

Compliance Assessment Report CAR_NRW0039168

Permit being assessed: QP3198FU.

For: Rheidol Recycling Park, held by C B Environmental Ltd

At: Glan-yr-afon Ind Est, Aberystwyth, Ceredigion, SY23 3JQ.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 13/10/2021 between 12:00 and 14:00.

Parts of permit assessed: All parts

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

Report sent to: Pete Malvern, TCM on 17/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C2 - General Management - Management system and operating procedures	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
B4	Ensure all undepolluted ELVs area stored on impermeable pavement with sealed drainage	01/03/2022
C4	Ensure that there is an adequate fire break between the wood waste stockpile and the ELV building taking into account the recommendations set out in Guidance Note 16 - Fire Prevention and Mitigation Plan Guidance.	01/04/2022
C2	Update EMS to take into account requirements on page 36 of "How to Comply with your Environmental Permit" regarding minimising fire risk and also Guidance Note 16 - Fire Prevention and Mitigation Plan Guidance. And also the review sections relating to the storage of undepolluted ELVs	01/04/2022

Criteria	Action needed	Complete by
C2	Ensure that the TCM is in a position to direct activities on-site and that if anyone else is directing activities then they have the appropriate qualifications. Please ensure that the site is adequately staffed so that the TCM is not operating the weighbridge. Update your EMS to reflect these requirements	01/04/2022

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 was a routine compliance visit carried out by Malcolm Dines and Bethan Lewis, who met with Pete Malvern the Technically Competent Manager (TCM) for the site and whom accompanied us around the site. The weather was overcast but dry, all areas of site were viewed in order to allow Bethan Lewis to understand the site and how it operated. Compliance was focused on wood waste and the drying of wastes.

Permit Breaches

B4 - Containment of Stored Materials - Cat 3; Permit Condition 2.1.1

You have been given this category 3 breach under the above condition because during our inspection it was observed that there were several End-of-Life Vehicles (ELV's) stored on the unmade area of the yard, for which you accepted that they shouldn't have been stored there.



Permit condition 2.1.1 requires you to operate in accordance with the activities set out in Table 1.2 which states for the Vehicle depollution and dismantling, "All wastes must be stored on impermeable pavement with sealed drainage". There was no evidence that this breach had caused any serious environmental harm, but as these vehicles had not been depolluted it is reasonably foreseeable that liquids could escape from them causing a minor environmental impact.

A Category 3 breach of permit condition 2.1.1 has been scored.

Actions – Ensure that undepolluted ELVs are stored on impermeable pavement with sealed drainage. This is not the first time that you have been scored for not storing ELVs on .

A deadline of 1st April 2022 has been specified for these actions to be completed.

C4 - Storage, Handling, Labelling and Segregation - Cat 3; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because during our inspection it was observed that There was a significant quantity of wood waste stored on the main yard in front of the End-of-Life Vehicle (ELV) shed, with more wood waste being delivered while we were on-site. You explained that once the wood chip bay at the rear of the site was clear, at least half of the current wood waste stockpile on the main yard would be shredded. Although the planned site operations would reduce the size of the stockpile, it

was still of an unacceptable size and there were insufficient gaps between the stockpile and site buildings.



Permit condition 2.3.1 requires you to operate your site in accordance with the techniques set out in Table 1.2. This requires you to operate in accordance with the NRW document "How to Comply with your Environmental Permit" and page 36 of this document states that, *"you must ensure you have measures to prevent fires such as fire breaks and maximum storage quantities"*

Currently there is little or no fire break between the wood waste stockpile and the ELV building and you have not specified a maximum storage capacity for wood wastes within your EMS.

A Category 3 breach of permit condition 2.3.1 has been scored.

Actions – Ensure that there is an adequate fire break between the wood waste stockpile and the ELV building taking into account the recommendations set out in Guidance Note 16 - Fire Prevention and Mitigation Plan Guidance.

A deadline of 1st April 2022 has been specified for these actions to be completed.

C2 - Management System and Operating Procedures - Cat 3; Permit Condition 1.1.1

You have been given this category 3 breach under the above condition as the root cause of both the breach of permit condition 2.1.1 for not storing undepolluted ELVs on impermeable pavement with sealed drainage as well as the breach of permit condition 2.3.1, the excess stockpile of wood waste.

The breach of permit condition 2.1.1 is not the first time that you have stored undepolluted ELVs on areas of the site without the required impermeable pavement and sealed drainage. This indicates that, irrespective of whether or not the EMS is adequate and specifies that undepolluted ELVs must only be stored on areas of the site with impermeable pavement and sealed drainage, you are not following either the permit or your own operating instructions.

The root cause of the breach of permit condition 2.3.1 is due to an inadequate EMS that does not specify maximum storage capacity for wood waste or fire breaks in the stockpile that has resulting in the storage of large volumes of waste on site. Permit condition 1.1.1 requires you to, "manage and operate the activities: in accordance with a written management system that identifies and minimises risks of pollution..."

Although your permit does not require you to have a Fire Prevention and Mitigation Plan, your permit requires that your EMS identifies and minimises the risk of pollution, including from fires. You explained, during the compliance visit, that there are alternative outlets for the wood waste however, there is nothing in the Environmental Management System (EMS) for the site detailing these contingency plans, nor what an appropriate size stockpile would be for the site. Currently your EMS does not detail what the appropriate size and location is for a stockpile at your site and does not contain any contingency plans detailing what is to be done with wood waste when the site storage is full.

It is also considered that storing

A root cause Category 3 breach of permit condition 1.1.1 has been scored.

Actions – Update and submit to NRW, the relevant sections of the site EMS to detail how you will minimise or prevent pollution to the environment from fires: specifying what the appropriate size and location is for a stockpile at your site and including contingency plans for wood waste when the site storage is full. You must also liaise with the Fire and Rescue Service with regards the storage of wood waste at this site. You must also review and update the EMS in relation to the storage of undepolluted ELVs and the wider issue of site storage and waste acceptance considering the amount of space the wood waste pile takes up on the yard where there is impermeable pavement and sealed drainage.

A deadline of 1st April 2022 has been specified for these actions to be completed.

C2 - Management System and Operating Procedures - Cat 3; Permit Condition 1.1.1

During previous compliance visits to your site it has been noted that as well as the being the TCM, Pete Malvern is also the weighbridge operator for the site. As such, compliance visits were frequently interrupted by the need to weigh vehicles in and out of the site and at

times Mr. Malvern has not been able to accompany NRW Officers onto the site.

Page 37 of "How to comply with your environmental permit" provides guidance for the site attendance of technically competent managers. This states that, *"The technically competent manager must be in a position to direct activities on the site"*.

NRW do not consider that as Mr. Malvern is also required to operate the weighbridge and therefore spend most of his time in the weighbridge office, he is not in a position to direct activities on-site. It also appears that at present, it is not currently part of Mr. Malvern's role to direct activities on-site when it is operational, if such decisions are being taken by someone else, then that person must hold an appropriate competence qualification.

Permit condition 1.1.1(b) requires that the site is operated, "using sufficient competent persons and resources" therefore, due to Mr Malvern being the weighbridge operator as well as the TCM, NRW consider that your site is not sufficiently staffed.

Please update your EMS to ensure the roles of each member of staff is set out clearly as required including the role of the TCM and the directors. It is our understanding the site operator is in the process of recruiting a weighbridge operator. Once this has been done it will be expected that Pete Malvern - as the only appropriately qualified person at Rheidol Recycling Park will be in a position to direct activities on-site.

Page 26 of "How to comply with your environmental permit", states that, "You must have enough trained and competent staff or an appropriate maintenance contract, to manage and operate your site to ensure you comply with your permit" and that this must be written into your management system. In addition, page 36 requires that your staff have clearly defined roles and responsibilities and that this is set out in your management system. Please ensure that the roles of the TCM and the weighbridge operator are separated and that your management system contains the following information on staff capability if relevant to your activities and where the relevant records are held:

- evidence you have enough staff to run the site
- list the roles and responsibilities of all your staff
- a list of the skills and training your staff need
- a general training record for each staff member
- evidence staff are trained in aspects that can lead to pollution and the measures to be taken to prevent that pollution
- evidence staff are trained to deal with accidents
- evidence staff are aware of your responsibilities under your permit
- records of staff training for key equipment and plant
- who is qualified and competent to operate machinery and provide them with safe operating instructions for that equipment or activity
- appropriate induction training for site visitors or temporary contractors.

If subsequent compliance visits identifies that the issue of staffing at the site and the role of TCM has not been clarified as set out above, NRW will consider this to be a breach of permit. This is especially relevant where NRW have identified repeated breaches of permit relating to a lack of space for waste storage where it is required to be stored on impermeable pavement with sealed drainage.

Other general observations/comments

Currently Aber Heat and Power Ltd, a sister company of C B Environmental Ltd, operate a biomass boiler under a Schedule 13 Permit issued by Ceredigion County Council. This boiler is located in the rear of the Waste Transfer Building and therefore within the boundary of this permit. Heat from the biomass boiler is transported through ducting to three large bins immediately to the west of the Waste Transfer Building where the heat is fed into the skips and is used to dry wastes such as mattresses and plasterboard. Mr. Malvern stated that this is done in order to allow mattresses to be recycled as wet mattresses have to go to landfill. It also reduces transport costs and gate fees due to lower weight. In addition to the drying skips, wastes are also dried inside the boiler room. NRW understand that the drying is a listed activity in your Schedule 13 permit for the Biomass Boiler and that, in order to comply with the Waste Duty of Care, the wastes are "transferred" to Aber Heat and Power Ltd for drying and then "transferred" back to C B Environmental Ltd for bulking and onward transport. This environmental permit does not include the heat treatment or drying of wastes as an authorised activity. NRW have concerns that the heat treatment and/or drying of wastes is not a waste treatment activity that can be authorised by a Schedule 13 Permit and that this activity must be authorised by an Environmental Permit issued by NRW. At present NRW accept that you believe you are carrying out this activity legally in accordance with a permit issued to you by a regulating authority. NRW will be looking into the permitting of such activities to ensure that these activities are correctly regulated under the Environmental Permitting Regulations 2016 (as amended) and will advise you of the outcome of these discussions.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.