

Compliance Assessment Report

Report ID:
CAR_NRW0033466

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

Site	Unit 1- Crugmore Farm	Permit Ref	AB3097HG		
Operator/Permit holder	M D Recycling Limited				
Regime	Waste Operations				
Date of assessment	14/05/2018	Time in	13:30	Out	14:45
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Dines, Malcolm				
Accompanied by	Goddard, Jeremy				
Recipient's name/position	Marc Davies/ Owner/TCM	Date issued	13/06/2018		

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
A1 - Specified by permit	C3	2.1.1; 1.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	3.1.1; 1.1.1
C1 - General Management - Staff competency/training	C3	1.1.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.3.2; 1.1.1
C4 - General Management - Storage, handling labelling and Segregation	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	6	Total compliance score (see section 5 for scoring scheme)	24
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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

Officers arrived at the site for an unannounced site inspection and were met by Stephanie Davies, one of the Technically Competent Managers. Officers carried out the site assessment unaccompanied. On return to the site office Mrs Davies was not able to answer many of the officers questions about activities on the site as she stated she didn't really know what happens on the yard. Being a Technically Competent Manager (TCM) is about more than just gaining the qualification. The TCM should know what is happening on the site on a day-to-day basis. Where the facility has more than one TCM, the Environmental Management System (EMS) should set-out how information regarding site activities will be communicated between the TCM's - such as through handover/update meetings, or the use of a site diary or similar.

The aggregates processing area is un-surfaced hardstanding made of clay and recycled aggregates. It was dry and sunny at the time of inspections and so there was no evidence of issues regarding surface water, there was also no evidence of dust being an issue although there were no vehicles movements on-site during the inspection. There was some evidence of non-permitted waste types: plasterboard and wood, mixed in with the inert waste stockpiles as well as what appeared to be a track from a tracked vehicle that had been burnt and was still smouldering. Speaking to Marc Davies the following day he stated that this must have come in with a delivery of waste as they had not been burning anything. This is evidence that either the waste acceptance or waste sorting process, or both are not being managed properly. These materials should be identified during waste acceptance, or upon tipping, where they should be removed from the stockpile and either taken away by the carrier, put in a quarantine skip, or moved to part of the site that is authorised to store these waste types.

There are also large amounts of wood/timber waste in this area of the site that has been on-site for a couple of years. Also a lot of the stockpiled inert waste does not appear to have been moved in the time the site has had an Environmental Permit.

The perimeter of the site is not defined in this area. As well as the wood waste there is also a lot of material that appears to be waste that is stored around the perimeter of the site and which, might or might not be within the permitted area. The operator needs to clearly define the permitted area on the ground, as per the plans on the map and also to identify the level to which the inert waste yard is to be finished. At present there is no means by which to determine if all material deposited in the area is actually being recycled, or whether some of it is being formed into raising the levels of the yard. There is no evidence to suggest that this is an intentional deposit activity, but the material used for the yard hard-standing is the same as is stockpiled on the yard. The whole of the inert waste processing area needs time spent on it to define the extent of the permitted site and therefore activities as well using the material that is stored on-site and having clearly defined stockpile, processing and storage areas as per the permit.

To the north of the inert processing area is the old slurry store. The store still contains large quantities of manure and slurry. This needs to be removed and the store cleaned otherwise the manure and slurry will be classed as waste and will require disposal in accordance with waste regulations. According to the permit, the permit boundary appears to cross the middle of the slurry store. The operator needs to provide a plan as to how they will adequately identify all the permitted boundaries of site and the levels to which the site will be finished.

Permit conditions state that the Waste Recovery Activity is to be completed in accordance with the Waste Recovery Plan. The permitted tonnage limit for this activity was determined by the volume calculations that the Operator submitted with the permit application. However, the Operator constructed the first phase of the compost pad differently to the submitted design. Because the original design and volume calculations form part of the Waste Recovery Plan and therefore the permit, the changed design now mean that new plans and volume calculations are required to show how much material will be required to complete the intended design. The operator also needs to clearly mark clearly all the areas where the Waste Recovery Activity is taking place and provide details of how the final levels on the ground will be identified in order that the Waste Recovery Activity can be effectively regulated.

Treated wood waste (which might be waste type EWC 20 01 37*; 20 01 38; 17 02 01; 17 02 04*; 19 12 06* or 19 12 07) was being shredded on the compost pad. This permit does not allow treated wood waste to be accepted at the site and therefore does not allow it to be shredded. The stockpile of treated wood was found between two compost windrows and had contaminated the compost as there was no separation between the windrows and the stockpile of wood. The fines from the shredding of the wood had been blown across the adjacent stockpile of finished compost. Treated wood is not a permitted waste stream for compost, the waste returns for Quarter 4 2017-18 showed that waste type EWC 19 12 07 had been accepted at the site.

Inert waste was found stored in an area outside the permit boundary adjacent to wood waste stored under an exemption from an Environmental Permit.

There was a lot of waste on, or around, the site that is not permitted. It is unclear whether this is waste that was from the former farming activities or whether it has been brought to site as part of the waste management activity. In part this uncertainty is due to the lack of a site boundary. However, within the permitted site there were lots of small amounts wastes that needed to be tidied.

There was plastic in waste that had been used in the Waste Recovery Activity, a wood and glass door on the compost pad, wood, timber, plasterboard and plastics in the inert waste processing area. In all the site needs to be much tidier and the wastes stored with clear segregation and labelling as well as a clearly identified quarantine area.

In a shed to the north of Permitted area around the old farmyard, wood chip appeared to be drying by heat. Please can you confirm the following: where does the wood chip come from and what is it being used for? At present your permit does not authorise the treatment of waste by application of heat, therefore we need to identify whether this activity falls under the requirement of a permit.

A lot of the material in the Aggregates Processing Area has been on site since the start of permitted operations. As a reminder, any waste that is stored for more than three years is then considered to be a deposit and NRW will be required to regulate it as such. Therefore it is in your interest to ensure that the inert waste is continually processed and to maintain a steady flow of wastes through the site.

PERMIT BREACH DETAILS:

(A1) Specified by permit:

Treated wood waste was being shredded on-site. This activity is not authorised by the permit. Bunds around the perimeter of the site were seen to be made of large quantities of wood and vegetative matter. The construction of bunds around the site is part of the waste recovery activity specified in schedule 1 table S1.1 of the permit. Table S1.1 states that the activity will be carried out in accordance with the Waste Recovery Plan (CF009) which in turn states that only inert waste and soils will be used in the construction of the bunds. Additionally the initial phase on the compost pad, that is currently in use, has not been constructed in accordance with the Waste Recovery Plan.

ACTION: All contaminated compost must be removed from the composting process (it must be classified with the relevant EWC code and not as compost or off-specification compost) and disposed of accordingly. In order to classify this material as non-hazardous waste the operator must have the material tested and show that the hazardous properties do not exceed the relevant thresholds for hazardous waste. If they do exceed the threshold then the material must be classified as hazardous waste and disposed of accordingly. The operator must provide details of timescales for how they will ensure that the permit boundary will be clearly identifiable on-site. The operator must also carry out a survey of the current levels of the aggregate processing yard and submit a plan of this, as well as the details of any plan that the operator has to raise levels further and how they intend to complete the yard area to the standard required by the planning consent. They must also submit a plan of how they intend to make the levels of the waste recovery activity for Phase 2 of the compost pad clearly identifiable on-site. The operator must remove the bund that has been partially constructed along the north western edge of the site, adjacent to the Compost Pad area. This is because the bund has been constructed with materials that are not suitable for such work and which was not included in the approved Waste Recovery Plan. Phase 1 of the Compost Facility has been constructed differently to that design that was submitted as part of the Waste Recovery Plan for the permit application. That design of the site and the accompanying fill calculations were used to determine the quantity of material that could be accepted into the site for the Waste Recovery Activity. Because the design has changed it may also mean that the minimum quantity of material required to complete the activity has changed. Therefore the operator must submit revised drawings and fill calculations for the Compost Facility, that incorporate the details of the "as built" Phase 1 Compost Pad. The deadline for this action is for the operator to provide a plan of by when these actions will be completed

(B3) Site drainage engineering (clean and foul)

Drainage from compost pad is blocked due to lack of maintenance. Evidence of sediment settlement on compost pad highlights that ponding has occurred in wet weather. Also surface water draining to the north of the aggregate processing area drains directly to a watercourse. There is no permit condition or separate Environmental Permit to Discharge to allow this activity.

ACTION: Ensure Environmental Management System adequately covers site drainage and maintenance, inspection and any clearance of the drains should be part of a daily inspection regime. Ensure that the drains on the compost pad are kept clear and that the drainage system works as designed. The surface of the Aggregate Processing Area is hardstanding made up largely of clays, this material becomes highly mobile when wet. The current arrangement is not adequate as it is reasonably foreseeable that sediments will be released to the watercourse in the course of any vehicle movement on this part of the permitted site in wet weather. The operator must provide a plan and timescale of how improvements will be made to infrastructure so that only uncontaminated surface water drains from the site.

(C1) Staff competency and training

Stephanie Davies is one of the Technically Competent Managers for the site, but when officers were discussing issues identified during the site visit she was not fully aware of what waste were on-site and preferred to ask Marc Davies with regards to what was happening on the yard areas. Marc Davies was not on-site and was not available to attend the site at the time of the site visit. This lack of awareness as to what is happening on the site means that Stephanie Davies is not "sufficiently competent" as required by permit condition 1.1.1. as NRW feel that she did not demonstrate the ability to have day-to-day control over the site. It also suggests that the site EMS is not adequate with regards communications between site management as to all processes and activities on the site.

ACTION: Stephanie Davies needs to improve awareness of site activities and the Operator needs to ensure adequate management procedures are in place to ensure all TCM are aware of the day-to-day activities.

(C2) Management system and operating procedures

The root cause of other breaches of permit identified during this compliance visit are the result of either the Environmental

Management System being inadequate, or not being followed by site staff

ACTION: The operator must ensure that the EMS is adequate, especially with regards to the breaches identified during this site visit and ensure that staff are adequately trained.

(C3) Materials acceptance

Treated wood waste has been accepted at the site and is not authorised by the permit. Also smouldering caterpillar tracks had been dumped in the inert waste area by an unknown delivery. Also a review of the waste returns for the permit for financial year 2017-18 identified that waste type EWC 19 12 07 (wood waste) had been accepted at the site despite not being permitted. This highlights that the EMS is not adequate as this should have been identified as a non-permitted waste type while collating the returns and the operator should have notified NRW to this effect and provided a report to explain how this non-compliance had come about.

ACTION: Ensure that the Environmental Management System is adequate with regards waste acceptance and the identification of non-permitted waste types and that this procedure is adhered to on-site. Due to the size of the site it may be advisable to ensure that all deliveries are supervised when tipping. The operator must ensure that when any non-conformances and non-compliances are identified, documented and if necessary reported to NRW

(C4) Storage, handling, labelling and segregation

Compost windrows and finished stockpile have been contaminated with treated wood waste due to a failure to adequately segregate wastes. "How to comply with your environmental permit" states that, "your environmental management system must include [...] procedures to segregate incompatible wastes for example use of appropriate separation distances...". This document is an operating technique as specified in permit condition 2.3.1. The failure to segregate these waste types adequately means that either the EMS is inadequate, or that the EMS was not followed by the operator and/or staff

ACTION: Ensure EMS details how non-compatible wastes will be kept separate and how and where different wastes types will be stored on-site and how wastes from around the landholding will be kept separate from wastes accepted as part of the waste management activity. The staff need to follow procedures set out in EMS

EPR Compliance Assessment Report

**Report ID:
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This form will report compliance with your permit as determined by an NRW officer

Site	Unit 1- Crugmore Farm	Permit Ref	AB3097HG
Operator/Permit holder	M D Recycling Limited	Date	14/05/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
B3	C3	Ensure Environmental Management System adequately covers site drainage and maintenance, inspection and any clearance of the drains should be part of a daily inspection regime. Ensure that the drains on the compost pad are kept clear and that the drainage system works as designed. The surface of the Aggregate Processing Area is hardstanding made up largely of clays, this material becomes highly mobile when wet. The current arrangement is not adequate as it is reasonably foreseeable that sediments will be released to the watercourse in the course of any vehicle movement on this part of the permitted site in wet weather. The operator must provide a plan and timescale of how improvements will be made to infrastructure so that only uncontaminated surface water drains from the site.	01/07/2018
C1	C3	Stephanie Davies needs to improve awareness of site activities and the Operator needs to ensure adequate management procedures are in place to ensure all TCM are aware of the day-to-day activities.	01/07/2018
C3	C3	Ensure that the Environmental Management System is adequate with regards waste acceptance and the identification of non-permitted waste types and that this procedure is adhered to on-site. Due to the size of the site it may be advisable to ensure that all deliveries are supervised when tipping. The operator must ensure that when any non-conformances and non-compliances are identified, documented and if necessary reported to NRW	01/07/2018
C4	C3	Ensure EMS details how non-compatible wastes will be kept separate and how and where different wastes types will be stored on-site and how wastes from around the landholding	01/07/2018

		will be kept separate from wastes accepted as part of the waste management activity. The staff need to follow procedures set out in EMS	
C2	C3	The operator must ensure that the EMS is adequate, especially with regards to the breaches identified during this site visit and ensure that staff are adequately trained.	01/07/2018
A1	C3	All contaminated compost must be removed from the composting process (it must be classified with the relevant EWC code and not as compost or off-specification compost) and disposed of accordingly. In order to classify this material as non-hazardous waste the operator must have the material tested and show that the hazardous properties do not exceed the relevant thresholds for hazardous waste. If they do exceed the threshold then the material must be classified as hazardous waste and disposed of accordingly. The operator must provide details of timescales for how they will ensure that the permit boundary will be clearly identifiable on-site. The operator must also carry out a survey of the current levels of the aggregate processing yard and submit a plan of this, as well as the details of any plan that the operator has to raise levels further and how they intend to complete the yard area to the standard required by the planning consent. They must also submit a plan of how they intend to make the levels of the waste recovery activity for Phase 2 of the compost pad clearly identifiable on-site. The operator must remove the bund that has been partially constructed along the north western edge of the site, adjacent to the Compost Pad area. This is because the bund has been constructed with materials that are not suitable for such work and which was not included in the approved Waste Recovery Plan. Phase 1 of the Compost Facility has been constructed differently to that design that was submitted as part of the Waste Recovery Plan for the permit application. That design of the site and the accompanying fill calculations were used to determine the quantity of material that could be accepted into the site for the Waste Recovery Activity. Because the design has changed it may also mean that the minimum quantity of material required to complete the activity has changed. Therefore the operator must submit revised drawings and fill calculations for the Compost Facility, that incorporate the details of the "as built" Phase 1 Compost Pad. The deadline for this action is for the operator to provide a plan of by when these actions will be completed	01/07/2018

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.