

Compliance Assessment Report CAR_NRW0039177

Permit being assessed: AB3493CS.

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

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

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

On 09/12/2021 between 14:30 and 16:30.

Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard.

Report sent to: Marc Davies, Director on 18/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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
A1	Ensure that all wastes are stored within the permit boundary	01/03/2022
C4	Ensure that all wastes are stored and treated inside the building	31/03/2022
C2	Ensure that you operate in accordance with your EMS and that the EMS is review and, if necessary, revised to ensure that exempt activities are not undertaken within the permit boundary	01/05/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 and Jeremy Goddard met on-site with Company Director and TCM Marc Davies. The weather was dry and bright.

This was an unannounced routine compliance visit carried out by Malcolm Dines and Jeremy Goddard who met with Marc Davies (Director of M D Recycling Ltd and site TCM). The site visit was carried out unaccompanied. The weather was dry and bright.

Permit Breaches

A1 - Specified by Permit - Cat 3: Permit Condition 2.4.1

You have been given this category 3 breach under the above condition because during our inspection it was observed that wastes were being stored outside the permit boundary.

A Category 3 breach of permit condition 2.4.1 has been scored.

Actions – Ensure that all wastes relating to this permit are stored within the permit boundary at all times. You may need to consider installing marker posts or similar in order to clearly identify the site boundary and prevent this happening again the future.

A deadline of 31st March 2022 has been specified for this action to be completed.

C4 - Storage, Handling, Labelling and Segregation - Cat 3: Permit Condition 2.1.1

You have been given this category 3 breach under the above condition because during the compliance visit it there were significant quantities of wastes being stored outside the waste transfer building. Your permit does not allow any wastes other than "specified wastes" to be stored outside the building and none of the wastes being stored outside the building are listed as "specified wastes" on your permit. Most, if not all, of the concrete pad was taken up by wood waste. Although this is a permitted waste type, it is not specified waste and so must not be stored outside the building.

A Category 3 breach of permit condition 2.1.1 has been scored

Actions – Ensure that all wastes, other than "specified wastes" are stored and treated inside a building

A deadline of 1st March 2022 has been specified for this action to be completed.

C2 - Management system and operating procedures - Cat 3: Permit Condition 1.1.1

You have been given this root cause category 3 breach under the above condition because

it is clear that your waste transfer operations have outgrown the existing transfer building as the building was full and you were storing some wastes in skips outside. This shows that you have not been following your EMS as you have accepted more waste than you can handle. This is indicative that you do not have effective management controls such as: limiting the amount of waste that you accept onto the site, or insufficient staffing to process the wastes quickly enough.

A Category 3 breach of permit condition 1.1.1 has been scored

Actions – Ensure that you operate in accordance with your EMS and that the EMS is review and, if necessary, revised to ensure that you do not accept more wastes that the site can handle while still complying with your permit. You must also review the EMS in regards to how you carry out exempt activities at the site. The wood waste stored on the concrete pad is a permitted waste type under the permit, but it can not be stored outside and your permit does not authorise the shredding of wood waste. It was also stored in a way that does not meet the requirements of the latest Fire Prevention and Mitigation Plan guidance as there were no fire breaks and no gap between the building and the stockpile. You must decide, and update your EMS to reflect this decision, whether the wood waste activity is being carried out under this permit or an exemption. However, please note that the types of wood within the stockpile did not comply with the exempt criteria. Please ensure that the exempt wood waste activity is moved to an area of the site that is distinct from the permit and that it is clearly defined both on the ground and in your EMS.

A deadline of 1st May 2022 has been specified for this action to be completed.

Other general observations/comments

Your Fire Prevention and Mitigation Plan will be reviewed as part of our 2022 compliance work for the site

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.