

Compliance Assessment Report

Report ID:
CAR_NRW0034166

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

Site	Clyne Civic Amenity Site	Permit Ref	HB3397TK		
Operator/Permit holder	City and County of Swansea				
Regime	Waste Operations				
Date of assessment	05/11/2018	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	condition related to noise 3.3.1, operating techniques 2.3.1 table S1.2 (appendix 5)				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Chris Fender/ Site Manager	Date issued	05/11/2018		

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
C2 - General Management - Management system and operating procedures	C3 - Suspended	operating techniques 2.3.1 table S1.2

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	1	Total compliance score (see section 5 for scoring scheme)	0
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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

This Compliance Assessment Report (CAR) form has been completed following the review of information submitted by the operator in response to a Noise incident report received from a member of the public to NRW by email on 30 October 2018. (copied to CCS) and review of site EMS and noise management plan appendix 5.

Swansea City Council undertook an inspection of their procedures following their receipt of a noise complaint. NRW had been copied into this email correspondence and subsequently logged the report onto the WIRS system and communicated with the operator.

Investigation findings:

The operators internal review findings reported that;

After reviewing the onsite CCTV, I can confirm that there is a skip movement at 08.38 by our 7.5t lorry (MV04 KTD) to service our TV skip, the reverse beeper has not yet been modified on this lorry unfortunately, we will now progress with this modification.

I can't account for any screeching as there is no input into the site noise log and the placing of the skip could not have been carried out any better as there is no dragging of the skip and it is lowered slowly to the ground, I have downloaded the footage for anyone to review if necessary.

Background:

(See CAR form NRW0033751) The operators have previously identified the disconnection of a reversing alarm requires multiple inputs from drivers. On some vehicles it was reported that the reversing alarm must be deactivated on every movement of the vehicle. This can lead, on occasions, to drivers forgetting to deactivate the alarm or the alarm coming back on during a manoeuvre. On discussions with the manufacturers Swansea city council have decided to make modifications to these vehicles, installing a single switch to deactivate the alarms.

NRW advised that the operators ensure all H&S aspects of this chosen noise management is reviewed by them with input from other professional organisations were required. It was also advised to start reviewing noise monitoring data in order to determine if this deactivation was reducing noise or if the use of alternative reversing alarms would be advised e.g. white noise instead of beep alarms.

An action was assigned in CAR NRW0033751 to implement these improvements by 31 August 2018.

Compliance Assessment:

The permit condition related to noise states:

The operators internal review findings reported that reversing alarm on one vehicles were being operated on site. This is in breach of the noise management procedure and permitted operating techniques.

A breach has been scored against permit condition operating techniques 2.3.1 table S1.2

appendix 5 and assigned a 1 CCS score of Cat 3.

This score has been suspended as per CCS guidance.

The operator has worked to implement the improvements identified and previously scored under CAR 0033751 (dated 6/8/18) The operator has proposed a reasonable action plan, in response to this noise incident, to achieve compliance voluntarily stating this 1 remaining vehicle to have the alarm modifications installed is to be completed by 9th November 2018.

ACTION:

Implement identified improvements to modify reversing alarms and comply with management plans by 9/11/2018.

These aspects of noise management are on-going and will need periodic review by the operator to ensure they are still fit for purpose. NRW advise operator review noise monitoring data.

AOB:

NRW are awaiting the interpretation of the Quarterly noise monitoring submission.

ACTION Please can you ensure that an interpretation of noise monitoring data is provided with submission of the quarterly noise monitoring due.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

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Operator/Permit holder	City and County of Swansea	Date	05/11/2018

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			
C2	C3	modifications to 1 remaining vehicles installing a single switch to deactivate the alarms by 30 Nov 18	30/11/2018

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.