

Compliance Assessment Report CAR_NRW0039617

Permit being assessed: AB3697FW.

For: Tegfan Recycling, held by Huw Jones

At: Ynysgerwyn Depot, Aberdulais, Neath, SA10 8HN.

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

On 18/03/2022 between 12:00 and 13:00.

Parts of permit assessed: A, B, C

NRW Lead Officer: David Morgan.

Report sent to: Huw Jones, Operator on 30/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	C2 Significant	2.4.1
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1 (a)
C3 - General Management - Materials acceptance	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
2	62

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
B4	Reinstate boundary fence and prevent waste (including surface water) from leaving site.	29/04/2022
C2	Review Environment Management System and ensure operations are carried out in accordance with the Environment Management System	07/10/2022

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

A routine site inspection was undertaken on Friday 18th March 2022. At the time of the inspection, the permit 'Operator', Mr. Huw Jones, was not on site. Natural Resources Wales officer, David Morgan, was met by Transport Manager, Laura Terry, who was responsible for onsite operations in the absence of Huw Jones.

An inspection of the yard was undertaken and this was followed by a discussion in the site office where various documents and records were requested. After the inspection on site, further inspection of the site boundary and fencing was undertaken with findings being reported to Laura Terry.

On Friday 18th March 2022, significant non-compliances were recorded against the Environmental Permit. Actions must be taken to become compliant with the Environmental Permit (ref: EPR/AB3697FW).

Site Inspection

At the time of the inspection the site appeared to be at full, or close to full capacity. There was a large stockpile of inert wastes and large piles of general waste and wood. It was noted that there were issues with taking waste to a disposal site as it was temporarily closed.

Please ensure contingencies such as this are written into the Environment Management Plan for the site.

All waste (waste types) on site appeared to be compliant with the list of acceptable wastes that is stated in the Environmental Permit.

In the area of site where wood is stored and processed, there was significant ponding of water. Our records indicate that the site is served by a connection to the foul water system. It is likely, that in the next inspection, officers will request access to the drainage system to undertake a visual inspection. It would appear there is currently an issue that is preventing site surface water entering the drainage system.

The following observations were also made during the inspection:

- * Plasterboard waste was contained within the building
- * Inert wastes were clearly segregated from other general wastes
- * At the rear of the site (upon entering through the main entrance) a wall had collapsed and there was wood waste that had escaped the site

Site Infrastructure

On the left side of the site (upon entering site from the main entrance) there was a large pile of inert waste. It was noted that the site boundary fence in this area was severely

damaged and had collapsed.

Following the on site inspection, it was found that the boundary fence had collapsed and various wastes were entering a nearby water course which leads to the River Neath. There is a potential for a significant silt pollution from this area. As a result, a breach of the Environmental Permit was recorded.

A non-compliance was recorded against condition 2.4.1 of the Environmental Permit (Category 2 - Significant) (Ref:B4)

The collapsed boundary fence presents a risk of pollution to the environment. It also presents a serious security risk as unauthorised access could be gained from off site. This issue must be rectified by **Friday 29th April 2022**.





Infrastructure must prevent waste from leaving site and infrastructure must prevent unauthorised access.

Environment Management System

We discussed various documents & records related to the operation of the site and compliance with the Environmental Permit. It was noted that Laura Terry is due to complete a technical competency qualification in operations of waste facilities. This is a positive step towards ensuring operations are compliant with the Environmental Permit.

On request, copies of the Environmental Permit, Environment Management System and Fire Prevention & Mitigation Plan were made available. However, having reviewed observations made on site, and referenced the Environment Management System (EMS), Natural Resources Wales has recorded a breach of the Environmental Permit as it appears procedures in the EMS are not being followed.

It is recommended that a full review of the EMS and onsite operations is undertaken and staff are made aware of their responsibilities under the Environmental Permit. The following concerns with regards to permit compliance include, but are not limited to, the points listed below (other areas of the operation that were not assessed/witnessed may also be non-compliant):

- * Training records were being kept but were not dated and did not have details regarding frequency
- * There were no records of weekly inspections of the yard
- * There were instances where waste was escaping site and it had not been rectified with records kept
- * There did not appear to be a site identification board outside the site
- * Site drainage systems appeared to be compromised and had not been maintained

* Waste Transfer Notes from Tegfan to various outlets were incomplete and were missing required information

A non-compliance was recorded against condition 1.1.1 (a) of the Environmental Permit (Category 2 - Significant) (Ref:C2)

You must ensure operations are managed in accordance with the procedures detailed in the site's Environment Management System (EMS). The EMS for the site must identify all risks associated with the activities and should be developed in line with the guidance document titled 'How to Comply With Your Environmental Permit'. This guidance can be found on our website: [How to comply with your environmental permit \(naturalresources.wales\)](http://naturalresources.wales)

Summary

At the time of the inspection the site appeared to be approaching full capacity. Infrastructure onsite is damaged and needs to be repaired to prevent waste from escaping site and polluting a nearby watercourse. The boundary fence should also help prevent unauthorised access to the site.

A number of issues were identified with regards to compliance that can be attributed to operations not following the procedures set out in the EMS. It is recommended that a full review of operations and the EMS take place. Site staff may also benefit from refresher training through 'toolbox talks' so they can be reminded of how their responsibilities influence compliance with the Environmental Permit.

Thank you for your time during the inspection.

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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 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

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.