, Pontypool, Gwent, NP4 0TW.

Type of assessment carried out: Audit, Reason: Routine.

On 20/01/2021.

Parts of permit assessed: G

NRW Lead Officer: Greg Gardner.

Report sent to: Oliver Hazell, Technically Competent Manager on 12/02/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
G4	Please submit your outstanding waste Returns documents (2020) to NRW for review by 1 March 2021.	01/03/2021

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This is a desk-based audit of the 2020 Waste Return submissions for Fred Lloyd & Sons located at Stricks Works, Polo Grounds Industrial Estate, New Inn, Pontypool, Gwent, NP4

OTW, permit number, EPR-FP3995FM, conducted by Officer Gregory Gardner on 21st January 2021.

To remind the operator, following each assessment Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the people/property/environment
- 2 - Significant impact on 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

PERMIT COMPLIANCE

The site is permitted to accept a total annual through put of 75,000 tonnes per annum and is currently up to date with all of 2019's waste return data submissions. The site has declared that it accepted approximately 10,400 tonnes through the 2019 period; this is within the allowance therefore no breaches have been identified however it has failed to submit its 2020 waste return data on time.

CATEGORY 4 BREACH

G4 – Reporting and notification to Natural Resources Wales

Waste returns - Condition 4.2.2:

“Within one month of the end of each quarter/the year, the operator shall submit 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”.

The operator has failed to submit its 2020 Waste Return document. It is essential to submit your Returns data to NRW on-time to allow us to assess your waste inputs and outputs, even if for a null-return. Operators have a one-month grace period to submit quarterly/annual returns:

ANNUAL RETURN PERIOD	DEADLINE
1st January to 31st December	31st January of the following year

Action

Please submit your outstanding Waste Returns documents (2020) to NRW for review by 1st March 2021.

More information on Waste Returns can be found on our website:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

2019 Annual Waste Returns

The site submitted its 2020 Quarter 1 waste return data on 17th February 2020 declaring that 10,363.79 tonnes were accepted, and 13,615 tonnes were removed. All the mandatory sections within section 2 have been completed in full.

Of the 10,363.79 tonnes of material accepted to site, 3,020.14 tonnes consisted of various scrap steel waste streams which has been coded as **19 12 02**. 930.29 tonnes of scrap alloy wheels were removed which were coded as **16 01 18**. The vast majority of the remainder of the waste accepted consisted of various different types of ELV (End-of-Life Vehicle) parts such as disc brakes, batteries and engines.

13,615 tonnes of material were removed from site which 5,028.97 tonnes consisted of ferrous materials removed from bottom ash which has been coded as **19 01 02**. 5,189.18 tonnes were classified under the EWC (European Waste Catalogue) code of **16** which involves the dismantling of ELV's.

All of the disposal or recovery codes are **D15** - Temporary storage of waste pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is, with the wastes being correctly coded predominately under the 16, 17 and 19 EWC codes which constitutes:

- 16 - End-of-life vehicles from different means of transport (including off-road machinery) and wastes from dismantling of end-of-life vehicles and vehicle maintenance (except 13, 14, 16 06 and 16 08)
- 17 - Construction and demolition wastes (including excavated soil from contaminated sites)
- 19 - Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use

The large majority of recyclable waste was sent to Newport Borough Council with some of the large remaining quantities transported to Cardiff and Bristol County Borough Council.

Any hazardous waste was disposed of correctly to the relevant local authorities.

To ensure that future waste returns are not submitted late, site management will need to put in place measures to ensure that the return data is submitted diligently annual and by 31st January of the following year. This can be done by setting calendar reminders or getting a consultant (if available) to submit the business' data. If continued non-compliance persists, NRW can escalate breaches which would ultimately affect your compliance score going forward.

ANNUAL RETURN PERIOD	DEADLINE
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	1st January to 31st December	31st January of the following year	
<u>2020 Annual Waste Returns</u> According to NRW records, the site has yet to submit its annual 2020 waste returns data. As per the permit compliance section above, this outstanding waste return data must be submitted to NRW for review by 1st March 2021. If you have any issues with this report please contact Greg Gardner on greg.gardner@naturalresourceswales.gov.uk I look forward to working with the site in 2021. Thank you. <i>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</i>			

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.