Compliance Assessment Report

Report ID: CAR_NRW0033587

This form will report compliance with your permit as determined by an NRW officer					
Site	Project Yellow Recycling	Permit Ref	AB3298HZ		
Operator/Permit holder	Project Yellow Recycling Limited				
Regime	Waste Operations				
Date of assessment	08/06/2018	Time in	10:00	Out	11:15
Assessment type	Site Inspection				
Parts of the permit assessed	Operational area				
Lead officer's name	Tye, Laoni				
Accompanied by					
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	19/07/2018		

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**
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1

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	**2**	**Total compliance score** (see section 5 for scoring scheme)	8

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

Environment officer Laoni Tye visited site on the 8th June 2018 and met with site TCM Gareth Danter-Hill. The weather was mild and damp at the time of the visit and it had been raining previously. It was a planned, announced visit to conduct a general inspection with a focus on dust and noise management. There were breaches recorded which are outlined below and were discussed during the visit. There have also been several improvements which was good to see.

Breaches

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

Condition 2.3.1 states that the activities, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in Schedule 1 table S1.2, unless otherwise agreed in writing by NRW.

There are a few areas of the Environment management system 968_01 (EMS) relating to site drainage that are not currently being complied with:

Section 2.3 site engineering identifies that during heavy rain there is a risk that suspended solids will be carried away in the rainwater. It says that French drains collect the water which runs into a storage pond through a 50mm steel orifice. Designed to control the volume of water entering the settlement pond. It says water will be sufficiently slow to ensure any solids drop to the bottom. It says clean water then passes over the top of a level weir, approx. 10 metres long into a pipe to the existing system on the western end of the site. A screen will be fitted to the outlet.

The drainage on site does not appear to be in line with this. There is a storage pond which serves part of the site, it runs through the middle of the site. The storage pond is connected via a plastic pipe to a settlement pond which then passes through a short pipe into a second settlement pond, before being discharged out of a pipe then down stone steps into the watercourse. There is no level weir that the water passes over and there was no filter on the pipe. The second settlement pond contained a lot of suspended solids and since there was no further treatment after this point, it is reasonably foreseeable that these solids would be/are being discharged into the watercourse. There did appear to be silt visible in the watercourse at the discharge point. This is concerning especially given that the weather had been reasonably dry up until a couple of days previously and expect this will be a lot worst during the winter.

Action: It was agreed on site that this system was not adequate and would need to be improved. Therefore, please come up with a plan as to how this system will be improved. All changes should be put in writing to NRW and then updated within the document ref: 968_01.

Section 10.1 of the EMS states that should the discharge not be free of suspended solids then the outfall to the weir to the pond will be fitted with filter materials (such as straw).

This had not been actioned on site at the time of the visit, however it was discussed and suggested by yourselves and there were plans to put this in place whilst other improvements were made.

It also states that the discharge to the river from the settling pond is monitored on a daily basis. We were not fully satisfied that this is being done as there did not appear to be the level of evidence we would expect (folder with all completed check lists) on site. We could see that they had been completed previously but there were no recent ones observed. There were however maintenance checklists for plant and machinery, completed daily, which was good to see.

Action: Please ensure the daily and weekly checks regarding the infrastructure are being made and documented. Any non-conformance should be documented and actioned.

The root cause of the breaches above can be considered a breach under C2-management which is scored below.

C2 – Management systems. Category 3 breach.
Condition 1.1.1 states that the operator shall manage and operate the activities:

a. 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 compliants'

There does not appear to be regular daily checks being completed on site and/or they are not getting properly documented.

The site infrastructure is not in line with that set out in the EMS and there are improvements that need to be made to ensure that all risks are being managed.

This is being scored as the root cause for the breaches outlined under B3 – Site drainage, above.

Additional comments

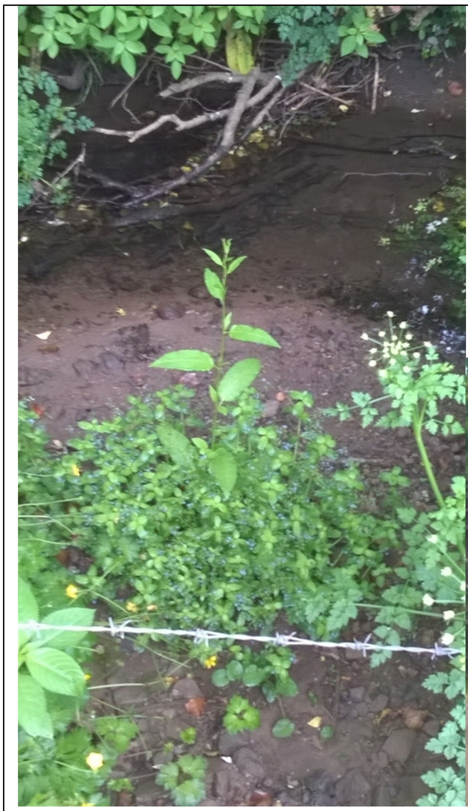
Noise has been discussed leading up to the site visit and during the inspection. There have been numerous improvements which are outlined below:

- There are warning signs to remind site personnel not to bang tailgates and to respect neighbours
- Toolbox talks are provided with a focus on noise and ways to reduce it further
- Plant has been upgraded so that belts, sieves and meshes have been replaced with rubber (previously steel). This has greatly assisted in reducing the noise and feedback from complainant's has confirmed this.
- Trees have been planted along the boundary which should assist with both noise and dust control in the longer term.

Dust

There were no dust issues witnessed at the time of the visit, however, as stated the weather was damp and had been raining. We were advised that tankers of water come to site approximately 3 times a day to dampen piles as well as the track leading down to the site. This can cause issues with mud however. Please continue to monitor any dust issues and implement any improvements as required. We will conduct another visit on a drier day to assess as discussed during the visit.

Photographs



Any questions or comments please get in touch.
Many thanks

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.

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			
C2	C3	See comments in body of CAR form	01/10/2018
B3	C3	See comments in body of CAR form	01/10/2018

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.