

Compliance Assessment Report

Report ID:
CAR_NRW0034972

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

Site	Linton Yard	Permit Ref	AB3294ZQ			
Operator/Permit holder	Recycling Equipment (UK) Limited					
Regime	Waste Operations					
Date of assessment	29/03/2019	Time in	13:30	Out	14:30	
Assessment type	Audit					
Parts of the permit assessed	Permitted Operations and Waste Storage					
Lead officer's name	Davies, Gareth					
Accompanied by						
Recipient's name/position	Gary Samuel/ Director / Technically Competent Person	Date issued	16/04/2019			

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	C3	2.1.1 and Table S1.1
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Present

Gary Samuel (GS) – Recycling Equipment (UK) Ltd (REL)

Winston Samuel (WS) - Recycling Equipment (UK) Ltd

Ifon Jones (IJ) – Consultant to REL (pre-application discussions only)

Gareth Davies (GD) – Natural Resources Wales (NRW)

The purpose of the site meeting was to assess compliance with the environmental permit held by REL, reference EPR/AB3294ZQ (permit) and to provide pre-application advice.

Pre-Application

A pre-application discussion was also held along with IJ on the inclusion of end of life vehicles (ELVs), namely large commercial vehicles and the associated treatment in to the permit. GD agreed that further pre-application information would be provided separately. GD confirmed that while certain vehicles may not be classified as ELVs under the relevant legislation, when discarded they are waste and an appropriate permit is required to accept them. It is recommended that REL include any other amendments that they may wish to include as part of the permit variation to prevent any further applications being required.

It is noted that REL have a number of exemptions registered on the site. (S1, S2, T4, T5, T6, U1 and U2). It is recommended that any waste activities carried out by REL under the S and T exemptions are included in the variation. A consultation on the exemptions has taken place, with one proposal being that exemptions are not allowed at permitted sites. While this is unlikely to be confirmed or take place for a year or so, including the relevant activities as part of this variation will reduce any costs as part of any potential variation in the future. Further information on the consultation can be found via the link below:

<https://www.gov.uk/government/consultations/reducing-crime-at-sites-handling-waste-and-introducing-fixed-penalties-for-waste-duty-of-care/outcome/government-response>

The written management system should clearly identify those waste types and activities that are covered by exemptions and how they are managed separately from the permitted activities. If REL continue to operate with exemptions on site, then relevant duty of care paperwork accepted under an exemption will need to be in place.

Storage of Waste

During the site inspection there were wastes that were being stored outside of the specifications laid out under condition 2.1.1 and Table S1.1. This includes the storage of metal in a skip and builder sacks in areas that do not benefit from impermeable surface and sealed drainage systems. A photograph of the builder sacks can be seen in the photograph below.



Treatment of Waste

Waste wood is produced following the separation of wood from the mixed waste piles within the main building. Waste wood that is then removed from the recycling building would be classified as EWC Code 19 12 06 or 19 12 07. REL currently shred waste wood under a T6 exemption on a separate area of the site, while still in the permitted area. The wood stored within the building and the current processing area can be seen in the photographs below.



A T6 exemption specifies the EWC Codes that can be accepted for treatment. These can be seen in the extract from the Environmental Permitting (England and Wales) Regulations 2016 below:

Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)

6.—(1) The treatment of relevant waste by chipping, shredding, cutting or pulverising it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	Waste types
020103, 200201	Plant tissue waste
030101, 030301, 170201	Wood
150103	Wooden packaging only

As can be seen the T6 exemption does not allow for the import and treatment of EWC Codes 19 12 06 or 19 12 07. As such waste wood cannot be treated under the T6 exemption. Table S1.1 of environmental permit EPR/AB3294ZQ does not allow for the shredding of waste wood, see extract below:

Treatment operations shall be limited to manual and/or mechanical:

- sorting and/or separation
- bulking up for onwards transfer

of permitted waste for the purpose of recovery and/or disposal.

REL currently have a baler on site that has been operational using a generator. REL are currently awaiting the installation of a transformer to provide a reliable electricity supply to power the baling machine. It should be noted that Table S1.1 states that the treatment operations shall be limited to those specified in the extract above. The treatment options do not allow the baling of waste. A picture of the baler can be seen below.



Table S1.1 of environmental permit EPR/AB3294ZQ specifies the activities that can be undertaken on site. The treatment of waste wood by shredding and the baling of material are not activities that are specified in Table S1.1. As such, these activities are considered a breach of condition 2.1.1 and Table S1.1.

These breaches have been scored a CCS3 under A1 Specified by permit.

ACTION: REL shall provide a date for agreement with NRW, stating when they intend to comply with condition 2.1.1 and Table S1.1 by 29 April 2019. REL may wish to include these activities within a permit variation application.

Waste Returns

GD confirmed that there were a number of outstanding waste returns, notably Quarters 2, 3 and 4 for 2018. Quarter 1 for 2019 requires submission by 31 April 2019.

Condition 4.2.2 requires that within one month of the end of each quarter, the operator shall submit waste returns for waste accepted and removed from it during the previous quarter.

As waste returns have not been submitted for Quarters 2, 3 and 4 for 2018, this is a breach of condition 4.2.2. This has been scored a CCS4 under G4 Monitoring and records, maintenance and reporting – Reporting and notification.

IJ confirmed that these would be submitted during the site inspection and has also confirmed via e-mail separately.

Written Management System

Condition 1.1.1 (a) of the permit EPRAB3294ZQ states that:

Treatment operations shall be limited to manual and/or mechanical:

- sorting and/or separation
 - bulking up for onwards transfer
- of permitted waste for the purpose of recovery and/or disposal.

The current written management system has not prevented the non-conformances identified in this Compliance Assessment Report. Subsequently, this is a breach of condition 1.1.1 (a) This has been scored a CCS3 under C2 General Management – Management Systems & Operating Procedures.

ACTION: A full review of the written management system shall be undertaken by REL. The written system should be produced in accordance with 'How to Comply with your environmental permit' and 'Sector Guidance Note IPPC S5.06: Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste with consideration for the requirements set out in condition 1.1.1(a).

Legacy Material / Other Business Material

Throughout the wider site and permitted area there remains a large amount of material that has been on site prior to the site obtaining and operating a permit. This material being kept on site, does not make it clear what has been imported under the permit and what was on site previously. After viewing 'Design and Access Statement July 2013' there are certain wastes on site which do not appear to be

In order for both REL to ensure that they are compliant with the storage requirements set out, please provide a date for agreement with NRW, by which the written management system will be updated to reflect what is legacy material previously held on site.

Further to this, material is brought to site from other business activities carried out by REL, subsequently bringing it back to a site controlled by the producer. Going forward any waste that is imported to the site shall either be kept in an area outside of the permitted boundary or if stored within the permitted boundary, it shall be stored in accordance with the permit conditions.

ACTION: REL's written management system shall be updated to reflect the operational practices on site.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources 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 in Wales.

EPR Compliance Assessment Report

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Site	Linton Yard	Permit Ref	AB3294ZQ
Operator/Permit holder	Recycling Equipment (UK) Limited	Date	29/03/2019

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	REL shall provide a date for agreement with NRW, stating by when the written management system shall be updated in line with How to Comply with your environmental permit and Sector Guidance Note IPPC S5.06: Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste.	29/04/2019
G4	C3	REL shall provide a date for agreement with NRW, stating by when all outstanding waste returns shall be submitted.	29/04/2019
A1	C3	REL shall provide a date for agreement with NRW, stating when they will be in compliance with condition 2.1.1 and Table S1.1.	29/04/2019

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.