

Compliance Assessment Report (Exemption) form

Report ID:

291113EW/01170215/T9S2S1

Name of site	Oakdale Recycling Ltd	Operator	Damian Gill & Ross Hewlett		IR ref no.	EPR/SH0016ZA/A001
Officer	Ella Williams & Adam Ward	Date	13/11/13		Area/office	Rivers House, St Mellons
Paragraph number (s)	T9/ S1/ S2	Time in/out	10:35	11:30	Event type:	Routine ☐ Incident ☐ Other ☒

Assessment type: Site inspection ☐ Site life status: Operational ☒ Pre-operational ☐

What part(s) of the site was assessed?

Following your assessment of the exemption and the operations on site, has the relevant exemption been complied with? Yes ☐ or No ☒. If No, provide details below.

Not compliant with following conditions of exemptions:

- Treating mixed waste (by the machine grab and by shearing)
- Storage of mixed waste
- Storage of waste on surface that is not impermeable and not served by a sealed drainage system.

Has a breach of any relevant directly applicable legislation been noted? Yes ☐ or No ☒. If yes please list breaches below.

Has the breach of the exemption caused an incident? Yes ☒ or No ☐. If yes, place CICS environmental impact classification, Cat1, Cat2, Cat3 or Cat4 in this box. **Cat 3** (see overleaf for information on the CICS)

Not to comply with the terms of the exemption, directly applicable legislation or the objectives of Article 13 may constitute one or more offence(s). Article 13 requirements state that waste must be recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without:

- risk to water, air, soil, plants or animals
- causing nuisance through noise or odours
- adversely affecting the countryside or places of special interest.

Following your assessment of the exemption and the operations on site, have the Article 13 objectives (as indicated above) been complied with? Yes ☐ or No ☒. If no provide details below.

NB. If there is a breach, only one of the following will have an 'X' placed in the box

At present we do not intend to prosecute you for the above offence(s), however you are warned that this may change if further relevant information comes to light. **THIS IS A SITE WARNING.** ☐

WE WILL NOW CONSIDER WHAT ENFORCEMENT ACTION IS APPROPRIATE ☒

Visit report/comments.

Visit made by Ella Williams and Adam Ward to verify information obtained on previous visit, namely the impermeable surface and sealed drainage on site and how the machine processing mixed waste on site works. This is to investigate the following conditions listed in the T9, S1, S2 exemptions:

“The recovery of scrap metal consisting of relevant waste by...shearing by manual feed...”

“the recovery is carried on at a location with sealed drainage” / “the storage place has sealed drainage”

The definition of sealed drainage is given in the exemption as:

“sealed drainage” means a drainage system with an impermeable surface which ensures that:

- (a) no liquid will run off the surface otherwise than via the system, and
- (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

A skip was being stored in lay-by at time of visit, there was no waste being stored here at the time of the visit as there had been on previous visits. **Please continue to not store waste in this area**, there is no sealed drainage in this area, nor registered exemptions or environmental permits for this lay-by and cannot be used to store waste. Please check with the local authority as to being allowed to store the skip there.

Unit 15 Prince of Wales Industrial Estate where Oakdale Recycling Ltd is located is served by a sealed sump that has an alarm system that indicates to you when it needs to be emptied. It is located under the weigh bridge. I could not see the drains on site due to the waste but you gave me a rough indication of where they were under the waste on the concrete pad. At the western perimeter of the site (directly opposite the carpark), there was no concrete. Waste that is on the concrete pad may run into the unmade ground here instead of the sealed sump. There appeared to be more waste than on our previous visit at the southern perimeter of the site (again still being stored on ground that does not benefit from impermeable surface served by sealed drainage). **All waste that is stored and treated on site needs to be done so on impermeable surface with sealed drainage. As discussed, a notice to remove waste that is not on impermeable surface with sealed drainage will be served to address this issue.** We discussed time frames to do this, and you informed me that it would be removed and the areas concreted in approximately 4-6 weeks. We will take this into consideration when setting a compliance date for the notice. On 21/11/13 Ross Hewlett informed me that the shearer was broken and would be back on site end of next week – thank you for informing me of the sites situation.

The shearer being used on site is a Le Fort 500 mobile shearer. Whilst on site we observed the mechanical grab being used to load mixed waste namely metals, plastics and WEEE. You were awaiting a magnet to then separate out the metals, the metal fraction will then be sold direct to steelworks and the remaining waste is to go to Pen-Y-Fan Processing. As discussed, under your T9 exemption you are not allowed to treat mixed waste. **You must stop using the shearer to treat mixed waste immediately.**

As the exemption states that you are allowed to “shear by manual feed”, we are currently assessing whether the Le Fort 500 shearer on site and the way it is being used, is compliant with this condition and will let you know in due course.

As discussed, I am happy to arrange a meeting with myself and a member of our permitting team to discuss what permit is required and to talk to you about the process.

Report delivery method:	Copy left on site ☐	Posted ☐	Emailed ☒	Faxed ☐	Date
-------------------------	--	---------------------------------	---	--------------------------------	------

Officer's signature



Recipient's name or position within company

Damian Gill & Ross Hewlett

Continuation sheet used: Yes ☒ No ☐

Notes to the recipient

This compliance report form may highlight non-compliance with your exempt waste activity or directly applicable legislation as observed by the Natural Resources Wales officer.

This does not relieve you of your responsibility to ensure that you comply with the requirements of the criteria of your relevant exemption and to prevent pollution of the environment. You are reminded that:

- ☐ you should comply with the conditions of the exemption at all times;
- ☐ you should comply with the objectives of Article 13 of the Waste Framework Directive at all times;
- ☐ compliance with the exemption criteria and relevant objectives does not remove your obligation to comply with any other legislative provision which may apply.

The objectives of Article 13 are: The waste must be recovered or disposed of without endangering human health or causing harm to the environment and in particular without:-

- 1. Risk to water, air, soil, plants or animals**
- 2. Causing nuisance through noise or odours**
- 3. Adversely affecting the countryside or places of special interest**

Enforcement action

Any non-compliance of an exemption or of the objectives is an offence, and renders the exemption invalid. As such, the Natural Resources Wales would consider removing the exemption from the register (hence the activity is no longer exempt) and enforcement action is likely to be considered for the offence of operating without a Permit, this could include:-

- Warning: A warning is our minimum enforcement response and this may be escalated should further information come to light.
- Formal Caution/Prosecution. Depending on the offence the penalties imposed by a Court can include substantial fines and even imprisonment.

We have published our Enforcement and sanctions statement and guidance, which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Understanding the Common Incident Classification Scheme (CICS)

This scheme categorises incidents according to their environmental impact. The table below provides the four classifications and their impact on the environment. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CICS scheme, see the Natural Resources Wales website or contact your local office.

CICS category	Description
1	An incident that has a major environmental effect
2	An incident that has a significant environmental effect
3	An incident that has a minor environmental effect
4	An incident that has no environmental effect

If you have any comments on the layout of this form please contact your local NRW officer.

The Data Protection Act 1998

We, the Natural Resources Wales, will process the information you provide so that we can:

- deal with your application;
- make sure you keep to the conditions of the licence, permit or registration;
- process renewals; and
- keep the public registers up to date.

We may also process or release the information to:

- offer you documents or services relating to environmental matters;
- consult the public, public organisations and other organisations (for example, the Environment Agency, the Health and Safety Executive, local authorities, the emergency services, the Department for Environment, Food and Rural Affairs) on environmental issues;
- carry out research and development work on environmental issues;
- provide information from the public register to anyone who asks;
- prevent anyone from breaking environmental law, investigate cases where environmental law may have been broken, and take any action that is needed;
- assess whether customers are satisfied with our service, and to improve our service; and
- respond to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (if the Data Protection Act allows).

We may pass the information on to our agents or representatives *to do these things for us*.

Exemptions and the public register

We will place the following information about your exemption on the public register:

- your name and address or the name and address of your company or organisation;
 - the activity taking place;
 - the location(s) of the activity.
-

Disclosure of information

Natural Resources Wales would normally make the compliance report available to the public on request unless the information relates to an individual or non corporate body (please see Data Protection Notice above), or the Natural Resources Wales has accepted that the information is commercially confidential. If you consider that any information contained in this report should not be released on the grounds of commercial confidentiality, you should write to your local area office within twenty working days of receipt of the assessment 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 the exemption assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure. To do this or learn more about it, phone our general enquiry on 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied, following our Complaints and Commendations procedure, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0845 015 4033.