

## Compliance Assessment Report CAR\_NRW0039483

**Permit being assessed:** CB3396FF.

For: Cwrtgwenddw'r Wood Recycling Facility, held by John Jones Civil Engineering & Groundworks Ltd

At: Cwrtgwenddw'r Wood, A470, Builth Wells, LD2 3YR.

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

On 15/02/2022 between 11:00 and 13:00.

Parts of permit assessed: All - Initial Compliance Visit

**NRW Lead Officer:** Malcolm Dines, accompanied by Gillian Coates.

**Report sent to:** Luke Bridges, TCM on 07/03/2022.

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

| Part of permitted activity assessed (criteria)                            | Assessment result | Permit condition |
|---------------------------------------------------------------------------|-------------------|------------------|
| B1 - Infrastructure - Engineering for prevention and control of emissions | C3 Minor          | 2.3.1            |
| C2 - General Management - Management system and operating procedures      | Action only (X)   |                  |
| D2 - Incident Management - Accidents, emergency and incident planning     | 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 |
|------------------------------------------|----------------------------|
| 1                                        | 4                          |

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 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| B1       | You must ensure that the waste storage and treatment areas of your site are provided with impermeable pavement and sealed drainage before you accept or treat any more waste.  | 08/03/2022  |
| C2       | Update EMS to make it clear about current site infrastructure regarding impermeable pavement and sealed drainage and include reference to the improvement plan and timescales. | 30/04/2022  |
| D2       | Ensure a site noticeboard containing the information set out on page 23 of "How to Comply with your Environmental Permit"                                                      | 30/04/2022  |

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.

#### **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

This was the initial compliance visit, required to be carried out within the first three months of the permit being issued, carried out by Malcolm Dines and Gillian Coates, who met with Miriam Jones, the Authorised Nominated Person for the site and Director of John Jones Civil Engineering Ltd. whom accompanied us around the site. The weather was wet, there had been heavy rain all morning and localised flooding in the area, but the rain had stopped at the time of this compliance visit.

#### ***Permit Breaches***

##### **B1 - Engineering for prevention and control of emissions - 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 wastes are currently being stored on the site and neither the storage nor treatment areas of the site had impermeable pavement and sealed drainage.

Permit condition 2.3.1 requires you to operate in accordance with the activities set out in Table S1.2, which specifies that all wastes must be stored and treated on impermeable pavement with sealed drainage.

A Category 3 breach of permit condition 2.1.1 has been scored as this is infrastructure to protect the environment from harm from your activities and that was required as part of the permitting process. Without this permit condition NRW would not have issued this permit.

#### **Actions:**

You must ensure that the waste storage and treatment areas of your site are provided with impermeable pavement and sealed drainage before you accept or treat any more waste.

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

You have been given this root-cause action-only breach under the above condition of permit condition 2.3.1 for storing and treating wastes on areas of the site without impermeable pavement and sealed drainage.

A root cause action-only breach of permit condition 1.1.1 has been scored.

Actions:

Update EMS to make it clear about current site infrastructure regarding impermeable pavement and sealed drainage and include reference to the improvement plan and timescales.

D2 - Accidents, emergency and incident planning - Action only; Permit Condition 2.3.1

You have been given this Action Only breach under the above condition because, during the compliance visit, it was observed that you did not have a site notice board in place.

Permit condition 2.3.1 requires you to operate in accordance with the activities set out in Table S1.2, which specifies that you must operate in accordance with the techniques set out in "How to Comply with Your Environmental Permit". Page 23 of that document states that you must have a site board that clearly identifies your site contact numbers in case of an emergency.

Actions:

Ensure that you have a site board displayed, that provides the information as set out on page 23 of "How to Comply..." The site board must be clearly visible from outside the site when any gates are closed in order for any emergency responders to be able to see the contact details when attending the site out of hours.

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](mailto: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](mailto: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.