

Compliance Assessment Report

Report ID:
CAR_NRW0033734

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

Site	Paperback Collection & Recycling Ltd	Permit Ref	JB3932RM		
Operator/Permit holder	Paperback Collection & Recycling Limited				
Regime	Waste Operations				
Date of assessment	02/08/2018	Time in	13:23	Out	14:10
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by					
Recipient's name/position	Mr Grodon Anderson/ Managing Director	Date issued	03/08/2018		

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	Permit Condition 3.5.1, Table 1.3, IPC1
C4 - General Management - Storage, handling labelling and Segregation	C3	Permit Condition 2.3.1, Table S1.2, Fire Prevention Plan 5.0
	C3	Permit Condition 2.1.1, Table S1.1, Fire Prevention Plan 5.1

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

Paperback Collection & Recycling Ltd is currently in liquidation and as such the site is non-operational although all waste, plant and line is currently still on site. The Natural Resources Wales (NRW) inspecting officer was Environment Officer (EO) Paul Challenger. The weather conditions were cloudy, breezy and warm. Access was given to the site by the 2 SIA licensed security guards who were on duty at the time, Mr Elnour and Mr Mustafa currently appointed by the landlord and their agent.



In the transfer building operations have ceased. There is a quantity of waste stored in the building. The wastes are loose in the bays; and baled and stacked in areas of the building. The plant and floors were tidy and free from litter.

In the yard area the situation was the same as during my last three inspection visits on 27/06/17 (CAR_NRW0031827), 18/09/2017 (CAR_NRW0032196), 22/02/2018 (CAR_NRW0033012) and 30/05/18 (CAR_NRW0033448).



Baled plastics and baled SRF are stored at excessive heights and without fire breaks. Furthermore, the old material at the back of site has been stored in excess of a year and bale wrapping is failing and vegetation is growing out of the bales. The bales have become unstable and the piles are collapsing. Further falls of bales have taken place since the last inspection as can be seen below. At the far eastern end of the stockpile a small portion of the stockpile had had its stack height reduced to 4 metres high according to Mr Anderson (5 bales high witnessed).



Security guards have been implemented by the landlord to maintain security at the site. On discussion with Mr Elnour and Mr Mustafa they explained that they maintained security at the site with 2 shifts of 2 security guards to cover a full 24-hour period. The security guards perform regular patrols of the site to prevent unauthorised access and to monitor the buildings and yard area for fires.

The following breaches to the permit have been recorded:

(C2) Management System and Operating Procedures. Permit Condition 3.5.1, Table 1.3, IPC1. CCS Score 3

As part of the on going NRW programme to insert fire conditions into waste permits, the permit for Paperback Collection & Recycling Ltd. (Parkway site) EPR/JB3932RM was varied and the fire conditions were added. This variation was issued on 17/11/17 with a requirement to submit a written Fire Prevention and Mitigation Plan (FPMP) to NRW for approval within 3 months of the variation issue. The requirement stated that the FPMP must be produced in line with the standards set out in the current published NRW document Fire Prevention and Mitigation Plan Guidance – Waste.

The compliance date for the submission of a suitable document has passed and a FPMP written to the standards set out in Fire Prevention and Mitigation Plan Guidance – Waste has not yet been submitted and the operator has dropped the appeal against the variation notice to insert the new FPMP permit condition. NRW was formally notified by the Planning Inspectorate that the appeal of the variation notice was dropped by the operator on the 9th May 2018.

Currently there is approximately 14,800 tonnes of waste in the yard which is stored in one continuous stack with no fire breaks and limited access to the perimeter. The weight of 14,800 tonnes is based on the operator's own figures and represents the weight of bales when produced prior to the ingress of vegetation and water from precipitation; it is expected that this weight is higher. Waste is stored up to the perimeter fence close to other properties and a Public Right of Way presenting a risk to other businesses and is open to the risk of arson. An FPMP should have been submitted to NRW by the 17th February 2018 to mitigate against the fire risk on site but this is still outstanding.

During the last inspection Mr Anderson stated that he had employed consultants to compile a FPMP in line with the current guidance. This document has since been received and it is not an FPMP but a critique of the NRW FPMP Guidance in relation to the operator's site and fire guidance produced by other bodies.

Due to the on-going concerns of fire risk from the operations on site and the operator's resistance to compiling and fully implementing an FPMP in line with the current guidance; NRW are now considering what enforcement action to take including but

not limited to prosecution.

**(C4) Storage, Handling, Labelling and Segregation. Permit Condition 2.1.1, Table S1.1, Fire Prevention Plan 5.1. CCS
Score 3**

Table S1.1 states that only baled waste paper, baled and wrapped RDF/SRF, and wood and processes biomass can be stored outside. All other waste must be stored inside a building. Currently baled and wrapped mixed plastics coded 19 12 04 is being stored in the external yard. An S2 was registered to facilitate the storage of 19 12 04 in the yard; this exemption has a 500 tonne limit. The S2 exemption storage limit of 500 tonnes has been breached and the current holdings of 19 12 04 in the yard stands at 1446 tonnes.

The registration of exemptions can have deleterious effects on permit conditions of site benefitting from an EPR permit. The S2 exemption registered to facilitate the storage of 19 12 04 in the yard will be deregistered as it conflicts with the current permit. If you require to store waste types other than baled waste paper, baled and wrapped RDF/SRF, and wood and processes biomass outside a building you will have to apply for a permit variation.

You have been advised of this issue previously and have not rectified the situation. The storage of baled mixed plastics coded 19 12 04 in the yard area is considered a breach of permit conditions, NRW are now considering what enforcement action to take including but not limited to prosecution.

**(C4) Storage, Handling, Labelling and Segregation. Permit Condition 2.3.1, Table S1.2, Fire Prevention Plan 5.0. CCS
Score 3**

Permit Condition 2.3.1(a) states that "The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in Table S1.2, unless otherwise agreed in writing by Natural Resources Wales." Table 1.2 Operating techniques lists Fire Prevention Plan (Version 1.1) September 2015 - all parts as a document by which the operator needs to abide.

Section 5.0 of the operator's Fire Prevention Plan (FPP) states that the total quantity of waste stored at the site will be 12,000 tonnes of processed RDF/SRF and wood (unprocessed and processed) in the external yard area. The Weekly Stock Take and Baling Stats spread sheet supplied show that there are currently 14824.75 tonnes of waste stored in the yard including waste types that are non-permitted for external storage. This excess of waste material stored in the yard prevents the bales from being stored in discrete stacks with the 6 metre separation as stated in Section 5.1 of the FPP.

Levels of waste stored in the yard will have to be reduced to come into line with the 12,000 tonne limit. As the compliance date of 18/12/17 (which was extended to 17/02/18) for the removal of excess bales from site has not been and as such you are in contravention of a permit condition. NRW are now considering what enforcement action to take including but not limited to prosecution.

NRW had and continues to have serious concerns about the operations at Paperback, Deeside with regards to the quantity of baled waste currently stored in the yard and as such NRW are now considering what enforcement action to take including but not limited to prosecution. The stock of baled waste needs to be reduced to reduce the risk of pollution should a fire occur at the site and in order for the operator to become compliant with the permit conditions.

Thank you for your time during this inspection.

Regards.

Paul Challender - Environment Officer

EPR Compliance Assessment Report

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Operator/Permit holder	Paperback Collection & Recycling Limited	Date	02/08/2018

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.

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			
C4	C3	Reduce stock levels to 12,000 tonnes and restack bales to conform with FPP.	03/08/2018
C4	C3	Remove non-permitted waste type (19 12 04) from the external yard.	03/08/2018
C2	C3	Submit and operate by an FPMP produced in line with the standards set out in the NRW document Fire Prevention and Mitigation Plan Guidance - Waste.	03/08/2018

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.