

Compliance Assessment Report CAR_NRW0038644

Permit being assessed: EP3230BW.

For: Rassau Recycling Facility, held by Envirowales Ltd

At: Envirowales Ltd, Plateaux 1-2 Rassau Industrial Estate, Rassau, Ebbw Vale, Blaenau Gwent, NP23 5SD.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 01/06/2021 - 19/08/2021.

Parts of permit assessed: 1. General; 4. Reporting; 5. Notifications

NRW Lead Officer: Wayne Grimstead.

Report sent to: Brian Kelly, EHS Director on 19/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1(a) - Management systems
E4 - Emissions - Sewer	C4 No impact	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3 Notifications

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

Total number of non-compliances recorded	Total non-compliance score
3	4.2

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	Envirowales to provide documentary evidence that staff training in the reporting of permit breaches has been completed.	29/10/2021
C2	See Action 2.	29/10/2021
E4	Improve operations.	27/08/2021
G4	See Action 2.	29/10/2021

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

NRW informed Envirowales in a CAR form dated 17th May, 2021, reference NRW0037918, that the annual assessment of its S1 returns (2020) was being delayed allowing the operator time to review its weekly sampling results for biological oxygen demand (BOD).

The point source for S1 in this permit is the site effluent treatment plant taking process waters from site process operations, also, foul sewage from amenity areas. The monitoring frequency is weekly and period for reporting is every 12 months with a need to record the highest value.

In line with the request from NRW, the Operator reviewed its weekly monitoring results for S1 (2020) and submitted the additional data on 1st June, 2021.

The information received shows that the Emission Limit Value (ELV) for BOD, which is set as 10mg/l in both Schedules 3a and 3b of this permit, was breached on 4 occasions throughout 2020. The minimum breach was 30% higher than the permitted ELV and the maximum 90%.

Date	08/04/2020	09/07/2020	31/07/2020	13/08/2020
Parameter	BOD	BOD	BOD	BOD
ELV	10mg/l	10mg/l	10mg/l	10mg/l
Result	19	13	14	18

In light of this new information, NRW notes that the 2020 S1 return has been completed incorrectly in that the 18mg/l 'result' for BOD, which was recorded on the 4th September 2020 and NRW previously notified of, is lower than the result of 19mg/l recorded on 8th April, 2020. The Operator is reminded that the 'result' provided in the S1 return should be the maximum value obtained during the reporting period. Failure to provide the correct 'result' in the S1 form has resulted in a CCS Category 4 non-compliance being recorded.

Action 1: The operator to update and return the S1 form (2020) to reflect the highest exceedance of BOD during that period.

Due date: 27th August, 2021

Notwithstanding the need to amend the S1 return for 2020, the operator is reminded that each of the 4 non-reported results contravene condition 3.1.2 of the permit, which states: *'The limits given in Schedule 3 shall not be exceeded.'*

Where a weekly sample is found to have breached the respective ELV and despite the S1 reporting period being every 12 months, the operator has a duty to notify NRW. To this end, condition 4.1.3 (b) is of relevance, which states: *'in the event of a breach of any permit condition the operator must immediately —*

- i) inform Natural Resources Wales, and*
- ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;'*

Further, condition 4.3.2 of the permit states: *'Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.'*

As a result of the number of exceedances to S1 during 2020 and the failure to inform, complete and return Schedule 5 notifications to NRW for each one, it is considered appropriate to issue several non compliances.

Action 2: In order to improve operations, the operator shall carry out a review of its point source emissions monitoring returns protocol to ensure that any future returns and non compliances are recorded and reported to NRW in accordance with the requirements of the permit. The operator shall provide a copy of this protocol to NRW upon completion of the review.

In addition, Envirowales to provide documentary evidence that staff training in the reporting of permit breaches has been completed.

Due date: 29th October, 2021.

S1 Monitoring – 2021

Notwithstanding the exceedances of BOD in 2020, the Operator notified NRW via email on 21st June, 2021, of a further breach of their ELV. The result of 17mg/l against a limit of 10mg/l has resulted in a CCS Category 4 non-compliance being recorded.

Whilst NRW welcomes the slightly improved notification procedure, the Schedule 5 Notification was still not properly followed. This document was completed and returned on 27th July, and specifies the date of detection as 9th June. It is hoped that upon completion of Action 2 above, any future exceedances will be recorded and reported to NRW in accordance with the requirements of the permit.

End.

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.