

Compliance Assessment Report

Report ID:
CAR_NRW0034682

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

Site	Unit 17	Permit Ref	UP3295FU			
Operator/Permit holder	Project Black Recycling Ltd					
Regime	Waste Operations					
Date of assessment	07/02/2019	Time in	14:00	Out	14:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Operational area					
Lead officer's name	Warwick-Brown, David					
Accompanied by	Tye, Laoni					
Recipient's name/position	Gareth Danter-Hill/ TCM	Date issued	15/02/2019			

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)	C3	2.1.1
C2 - General Management - Management system and operating procedures	C3	1.1.1

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Compliance Assessment Report – Unit 17, Tremorfa Industrial Estate (EPR-UP3295FU)

Environment Officers David WARWICK-BROWN & Laoni TYE attended Unit 17, Tremorfa Industrial Estate (Project Black Recycling) at 14:00 on 07/02/19 for a routine site inspection. The weather was sunny & breezy at the time of visit. We met with site supervisor Simon Simpson on site, who showed us around and talked us through the sites operations. A total of 2 breaches have been recorded from this inspection, the details of which are outlined below.

Compliance

B3 – Site drainage engineering – permit condition 2.1.1 – category 3 breach

The licence modification (dated 21/12/07) states that 'the licence holder is authorised to carry out the activities specified in schedule 2, table 2.1 ("the activities")' – table 2.1 states that 'non-hazardous waste must be kept on an impermeable surface with sealed drainage'. When inspecting the site, it was evident that the south-eastern boundary of the site was not currently engineered to fit the definition of an impermeable surface. As shown in image 1 below, this section of the perimeter was exposed to permeable ground where the fence had fallen over, which does not comply with this permit condition. The site was engineered to drain into a sealed sump on the south corner of the site, suggesting that waste material could be draining into this exposed section of permeable ground within the site. We were informed that concrete blocks were to be placed along the perimeter of this part of the site in due course to remediate the issue. A **category 3 breach** for this non-compliance.



Image 1 – exposed ground on south-east edge of the sites perimeter

Action: Please improve the infrastructure of this section of the sites perimeter so that it is engineered to fit the definition of an impermeable surface and maintain that all waste material is contained within the sites drainage infrastructure. Please propose a deadline and a plan for the completion of these works.

C2 – Management systems – permit condition 1.1.1 – category 3 breach

Permit condition 1.1.1 states that ‘the activities shall be managed and operated: (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the licence holder as a result of complaints’. Whilst on site we witnessed a roll on/roll off skip being stored outside of the permitted boundary – this has been interpreted as a failure of the sites management procedures since this breach would not have been scored if the procedures outlined in your Environment Management System (EMS) and the permit were followed. A **category 3 breach** is therefore being scored for the non-compliance with the management systems in place.

During our inspection it also appeared that the EMS on site was different to the EMS we have on our database.

Action: Please ensure that all skips and any waste material from your operations is stored within the permitted area. Please send NRW the most up to date version of your EMS.

Other actions – storage of waste within site boundary

As mentioned, a skip outside had been left outside of the sites boundary on part of the main road during our inspection, as shown in image 2 below. We were informed that this skip was being temporarily stored in this location to manage the current operations occurring on site, and that the skip would be back on site within that next hour at that time. It was mentioned that fly-tipping was an issue in the area, highlighting the importance of keeping all the skips and waste materials within the site. We would like to remind you

that any waste deposited outside of the permit boundary will be considered an illegal deposit of waste and therefore should not be stored in such locations for any length of time.



Image 2 – skip being stored outside of site boundary

Action: Again, please ensure that all skips and any waste material associated with your activities is stored within the licenced boundary of the site.

Materials acceptance

The various waste types being accepted and processed on site were assessed against the permitted wastes on your permit, and we can confirm that all wastes are within the list of permitted wastes in table 2.2 of the permit modification.

Technically Competent Manager (TCM)

Since the site inspection we have been informed that the current TCM for this site continues to be Gareth Danter-Hill. There were discussions during the visit about another member of staff, Howard, who also has WAMITAB qualifications. Please send any competence certificates through to us for our records.

Thank you for taking the time to show us around the site during our inspection.

If you have any issues with this report please contact David Warwick-Brown on 0300 065 3683 or david.warwick-brown@cyfoethnaturiolcymru.gov.uk

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_NRW0034682**

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Site	Unit 17	Permit Ref	UP3295FU
Operator/Permit holder	Project Black Recycling Ltd	Date	07/02/2019

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.

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			
C2	C3	please ensure that all skips and any waste material associated with your activities is stored within the licenced boundary of the site. Please send NRW the most up to date version of your EMS.	15/05/2019
B3	C3	Please improve the infrastructure of this section of the sites perimeter so that it is engineered to fit the definition of an impermeable surface and maintain that all waste material is contained within the sites drainage infrastructure. Please propose a deadline and a plan for the completion of these works.	15/05/2019

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.