

Compliance Assessment Report

Report ID:
CAR_NRW0035054

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

Site	Project Yellow Recycling	Permit Ref	AB3298HZ		
Operator/Permit holder	Project Yellow Recycling Limited				
Regime	Waste Operations				
Date of assessment	03/06/2019	Time in	14:00	Out	14:45
Assessment type	Site Inspection				
Parts of the permit assessed	Emissions -Noise				
Lead officer's name	Tye, Laoni				
Accompanied by	Burge, Chris,Perry, James				
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	15/07/2019		

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
D2 - Incident Management - Accidents, emergency and incident planning	C3	2.3.1
F2 - Amenity - Noise	C3	3.1.1

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

Officers James Perry and Chris Burge attended locations around Project Yellow in response to an incident report of ongoing noise issues. Noise was substantiated off site, breaches are recorded below. The weather was dry and mild at the time of the visit with a westerly wind.

D2 – Accident, Emergency and Incident planning. Category 3 breach.

Permit condition 2.3.1 states that (a) 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 schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.

Operating techniques: NMP ref: PYR_Noise_Management_Plan 2018 - All sections

Noise was substantiated off site of which reversing beepers were largely attributed. The lack of white noise reversing alarms, one of the control measures defined within the NMP is being attributed as the root cause of the breach. The operator should have ensured these were in place, knowing that there was a potential for impact off site.

Action: White noise reversing beepers to be installed in line with NMP. Please update us as to when this will be actioned.

F2 – Amenity - Noise. Category 3 breach.

Permit condition 3.1.1 states that 'Emissions from the activities shall be free from noise and vibration levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.'

Areas to the North East, East and South of the site were visited and the top of the track that overlooks the site. Noise was substantiated to the North East and East but was loudest to the East. The sound of the front shovel loader reverse beeping alarms could be clearly heard. The sound of the crusher could also be heard, again this was loudest to the East of the site.

The findings were discussed with the sites TCM following the visit who confirmed that the front shovel loader had been brought in as an extra piece of machinery and had not been fitted with white noise reversing alarms. We were advised this was in the process of being resolved and that they were awaiting delivery of the equipment.

Action: White noise reversing alarms should be used on all applicable machinery on site in line with the

current NMP. Please update us as to when this will be actioned.

We were also provided with an update as to the noise survey that is currently being undertaken on site – we will await the results from the report which is assessing noise impact from the crusher as part of the survey.

Action: The NMP required updating, an action which is ongoing and will be completed once results from the noise survey have been reviewed.

EPR Compliance Assessment Report

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Operator/Permit holder	Project Yellow Recycling Limited	Date	03/06/2019

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.

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			
F2	C3	See comments in CAR	31/08/2019
D2	C3	See comments in CAR form	29/07/2019

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.