

Compliance Assessment Report

Report ID:
CAR_NRW0034708

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

Site	Carway Fawr Site Office	Permit Ref	KP3698VB		
Operator/Permit holder	Gwendraeth Valley Recycling Ltd				
Regime	Waste Operations				
Date of assessment	05/02/2019	Time in	14:00	Out	14:45
Assessment type	Audit				
Parts of the permit assessed	Operational area				
Lead officer's name	Bacon-Weekes, Liane				
Accompanied by	Davies, Ieuan, Davies, Carwyn				
Recipient's name/position	Lyndon Tillman/ Director	Date issued	19/02/2019		

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	A	
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3	3.4.1
	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
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	5	Total compliance score (see section 5 for scoring scheme)	20
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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

A routine inspection was undertaken on the 5th February 2019 by Liane Bacon-Weekes and was accompanied by NRW Officers Carwyn Davies and Ieuan Davies. It was an unannounced inspection and focussed on the operational area of the site. Mr. Lyndon Tillman (Director) was not present at the time of the inspection.

Actions from previous CARs (CAR ID: CAR_NRW0033025, CAR_NRW0031577)

- Submit a Fire Prevention and Mitigation Plan 9FPMP) to NRW – Our records show that an FPMP has not been submitted to NRW.
- Submit an updated Environmental Management System (EMS) to NRW – Our records show that an updated EMS has not been submitted to NRW.
- Submit missing quarterly waste returns to NRW – Our records show that no waste returns have been submitted to NRW.

Inspection Findings

Storage of waste

It is a requirement of permit Condition 2.3.1 that activities be operated using the techniques and, in the manner, described in Table 2.3. Here it states that:

Unless stored or treated outside as specified waste:

- a. all bulking, transfer or treatment of non-hazardous waste shall be carried out inside a building;
- b. all non-hazardous waste shall be stored in a building or within a secure container.
- c. all non-hazardous waste shall be stored and treated on an impermeable surface with sealed drainage system.

At the time of the inspection, non-hazardous waste was being stored on hardstanding and this is a breach of this condition. You have been scored a category 3 for this breach.



C4 – General Management – Storage, handling, labelling and segregation – Condition 2.3.1 – CCS 3
ACTION: You are required to store this waste in either a secure container or within the building. This

must be completed by the 8th March 2019.

TCM

Our records show that your WAMITAB continuing competency expired on the 15th July 2018. Under condition 1.1.4 an operator must comply with the requirements of an approved competence scheme. Failing to complete your continuing competency is a breach of this condition. You have been scored a category 3 for this breach.

C1 – Staff Competency and Training – Condition 1.1.4 – CCS3

ACTION: You are required to complete and obtain your continuing competency certificate.

Fire Prevention and Mitigation Plan (FPMP)

As noted in CAR_NRW0033025, the Standard Rule set SR2008No7_75kte was amended to include the requirement to have Fire Prevention and Mitigation Plan (FPMP). This was to be submitted to NRW by 1st November 2017. NRW has not received an FPMP and this is a breach of condition 3.4.1 of your permit. All permit non-compliances (except those relating to amenity) are categorised on their reasonably foreseeable impact on the environment. In this case it is reasonably foreseeable that, failing to have an adequate FPMP in place could result in pollution to the environment if a fire was to occur on the site. Failing to submit and implement an approved FPMP is a breach of your permit. You have been scored a Category 3 score for this breach.

C2 – Management Systems and operating procedures – condition 3.4.1 – CCS3

ACTION: Submit an FPMP to NRW for approval.

Waste Returns

As noted in CAR_NRW003025, under permit condition 4.2.2, you are required to submit quarterly waste returns to NRW. Our records show that no waste returns have been submitted to NRW since 2015. Waste returns provide evidence that you have not accepted and exceeded the waste limit specified in the permit. It provides information on source and destination of waste and helps to satisfy the requirement of the Duty of Care Regulations. You have been scored a category 3 score for this breach.

G4 – Reporting & notifications – Condition 4.2.2 – CCS3

ACTION: Submit missing quarterly waste returns.

Management Systems

When scoring a non-compliance, we must also consider the root cause of the breach as this will identify the underlying cause of the non-compliance. Often it is the result of failing to understand the requirements of the permit and/or failing to update and review management plans and follow the protective measures indicated within them.

The existing working plan is not fit for purpose and does not reflect the current operation or identify the risks your activity poses. The above breaches provide further evidence of poor management and lack of understanding of the requirements of permit condition requirements. You have been scored a category 3 score for this breach.

C2 – Management Systems – Condition 1.1.1 – CCS3

ACTION: The existing working plan needs to be reviewed and up-dated so that it accurately reflects activities on site.

The inspection has identified several non-compliances some of which have been raised and scored for previously. You are required to address these non-compliances and an Environmental Permitting Regulations (EPR) 2016 Reg 36 Notice will be served highlighting the improvements required and the date in which they must be completed by. Please be mindful that failing to meet the requirements of both Notices, by the required deadlines, will result in further enforcement action.

To move forward, I would like to discuss the above Notice and agree appropriate, achievable dates for the actions to be complied with. These dates must be agreed no later than the 8th March 2019; Therefore, please can you contact me, at your earliest convenience, to discuss.

If you have any queries, please do not hesitate to contact me.

EPR Compliance Assessment Report

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CAR_NRW0034708**

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Site	Carway Fawr Site Office	Permit Ref	KP3698VB
Operator/Permit holder	Gwendraeth Valley Recycling Ltd	Date	05/02/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Agree a date to submit an FPMP to NRW	08/03/2019
C1	C3	Agree a date to complete WAMITAB continuing competency certificate	08/03/2019
G4	C3	Agree a date to submit missing waste returns	08/03/2019
C4	C3	You are required to store this waste in either a secure container or within the building	08/03/2019
C2	C3	Agree a date in which to submit a reviewed and updated working plan	08/03/2019

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.