

Compliance Assessment Report

Report ID:
CAR_NRW0034571

This form will report compliance with your permit as determined by an NRW officer

Site	Riverside Garage	Permit Ref	EB3433RE			
Operator/Permit holder	Grant Haines					
Regime	Waste Operations					
Date of assessment	18/01/2019	Time in	11:00	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Part of permit assessed					
Lead officer's name	Coleman, Craig					
Accompanied by	Tye, Laoni					
Recipient's name/position	Anthony Haines/ Director	Date issued	07/02/2019			

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	Permit Condition 2.1.2
C2 - General Management - Management system and operating procedures	C2	1.1.1
D1 - Incident Management - Site security	C2	Permit Condition 3.2.1, Table 3.2
F3 - Amenity - Dust/fibres/particulates and litter	C3	Permit Condition 6.5.2

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	4	Total compliance score (see section 5 for scoring scheme)	97
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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

NAG Recycling Site Visit Crosskeys (EPR/EB3433RE) – 18/01/2019

Environment officers Craig Coleman & Laoni Tye attended the NAG Recycling facility at Crosskeys on 18/01/2019 to conduct a site handover and inspection. The site visit was a follow up to the visit performed by James Malatynski on 10/08/2018 to assess the levels of waste material currently on site and if any progress had been made in reducing the sites waste quantities to complicit levels. Anthony Haines, a company director met us on site and showed us around the facility. The weather at the time of the visit was cold (~3°C) and damp, with light showers. Please note, an additional visit was made on the 4th February 2019 in order to serve a regulation 37 suspension notice. The site was not inspected although photographs were taken.

(B3) Site drainage engineering (Clean and Foul): Permit Condition 2.1.2 – Category 2 breach



A Category 2 breach has been scored against this condition.

Permit Condition 2.1.2: "The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose. . ."

The weather during the inspection was slightly wet, not wet enough to cause a well-maintained drainage system any issues. However, during the visit the drainage channel intended to intercept liquid leaving the site was

inundated with sediment and allowing polluted water to flow directly in to the residential drainage system. Surface water drains outside the site will discharge to watercourse and therefore, it is reasonably foreseeable that waste water from site will be impacting on the watercourse. This is something that has been breached on site on numerous occasions and has not been rectified. Mr Haines presented the documentation showing that the interceptor drainage system was last purged in October, however when asked if we could inspect the system during our visit the system was inaccessible due to the manhole being covered by waste wood. Due to these reasons and the significant risk posed on site we are escalating this to a category 2 breach.

Action: Please refer to Schedule 2, section 3.1 of the Regulation 37 notice.

The concrete flooring for the site is in need of repair. There are significant cracks in the surface which may allow polluted water to enter the ground beneath, as well as depressions that allow for large pools of standing water to collect on site.

Action: The infrastructure needs to be improved to ensure that it is fit for purpose and to ensure that no fluids are able to transmit through the concrete. Please provide us with a proposed timeline for completion for our consideration by the 1st March 2019.

C2 – Management systems. Permit Condition 1.1.1(b) – Category 2 breach

A Category2 breach has been scored against this condition.

Permit Condition 1.1.1(b): No waste management operations shall be authorised by this licence unless otherwise required by the conditions of this licence as being an integral part of those operations; and unless they are carried out on the site in accordance with Section 1 of the Working Plan and with the documented information contained in the sections of the Working Plan referred to in the other conditions of this licence."

Working Plan section 2.5.1: Waste will be sorted and loaded on site using plant kept on the premises (bobcat, excavator (grab) and small forklift), additional plant may be hired to cover any busy periods or operational breakdown of our own plant.

During the site visit both of the cranes used on site responsible for loading and sorting waste had broken-down. There was already an excessive volume of waste stored on the site but without plant equipment being operational there is no possibility of waste being exported from site. It is the responsibility of the operator to ensure that plant equipment is maintained, or in the event of a breakdown alternative plant equipment hired to ensure that normal site operations can continue.

Action: It is vital for this site to have functional plant equipment to maintain the removal of waste from site, which is a priority. Functional plant equipment must be in place on site immediately.

Poor management procedures and a negligence to follow the procedures outlines in the Working Plan can be seen as the root cause of the other breaches witnessed on site. If the Working Plan were followed waste would have been stopped being accepted on to site when adequate storage space had ran out, and redirected from site when the plant was broken, or replacement equipment hired to keep the site operational. Waste at the back of the bays is inaccessible meaning that some of it has been there for

excessive periods of time. There does not appear to be daily checks being made, litter has not been cleared, fences have not been fixed and maintenance of on-site infrastructure is not being done. This has led to some serious breaches on site.

Action: Please refer to Schedule 2, section 3.3 of the Regulation 37 notice.

Permit Condition 1.1.1, Table 1.1:

Table 1.1 Specified Waste Management Operations		
Specified Waste Management Operation	Permitted Waste Types which may be subject to the specified operation	Limits on Specified Waste Management Operations
<i>Storage (D15 & R13) pending disposal and recovery.</i>	<i>All</i>	<i>80m³</i>

The site is only permitted to have a maximum of 80m³ waste stored on site at any one time. The site is currently well in excess of this amount. Calculations estimate that at the time of the visit there was approximately 951.5m³ of waste on site. 466m³ of wood waste, 387m³ of mixed waste, 45m³ of inert waste, and 52.5m³ of scrap metal. During the visit it was clear that the site was an immediate fire risk as the mixed waste pile was visibly steaming, which is an early indicator that the waste is beginning fermentation, which is the first state of self-combustion. It was confirmed by Anthony Haines that some of the waste had been on site for over 6 months, NRW Fire Prevention & Mitigation Guidance outlines that mixed waste becomes a risk of self-combustion at 3 months of storage. This has therefore been scored a category 2 breach due to the foreseeable risk of significant pollution.





A Category 2 breach has been scored against this condition.

Action: Please refer to Schedule 1, section 1 & Schedule 2, section 1 of the Regulation 37 notice.

(D1) Security: Permit Condition 3.2.1, Table 3.2 - Category 2 breach



A Category 2 breach has been scored against this condition.

Permit Condition 3.2.1, Table 3.2:

Table 3.2 Site security system standards	
Site security system	Specified standards
Table of provision	Site security shall be provided prior to commencement of the specified operations.
Design standards	Unless otherwise agreed in writing by the Agency, this shall consist of a chain-link security fence of at least 1.8m high around the perimeter of the site, which shall meet the standards specified in British Standard BS1722 or an agreed alternative, and shall have a lockable gate to at least the same height and standard at the site access.
Operational standards	The site shall be kept closed and secure at all times when unattended.
Maintenance standards	The site security shall be fully inspected at the commencement of each working day. Any defects or damage shall be made secure by temporary repair by the end of the working day, and shall be repaired within 7 working days of the damage being detected. All inspections, defects, damage and repairs shall be recorded in the site diary.

The boundary fencing adjacent to the river has almost completely collapsed due to the weight of waste resting against it. There is a significant risk of the fence collapsing and waste falling into the watercourse. Should there be an incident on site relating to a fire then the fence would not be able to contain this material. This has also created an issue with a Natural Resources Wales flood asset in the area as Flood Management teams cannot access the asset to maintain it due to health and safety issues created by the fence blocking the route. This is therefore impacting on Natural Resources Wales' ability to carry out essential flooding work.

Action: Please refer to Schedule 2, section 3.3 of the Regulation 37 notice.

(F3) Dust/fibres/particulates and litter: Permit Condition 6.5.2 - Category 3 breach



A Category 3 breach has been scored against this condition.

Permit Condition 6.5.2: "In the event that litter does escape from the site, it shall be retrieved as soon as practicable and no later than 1 hour after the end of the working day."

There public highway and surrounding area of the facility has been polluted with debris emanating from the site operation. There are deposits of waste in the vegetation adjacent to the site, as well as mud and other pollutants which are starting to build up around the site.

Action: Litter emanating form the site is to be cleared from public highway and surrounding areas by The 8th February 2019.

Other Comments

Mr Haines stated during our visit on 18/01/2019 that he was intending to sell the skip side of the business as he wished to solely focus on scrap metals in the future. Mr Haines stated that NAG were no longer sending out skips and would take approximately six weeks for the remainder of the skips out of lease to return.

On our return to site on 04/02/2018 to serve the Regulation 37 notice, Mr Haines was informed that there was now a suspension on accepting waste on to site, Mr Haines advised us that he understood the requirements set out in the notice and agreed that waste would be removed from site as a priority We viewed waste transfer notes showing that some wood waste had been removed from site following our previous visit, however, the pile of mixed general waste appeared to have increased.

Craig Coleman

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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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034571**

This form will report compliance with your permit as determined by an NRW officer

Site	Riverside Garage	Permit Ref	EB3433RE
Operator/Permit holder	Grant Haines	Date	18/01/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Please refer to CAR form	01/03/2019
D1	C2	Please refer to CAR form	01/03/2019
B3	C2	Please refer to CAR form	01/03/2019
C2	C2	See reg 37 and CAR form	01/03/2019

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.