

## Compliance Assessment Report CAR\_NRW0039557

**Permit being assessed:** HP3394VK.

For: Rhyl Recycling Park, held by C A D Recycling Ltd

At: Marsh Road, Rhyl, Rhyl, Denbighshire, LL18 2AD.

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

On 09/03/2022 between 11:30 and 12:30.

Parts of permit assessed: 'Specified by permit', 'Working Plan', 'Containment of stored materials; Materials Acceptance, Storage, Handling, Labelling & Segregation', 'Reporting to Natural Resources Wales'

**NRW Lead Officer:** Sarah Walton.

**Report sent to:** Tommy Sykes, Technically Competent Manager on 22/03/2022.

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

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C4 - General Management - Storage, handling labelling and Segregation                                          | C3 Minor          | 1.1.1 : Working Plan Section 2.3 (Table 4) Permitted Wastes, EWC Codes, Maximum Quantities, Treatment and Storage.                                                                                                                                                                                       |
| B4 - Infrastructure - Containment of stored materials                                                          | C3 Minor          | 3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container. |
| D1 - Incident Management - Site security                                                                       | Action only (X)   |                                                                                                                                                                                                                                                                                                          |
| C2 - General Management - Management system and operating procedures                                           | Action only (X)   |                                                                                                                                                                                                                                                                                                          |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.2 Within one month of the end of each quarter, the operator shall submit to                                                                                                                                                                                                                          |

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition                                                                                                                                                                                     |
|------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                |                   | Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter. |

Result types are explained in more detail in the 'Important Information' section below.

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 3                                        | 8.1                        |

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 |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| C4       | Ensure that hazardous wastes ( Paint and Fluorescent Tubing), is stored in accordance with 2.3 Table 4 of the site's Working Plan                                            | 08/04/2022  |
| B4       | Ensure that the oil tank has secondary containment, to avoid any leaks or spillages. This secondary container should be able to hold 110% of the maximum storage capacity.   | 15/04/2022  |
| D1       | Repair the broken fence to ensure the site is fully secure.                                                                                                                  | 15/04/2022  |
| C2       | Submit to NRW a revised and updated version of the site's Working Plan                                                                                                       | 15/04/2022  |
| G4       | Submit the outstanding Waste Return for Quarter 4 (Oct-Dec) 2021 to <a href="mailto:waste.returns@cyfoethnaturiolcymru.gov.uk">waste.returns@cyfoethnaturiolcymru.gov.uk</a> | 08/04/2022  |

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.

**At this time, we do not intend to take any further action.**

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

On Wednesday 9th March 2022, a routine inspection was undertaken by Waste Regulation Officer, Sarah Walton.

Sarah met on site with John Jones (Site Operative). Due to staff sickness on the day of the inspection, there was no supervisor/manager present to assist with the inspection.

Therefore, there were some issues acquiring certain information and documentation. As a

result, a number of actions have been included with this CAR form where information was lacking.

It is acknowledged that the site is gearing up for a change in management as a new company is taking over operations.

To begin the inspection, some vehicles were observed coming into site with household wastes. John was supervising entrance to the site, checking each vehicle in using a tablet device. A couple of vans were noted on site. John explained each van requires a permit, which allows them 10 visits each year.

Generally the site was clean and tidy which was good to see. However, there were a couple of locations that require some attention (see below).



**Photograph of textile bins**

The above picture shows litter underneath and surrounding the textile bins. Due to the build up underneath, this looked like this had not been swept for some time.

**Action: Ensure that the textile bins are moved frequently to allow litter to be swept from underneath.**

#### **Permit Condition 1.1.1: Working Plan Section 2.3. (Table 4) Permitted Wastes, Maximum Quantities, EWC Codes, Treatment and Storage.**

Generally, the site appeared to be working efficiently with clearly segregated storage of wastes. There were however, a couple of issues identified with the storage of some potentially hazardous wastes which are noted below.





**Photographs showing storage of waste paint**

As can be seen from the photographs above, the container housing waste paints is over capacity. Waste paint containers are being stacked high on the floor due to shelving being full, increasing the likelihood of a spillage occurring. There is also increased risk of fire given that some paints may have flammable properties. This suggests that this waste is not being efficiently moved through the facility and could have been sat here for some time. The Working Plan states in Table 4, that there would be a maximum storage of 300kg of waste paint to be stored at any one time. There was no segregation of paints (20 01 27\* or 20 01 28) so it is presumed that the whole container is being treated as hazardous waste.

**Action: Begin to remove waste paint containers from site. Ensure the site is within the maximum 300kg limit.**



**Photographs showing storage of WEEE ( Waste Electrical & Electronic Equipment) - lighting tubes and bulbs.**

Lighting tubes and bulbs (WEEE) are being stored in the above grey container, which is raised above the ground. There were 3 lighting tubes that were lying directly on the ground underneath the container. The container of tubing appears to be full which is likely why tubing is now being placed underneath.

Staff were unclear as to whether any of these tubes were hazardous (ie.Fluorescent).

This tubing should be put within a container and protected from damage and the weather to ensure no harmful chemicals escape into the environment. They are also at risk of being

smashed/broken through being stored in this way.

Table 4 within the Working Plan, states 'Maximum quantity to be stored: 20 sealed tubes'.

**Action: Ensure that all WEEE is stored within covered, weatherproof containers and that no more than 20 fluorescent tubes are stored at one time.**



#### **Storage of waste fridges/freezers on site**

In the skip area, there were 5 fridges/freezers seen lying directly on the floor with no weatherproof covering or containment. There is evidence of staining on the floor below these items suggesting they may have been here for some time. A consignment note was viewed which showed removal of fridges and freezers from site the morning of the inspection. Therefore, it is queried why these wastes were not taken and were left to be stored in this way. As per the Working Plan, Fridges and Freezers should be stacked into a dedicated Refrigeration container.

**The site has been scored a C3 for a breach of Working Plan procedures for the storage of the above hazardous wastes as this has the potential to cause a minor environmental effect.**

**Action: Ensure Fridges and Freezers are stored according to the working plan. I.e- 'Dedicated open top Roll on Roll Off, 30 cubic yard Refrigerator container. Located in the Hazardous area'.**

**Permit Condition 3.1.3: All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container**



**Photograph showing a tank containing oil which is almost full**



**Photograph showing waste oil tank**

The above pictures show the tank which is being used to store waste oil. This tank is very full and staff were not sure if this tank was bunded. The oil tank should have secondary containment, so that if the tank were to fail, the secondary containment would be able to hold up to 110% of liquid held. There appears to be staining on the floor beneath the small pipe outlet and around the sides, suggesting oil is not being contained sufficiently. The tank also looks quite old and in poor condition.

With the tank being so full, it is recommended that this is emptied more frequently, to avoid any spillage occurring. If this tank were to fail, there would be a significant spill due to the volume of oil being stored which could pollute the local environment. It seems that there may be an issue with rain water ingress into the tank due to a poor fitting lid, which may be

contributing to the volume of liquid.

**Because this oil tank does not have secondary containment, this has been scored a C3 as this has the potential to have a minor environmental impact.**

**Action: Ensure that the oil tank has secondary containment and that it is in a good state of repair.**



**Photograph showing broken fence on permit boundary**

**Permit Condition 1.1.1: Working Plan 1.7.1 - a) Fences and Gates shall be inspected daily to preserve site security from intruders and wild animals**

The above photograph shows a section of the site's fence that has been cut open. Site operatives suggested this was a result of vandalism and that the site is regularly targeted by thieves gaining unlawful access. Due to this recurring issue, it is suggested that the site explores further measures to ensure security of the site. Because this is a result of vandalism, this has been noted as an action only.

**Action: Repair broken fence to restore site security.**

**Permit Condition 1.1.1: The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances closure and those drawn to the attention of the operator as a results of complaints.**

According to our records, the site's working plan has not been updated since 2010. It is imperative that this document is frequently reviewed and updated, to ensure it accurately reflects site operations. Any changes much be noted and accounted for in the Working Plan/Environmental Management System. Any revised versions of the Working Plan should

be shared with NRW.

**Action: Submit to NRW, a revised and updated Working Plan/Environmental Management System(EMS).**

**Permit Condition 4.2.2: Within one month of the end of each quarter, the operator shall submit to the \*Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter. (\* Now Natural Resources Wales).**

A check of waste returns was performed in advance of the inspection. It was found that no waste return has yet been submitted for Quarter 4 of 2021.

**Action: Submit to NRW, the Waste Return for Quarter 4 (Oct-Dec) of 2021.**

I would like to thank all staff for their time and co-operation throughout the inspection.

If you have any queries regarding this CAR form, please get in touch using the contact details below.

Kind Regards,

**Sarah Walton**  
**Waste Regulation Officer**  
**03000 654 791**

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.