Compliance Assessment Report

Report ID: CAR_NRW0033497

This form will report compliance with your permit as determined by an NRW officer						
Site	Rheidol Recycling Park	Permit Ref	QP3198FU			
Operator/Permit holder	C B Environmental Ltd					
Regime	Waste Operations					
Date of assessment	18/06/2018	Time in	14:40	Out	15:55	
Assessment type	Audit					
Parts of the permit assessed	All					
Lead officer's name	Dines, Malcolm					
Accompanied by						
Recipient's name/position	Pete Malvern/ TCM	Date issued	04/07/2018			

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	C4	2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1
B4 - Infrastructure - Containment of stored materials	C3	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1; 2.3.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.3
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
E4 - Emissions - Sewer	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	

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	5	Total compliance score (see section 5 for scoring scheme)	16.1

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

Waste polystyrene is being subjected to heat treatment in order to compact the waste and make it easier to transport. This not a permitted activity. It is carried out using a dedicated machine specifically designed for the job and it is carried out inside the transfer building. There is no forseeable risk of pollution from this activity and it allows the operator to transport a larger quantity at any one time of what is a very bulky waste. Although the motivation is fuel savings for the Operator, this is also a reduction in the carbon impact of managing this waste stream. However, if the Operator wishes to continue heat-treating polystyrene, they must vary the permit to include this activity. The deadline for this action is for the Operator to provide a timescale by when the permit variation will be submitted. NRW must agree to the timescale provided by the Operator in order than any future compliance scores for this activity to be suspended.

Dust suppression is in-built on both the crusher and shredder and the Operator also has a machine that produces a fine mist that is blown by a fan creating a water-mist to suppress dusts. With equipment that produces fine water vapours, operators must ensure that the water used is stored in such as way so as to minimise the risk of spreading Legionnaires Disease.

The Operator is storing wood waste and bulking (treating for onward transport) Household, Commercial and Industrial (HCI) waste on an area of the site without sealed drainage. Surface water on this area of the site drains to an interceptor and discharges to a watercourse. The permit requires that wood waste and HCI waste are treated and stored on an impermeable pavement with sealed drainage. Uncontaminated wood can be stored and treated on hard-standing however, uncontaminated wood means wood such as off-cuts from timber yards, unpainted and untreated timber products and virgin timber. Contaminated wood does not just mean wood that has hazardous properties, but includes processed woods such as MDF and plywood, and wood that has been painted.

Previous non-compliances have been recorded for waste being stored on areas of the site without sealed drainage. The operator stated during this compliance visit that an area of the site adjacent to the public highway is being developed to create more waste storage areas which is something the Operator has been talking about for 10 years. Due to repeated permit breaches for storing waste in areas without sealed drainage, the Operator must supply an improvement plan setting out timescales for the completion of site infrastructure improvement works at the site to create additional suitable waste storage areas as discussed during the site visit. NRW must agree to the timescale provided by the Operator in order than any future compliance scores for this activity to be suspended.

If the Operator does not provide an improvement plan as required; any subsequent breaches of permit due to the storage and treatment of wastes in areas that do not have sealed drainage, as required by the permit, may result in a notice being served to remove the waste as well as receiving a CCS score for breach of permit conditions.

The Operator is storing undepolluted ELVs stored on unsealed ground, this is not in accordance with the requirements of article 6(1) of the End-of-life-Vehicles DIrective as specified by permit condition 2.4.1. The Operator has previously breached this permit condition, although there is no evidence of any contamination of the unmade ground due to leaks from undepolluted ELV's. However, it is reasonably foreseeable that polluting liquids could leak from undepolluted ELVs, especially as vehicles have been stacked for storage. The Operator must ensure that all undepolluted ELVs are stored in accordance with permit conditions. They must also provide an explanation of why they are repeatedly breaching this permit condition and storing undepolluted ELV's on unmade ground. Any subsequent breaches of permit due to the storage of undepolluted ELVs on unmade ground may result in a notice being served to remove the waste as well as receiving a CCS score for breach of permit conditions.

As well as storing undepolluted ELV's on unmade ground, they were being stored together with depolluted ELV's. This is a breach of permit condition 2.4.3 which requires that hazardous wastes are not mixed with non-hazardous wastes. Additionally, there was no obvious means by which to identify the ELVs that were depolluted (non-hazardous) and those that were undepolluted (hazardous). The TCM had to look closely at each vehicle in order to determine whether it had been depolluted or not. Therefore it is reasonably foreseeable that due to the failure to segregate and lable waste types effectively, undepolluted ELV's could be mishandled or resulting in polluting matter leaking from the ELV, or undepolluted ELV's being crushed by mistake.

Also unprocessed waste wood stockpile was stored so as it cross-contaminated aggregate and metal wastes. This was primarily due to the excessive amount of wood waste stored on-site due to the delay in completion of the biomass boiler. Waste acceptance and waste stream flow has been addressed under separate compliance criteria.

The Operator must ensure that incompatible waste types are not mixed on site, especially with regards hazardous and non-hazardous wastes. Wastes should be segregated and clearly labelled so as to prevent cross-contamination either on site, or further along the waste stream process.

The site was very busy and due to the installation of a new biomass boiler (to be permitted under a Part B Activity by the Local Authority), quite a lot of space on the site with impermeable pavement and sealed drainage was taken up by infrastructure and equipment not associated with the permitted waste activities. The operator storing wastes in areas without the correct containment is an indication that there is not enough space on the site for the quantity of wastes being accepted onto the site. The Operator must consider not accepting further wastes if there is insufficient space on the site to store and/or treat them. The Operator did state that two articulated loads of wood had been removed from site the week before this compliance visit due to lack of space. This shows that the Operator is aware of the issue of space on-0site and that they are willing to move waste off-site however, this was done mainly to ensure they could still operate on the site and not because they needed the space to store material correctly.

The root cause of the permit breaches identified during this compliance visit can mostly be attributed to a failure in the Environmental Management System (EMS) for the site. The storage of wastes on unmade ground or in areas without sealed drainage should have been identified in the EMS for the site; Permit Condition 2.3.1 requires the Operator to manage the site using techniques as set out in "Guidance Note EPR 1 How to comply with your environmental permit". Breaches of permit linked to waste storage can also be linked to inadequacies in waste acceptance procedures as well as changes to the wider waste industry and infrastructure as well as the lack of space within the permit boundaries due to conflicting business priorities.

Although the permit does not include a condition requiring the site to have a Fire prevention and Mitigation Plan (FPMP), "How to comply with your environmental permit", states that the EMS for the site must include measures to prevent and mitigate fires, such as fire breaks and maximum storage quantities. The storage of wood waste, especially wood chip, poses a relatively high risk of fire at waste sites. The current period of hot, dry weather will increase that risk, as will poor storage practices. The issues identified above indicate that either: the EMS has not been written taking into account the requirements of "How to comply with your environmental permit" or, that the Operator is not operating in accordance with their written procedures. The latter is a breach of permit condition 1.1.1 and "How to comply with your environmental permit" is a specified operating technique and the failure to comply with that document is a breach of permit condition 2.3.1.

Please ensure that the EMS for the site is reviewed and updated taking into account the requirements of "How to comply with your environmental permit". For the storage of waste, your management system must include:
- storage times and procedures to ensure that these times are not exceeded
- maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded
- maximum storage heights to prevent or minimise the emission of dust, litter and throughput management
- a procedure to identify the specific waste types stored at your facility
- procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures.
- an accident management section that clearly covers what will be done in the event of a fire and as a minimum identifies any sites/organisations that may need to be informed such as local receptors, highways and utility companies and how the site will liaise with the Fire and Rescue Service regarding the risks posed by your site.
- it must also include a written contingency plan that ensures that the impacts on the environment are minimised if there are any breakdowns, enforced shutdowns or changes in normal operations - for example because of extreme weather or the closure of a landfill, or the delay in installation of machinery at the site.
- A section that details site improvements and how they are or may impact daily operations

If NRW do not consider the site to have an adequate contingency plan for fire prevention and mitigation, NRW may consider varying the permit to require the site to have a FPMP. The latest guidance regarding FPMPs can be found here:
https://cdn.naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf?mode=pad&rnd=131654969480000000

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Operator/Permit holder	C B Environmental Ltd	Date	18/06/2018

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	Due to repeated permit breaches for storing waste in areas without sealed drainage, the Operator must supply an improvement plan setting out timescales for the completion of site infrastructure improvement works at the site to create additional suitable waste storage areas as discussed during the site visit. NRW must agree to the timescale provided by the Operator in order than any future compliance scores for this activity to be suspended. If the Operator does not provide an improvement plan as required; any subsequent breaches of permit due to the storage and treatment of wastes in areas that do not have sealed drainage, as required by the permit, may result in a notice being served to remove the waste as well as receiving a CCS score for breach of permit conditions	06/08/2018
B4	C3	The Operator must ensure that all undepolluted ELVs are stored in accordance with permit conditions. They must also provide an explanation of why they are repeatedly breaching this permit condition and storing undepolluted ELV	16/07/2018
C4	C3	The Operator must ensure that incompatible waste types are not mixed on site, especially with regards hazardous and non-hazardous wastes. Wastes should be segregated and clearly labelled so as to prevent cross-contamination either on site, or further along the waste stream process.	04/07/2018
A1	C4	Operator must vary the permit to include this activity. The deadline for this action is for the Operator to provide a timescale by when the permit variation will be submitted. NRW must agree to the timescale provided by the Operator in order than any future compliance scores for this activity to be suspended.	23/07/2018
C2	C3	Please ensure that the EMS for the site is reviewed and	06/08/2018

		updated taking into account the requirements of "How to comply with your environmental permit". For the storage of waste, your management system must include: • storage times and procedures to ensure that these times are not exceeded • maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded • maximum storage heights to prevent or minimise the emission of dust, litter and throughput management • a procedure to identify the specific waste types stored at your facility • procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures. The EMS for the site must include an accident management section that clearly covers what you will do in the event of a fire. As a minimum we expect: • identification of any sites/organisations that may need to be informed such as local receptors, highways, utility companies • liaison with the fire brigade to ensure they are aware of the risk from your site It must also include a written contingency plan that ensures impacts on the environment are minimised if there are any breakdowns, enforced shutdowns or changes in normal operations, for example because of extreme weather, such as we are currently experiencing or, as for your site, the delay to the installation of the biomass boiler Due to the on-site developments, there must also be a section of the EMS detailing the improvements being made at the site and how any on-going, or future developments will impact the daily site operations. If NRW do not consider the site to have an adequate contingency plan for fire prevention and mitigation, NRW may consider varying the permit to require the site to have a Fire Prevention and Mitigation Plan. The latest guidance regarding Fire Prevention and mitigation plans can be found here: https://cdn.naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf?mode=pad&rnd=131654969480000000	

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.