

## Compliance Assessment Report CAR\_NRW0038561

**Permit being assessed:** AB3097HG.

For: Unit 1- Crugmore Farm, held by M D Recycling Limited

At: Crugmore Farm, Penparc, Cardigan, Ceredigion, SA43 1RD.

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

On 28/07/2021 between 09:00 and 17:00.

Parts of permit assessed: All

**NRW Lead Officer:** Malcolm Dines, accompanied by Bethan Lewis.

**Report sent to:** Marc Davies, Owner/Operator on 05/10/2021.

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

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition |
|----------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| B1 - Infrastructure - Engineering for prevention and control of emissions                                      | Assessed (A)      |                  |
| B3 - Infrastructure - Site drainage engineering (clean and foul)                                               | Assessed (A)      |                  |
| B4 - Infrastructure - Containment of stored materials                                                          | Assessed (A)      |                  |
| C2 - General Management - Management system and operating procedures                                           | Assessed (A)      |                  |
| C3 - General Management - Materials acceptance                                                                 | Assessed (A)      |                  |
| C4 - General Management - Storage, handling labelling and Segregation                                          | Assessed (A)      |                  |
| E1 - Emissions - Air                                                                                           | Assessed (A)      |                  |
| F1 - Amenity - Odour                                                                                           | Assessed (A)      |                  |
| F3 - Amenity - Dust/fibres/particulates and litter                                                             | Assessed (A)      |                  |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment               | Assessed (A)      |                  |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events        | Assessed (A)      |                  |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | Assessed (A)      |                  |

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

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 0                                        | 0                          |

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?

No action required.

## 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

Malcolm Dines, accompanied by Bethan Lewis for training purposes, met with Marc and Stephanie Davies of M D Recycling Ltd to carry out the compliance visit. The purpose of the visit was to review the monitoring records and PAS100 accreditation for the composting process, to review progress with the Waste Recovery Activity and ensure the aggregate recycling activity was compliant with the permit.

### Composting Activity

Monitoring records were reviewed at the site and all records were complete, separated into the different batches of compost. All PAS100 compliance records were available for review and were linked to the separate customer accounts for the use of the non-waste final product. These records were well ordered and up-to-date and M D Recycling is accredited for the production of PAS100 compliant compost. The third-party auditors of the PAS100 process take into account the end-use of the product as part of the accreditation process. Any concerns raised through the audit have to be addressed satisfactorily by M D Recycling Ltd before the accreditation is signed-off.

On-site the composting process was inspected. There was no evidence of inappropriate materials being accepted into the composting process. There is the usual small-scale contamination of the green waste with plastics and glass. However M D Recycling Ltd have improved their waste acceptance process now and feel that contamination is being minimised through education and their auditing of suppliers, via dialogue and visiting the suppliers sites.

### Waste Recovery Activity

While viewing the extent of the waste recovery activity it became clear that you have extended the south west corner of this activity a significant distance outside the boundary of the permit. At the time we discussed that this was the area where the settlement lagoons were to be situated however, following review of the permit it is clear that this area was never included in the permit boundary. As this is in relation to the Waste Recovery Activity, this is not considered to be a breach of the permit but an illegal deposit of waste. As such the extension of the pad outside the permit boundary will be dealt with through NRW's Enforcement and Prosecution policy.

On-site we discussed that you are considering varying the permit to expand the permitted area, Please note that you will not be able to vary the permit to include the extended area as described above. It is not possible to carry out a retrospective determination of a waste recovery activity - hence why this is now considered to be an illegal waste deposit.

One option you would have is to remove the material that has been illegally deposited outside the permit boundary. You may then be able to include this area in any subsequent permit variation as a recovery activity. However, please note that the rules regarding the deposit of waste as a Waste Recovery Activity have changed since your permit was issued and there is no guarantee that just because you already have a permitted waste recovery activity any additional application will be granted.

Please also submit a summary of the amount of waste that you have accepted into the Waste Recovery Activity before 1st December 2021.

#### Aggregate Production

This is carried out to a factory production standard. There was no further assessment of the Aggregate Production activity.

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](mailto: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](mailto: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.