

Compliance Assessment Report

Report ID:
CAR_NRW0032626

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	12/12/2017	Time in	13:00	Out	15:00
Assessment type	Audit				
Parts of the permit assessed	1.1.1; 1.1.2; 1.1.4; 2.1.1; 2.3.1; 2.3.2; 2.4.1; 4.1.1				
Lead officer's name	Dines, Malcolm				
Accompanied by					
Recipient's name/position	Pete Malvern/ Technically Competent Manager	Date issued	29/12/2017		

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1
B4 - Infrastructure - Containment of stored materials	C3	2.1.1; 2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C4	2.3.2

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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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

The compliance visit was carried out by Malcolm Dines who was accompanied by Heidi Markham.

Wood Waste

Waste Wood is stored at the site prior to being bulked-up and exported to wood waste processing sites. All wood at the site is classed as Category C (contaminated but non-hazardous) and is shredded immediately prior to being exported from the site. At the time of the compliance visit the site did not have sufficient storage capacity for the amount of wood stored on site. The bays used to contain the wood waste are over-full and some of the material at the back of the bay has been there for at least two years. Wood waste is usually exported once a week with a fully-loaded articulated lorry being able to carry around 26 tonnes of shredded wood and taking a day to complete the round-trip to the wood processing site.

The wood waste is shredded just prior to being loaded and exported from the site, this is because the longer shredded wood is left in the open the poorer the quality becomes and therefore it is of less value to the processors. The shredding and storage of shredded material takes place on an area of the site that is served by surface water drains discharging, via interceptor, to Glan-yr-afon Brook. The interceptor will not be able to prevent metals and nutrients entering the watercourse, both of which are likely to be contained within the run-off from treated wood. Wood waste has an inherent fire risk and in the event of a fire having to be put out, the interceptor would not stop contaminated fire water entering Glan-yr-afon Brook and the drain would not be able to be blocked due to its proximity to the stockpile of shredded wood. Because of this it is reasonably foreseeable that this activity could cause a minor pollution of a watercourse. This is a breach of permit condition 2.1.1 and received a CCS score of 3 against Compliance Criteria B3.

At the time of there was approximately two loads of shredded wood waste stored on the yard. The waste was unable to be exported due to snow meaning that the haulage vehicles were not able to access the site. The operator has scheduled two loads to be removed as soon as the haulage vehicles are able to access the site. The operator also indicated that plans are being progressed to create a long-term solution for the wood waste at the site and that this plan will be completed before the end of March 2018. The result will be that after that date, waste wood will be stored on another area of the site that is served by sealed drainage. In the meantime the operator must work to reduce the quantity of wood waste stored on site so that any material imported to the site can be contained within existing storage areas and where run-off will not enter the surface water drain.

Waste Storage

While walking around the site it was noted that two ELV's; one depolluted and one that was not de-polluted were being stored on hardstanding. The permit and the ELV Regulations 2005 require that undepolluted vehicles are stored on impermeable surface served by sealed drainage. The failure to do so is a breach of permit conditions 2.1.1 and 2.4.1 which receives a CCS score of 3 against compliance Criteria B4. There was no evidence that the un-depolluted vehicle had caused any pollution of the ground but such an outcome is reasonably foreseeable.

Provision of Technical Competence

Technical competence provision at the site was reviewed: Pete Malvern, the Technically Competent Manager, had taken his Continuing Competency assessment the week before the compliance visit however, the certificate listed awards for TSH, MRS + ELV: TSH is for the Transfer of Hazardous Wastes. The site risk level is High and the site requires the award and competency for TMH (Treatment of Hazardous Wastes). Pete Malvern has a TMH qualification and it was unclear at the time of the audit whether he had inadvertently taken the wrong assessment, or if the wrong qualification had been printed on his certificate.

Subsequent to the compliance visit, Pete Malvern retook and passed the continuing competency assessment for the correct modules including the Treatment of Hazardous Waste. Therefore the site is compliant with permit condition 1.1.4. The TCM is required to be on-site for a minimum of 1hr a week. Pete Malvern works every other weekend and his shift pattern means that he is on-site for at least one day of every week.

Separate Collections

Since 1st January 2015 waste collection operators including private companies, social enterprises and local authorities are required by law to offer their customers with separate collections for paper, metal, plastic and glass where this is necessary to improve the quality of recycled material by reducing contamination at the point where the recyclable material is collected. Once the four waste materials for recycling have been separately collected, either through separate collections or a mixed/co-mingled collection prior to the ensuing sorting process, the regulations require the materials to be kept separate and not mixed with other materials with different properties.

During the compliance visit it was observed that a lorry with a skip of separately collected waste paper was being "topped-up" from another skip of separately collected waste paper. the operator stated that the driver would be doing this in order to ensure a full-load of waste was transported from the site. However, the driver was "topping-up" by using a grab to transfer the material across a bay of green waste, in the process some paper was dropping into the green waste. It is unlikely that this paper would be able to be recovered from the green waste bay either at all, or in a condition that would not be reducing the quality of the recyclable material. Although the driver was being very careful in the process it is reasonable that this process could result in larger amounts of waste paper being dropped into the green wastes in breach of the requirements of the Waste Regulations (England and Wales) 2011.

End-of-life Vehicle Consignment

All vehicles are received as domestic waste even if they are coming from a garage as this is what the holder states that they are. Operator was advised that garages should be consigning as hazardous waste, any ELVs that they have obtained knowing that they will be scrapping them. And also that garages should not be stripping ELVs of parts unless they have been depolluted.

Oil Storage

All oil is stored in double-bunded tanks. Therefore the site is compliant with The Water Resources (Oil Storage)(Wales) Regulations 2016. Waste oil is collected by Slicker Recycling a company based in Stourport-on-Severn.

Waste Acceptance/Returns

Following the compliance visit the waste returns for Rheidol Recycling Park for 2017 were reviewed. All waste tonnages were within permitted quantities however, in Quarter 3 it was reported that 750kg of waste cooking oil (EWC code 20 01 25) had been accepted at the site. This waste type is not on the list of permitted waste types and is a breach of permit condition 2.3.2. There were no non-compliances identified during the compliance visit regarding this waste type and therefore this breach receives a CCS score of 4 against CAR Criteria C3 as the site is permitted to accept other waste oils and has suitable infrastructure. If the operator wishes to continue to accept this waste type into the site they must apply to vary the permit and ensure that the any container used to store this waste material is compliant with current oil storage

regulations. The root cause of this breach is a failure of the site management system to ensure that only permitted waste types are accepted. The operator must also ensure that the EMS is reviewed to address these matters and to ensure that waste returns are reviewed before submission.

Environment Management System (EMS)

Fires at the site are covered in EMS but only with regards to what site staff should do in the event of a fire, there is nothing regarding fire prevention or mitigation. Currently the permit does not require the operator to have a Fire Prevention and Mitigation Plan and the proposed changes regarding wood waste at the site will not require a permit variation. The TCM stated that the Fire and Rescue Service had attended the site and carried out a risk assessment of the site.

The EMS is very thorough and separates the activities out so that the management of each activity is addressed. However, the compliance visit highlighted that the EMS needs a lot more detail about how the operator prevents or minimises harm to the environment from the activities at the site. Waste acceptance states that wastes are checked on arrival, on tipping and on sorting; but it does not state how carries out these checks or how. The EMS is also deficient in the procedures for how different waste streams are handled and treated at the site and how the risk of pollution is prevented or minimised. For example, the EMS does not detail the procedure for depolluting ELV's - such as the equipment used, and how and where ELV liquids are stored. The site has full de-pollution equipment set-up that drains all liquids from the ELV and ensures that they are fully contained through to storage. Neither does the EMS have a procedure for "topping-up" skips of separately collected wastes or for handling wood waste when the site is approaching capacity for that particular waste stream.

It was also identified that the EMS does not have a section relating to dust management. The shredding of waste wood (and the crushing of inert wastes) is highly likely to create dusts, especially during dry weather. There should be a written process for minimising the risk from the production of dust and mitigating any potential impacts.

The lack of a procedure in the EMS was not the root-cause for the excess material stored on site, the operator has conceded that they have too much of that waste stream on-site. However, the lack of procedure of how to "top-up" skips of waste can be considered to be the root-cause of the breach of the Separate Collection Regulations as noted above. The EMS should contain a written procedure that outlines how such "topping-up" should be carried out and where suitable a location is on the site that would prevent a breach of regulations. This also applies for the storage of ELV's. Appropriate storage areas should be designated and training provided to site staff to ensure that they adhere to the EMS procedures.

The operator also needs to review waste acceptance procedures at the site following the acceptance of a non-permitted waste type as outlined above. The EMS should have sufficient detail that ensures that if non-permitted waste types enter the site, they are identified and either removed from site immediately, or are quarantined prior to removal from site at the earliest opportunity. The operator also needs to review the section of the EMS relating to waste returns: there should be a procedure in place to allow the member of staff tasked with submitting the waste returns to identify and notify site management that a non-permitted waste type has been recorded as being accepted at the site and for the permit holder to contact the regulator to discuss the matter at the earliest opportunity.

The TCM was advised that the EMS does not contain adequate detail regarding the procedures for waste storage and treatment at the site and needs to be updated. They were also advised to consider including a section for Fire Prevention and Mitigation given that this is the highest environmental risk at the site as well as detailed procedures for all waste types at the site and how separately collected materials are stored and handled to ensure compliance with the Waste Regulations 2011. A draft should be completed by 31st January 2018 and the EMS fully updated before 1st April 2018.

The deficiencies in the EMS are a breach of permit condition 1.1.1, although there is no evidence that any of the failings in the management system might lead to a serious pollution. As such this breach receives a

CCS score of 3 against CAR criteria C2.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032626**

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	Date	12/12/2017

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 that wood waste is stored so that any run-off is contained by the site sealed drainage system.	31/03/2018
C2	C3	Improve EMS and add more detail	31/03/2018
C3	C4	Operator must either stop accepting this waste type or vary permit to allow it to be accepted	31/12/2017
B4	C3	Undepolluted ELVs must be stored on impermeable pavement; EMS must set out how ELVs are stored	31/03/2018

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.