

Compliance Assessment Report

Report ID:
CAR_NRW0034115

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	24/07/2018	Time in	16:00	Out	17:00
Assessment type	Site Inspection				
Parts of the permit assessed	Emissions				
Lead officer's name	Tye, Laoni				
Accompanied by					
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	29/10/2018		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1
F2 - Amenity - Noise	C3	3.3.1
F3 - Amenity - Dust/fibres/particulates and litter	C3	3.1.1

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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 24th July 2018 in response to an incident notification from a member of the public of excessive dust and noise coming from the site. An assessment was made outside of the site boundary where dust and noise were both witnessed, before heading onto site. There were breaches recorded for both dust and noise outside of the site boundary. Darren Simpson, site manager met me on site to discuss the concerns and acknowledged the breaches at the time of the visit. The weather was warm and dry after a prolonged period of dry weather. Details of the visit are below.

Breaches

F2 – Amenity – Noise. Category 3 breach.

Condition 3.3.1 states that 'Emissions from the activities shall be free from noise and vibration levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

3.3.2 The operator shall:

- a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside of the site due to noise and vibration, submit to Natural Resources Wales for approval within the period specified, a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration;
- b) implement the approved noise and vibration management plan from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

The sound of machinery could be heard outside of the site boundary and was impacting upon nearby receptors. The sounds could be heard to the North East of the site adjacent to a residential drive way and could also be heard clearly at the top (south) of the site outside of the boundary. The incident was therefore confirmed as substantiated for noise issues.

When on site the matter was discussed with Darren who showed me around site, we identified and agreed that the crusher in use at that time was particularly noisy. We were advised that the newer (quieter) crusher had been taken off site as it had been required elsewhere. Darren decided to turn off the machinery for the rest of the day and was going to discuss the matter with the director to get improvements in place.

Actions: Please submit a noise management plan to NRW for our consideration. This should as a minimum identify sources of noise, nearby receptors and pathways and how the noise can be mitigated, along with regular on-site monitoring and complaints procedures. **Please submit this to us by the 26th November 2018.**

Please follow the link to guidance on the Environment Agency (.gov) website for advice and guidance to assist:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/298126/LIT_8291_337647.pdf

Other comments on noise

We understand that numerous improvements have been made on site to assist in reducing noise levels, which has been advised on site and via email. These measures include tree planting, staff training and updating machinery. Please include these, along with any additional mitigation measures within the management plan.

We are currently investigating other sources of noise within the area which may be coming from different activities not relating to project Yellow. This is a hydraulic hammer and drilling type of sound which does not reflect activities at Project Yellow. Please continue to monitor noise on site and record your findings, reporting to NRW should issues be detected.

F3 – Amenity – Dust. Category 3 breach.

Condition 3.1.1 states that 'Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where is not practicable, to minimise, those emissions.

3.1.2. The operator shall:

a) if notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions not controlled by emissions limits;

b) implement the approved emissions management plan from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

Dust could be seen outside of the site boundary to the North of the site. The vegetation surrounding the site to the North and North East was thick in dust and was covering trees at approximately 10-15 metres from the site boundary. Dust clouds could be seen coming off the site and could be seen settling. The amount of dust that had accumulated on the trees and vegetation suggests that this had been ongoing for some time. This is being scored a category 3 in line with our guidance as minor impact on amenity value and air quality.

Whilst driving down to site you could see thick dust clouds coming from the crusher which was in operation. The dust was heading in a North Easterly direction. There was a tanker on site adjacent to the crusher and there was de-misting equipment in use. This however was not effective, and dust could be clearly seen heading towards the boundary and leaving site. Darren explained that it had been difficult to control due to the dry weather and the type of waste that was getting crushed was particularly dusty. Additional control measures will need to be investigated to ensure that these issues do not arise again.

Action: Please submit an emissions management plan for dust to NRW for review.

Other comments on dust

The trees adjacent to the watercourse, on the opposite side of the small stream were also covered in dust. The stream looked very murky and it is reasonably foreseeable that the dust could settle in the stream and impact upon the watercourse. You have not been breached for this but is something that should be identified as a potential receptor in terms of dust management.

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 complaints'

We understand that there some mitigation measures in place for the dust but unfortunately these were not working. It was clear that the dust and noise were likely causing a problem, both of which were

identified on site but the operations continued without improvements being put into place. Non-compliances once identified should be recorded and action taken to resolve the issues, as identified within your EMS.

Action: We are requesting noise and dust management plans, as outlined above, to be submitted to NRW.

Photographs



Photo shows one leaf cleaned with water in comparison to other leaves. Photo taken to the NE of the site.



Photographs showing dust on leaves, N/NE of site.



Dust seen coming from the crusher.



The crusher closed down, evidence of water tanker on site and de-misting equipment.



Watercourse to the North of the site appeared murky and visible suspended solids.

If you have any questions please get in touch with your regulatory officer.

EPR Compliance Assessment Report

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Operator/Permit holder	Project Yellow Recycling Limited	Date	24/07/2018

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
F3	C3	Emissions management plan to be submitted	27/01/2019
F2	C3	Noise management plan to be submitted	26/11/2018
C2	C3	Noise and emissions management plans to be submitted	26/11/2018

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.