

Compliance Assessment Report

Report ID:
CAR_NRW0035688

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

Site	Brecon Recycling Centre	Permit Ref	TB3190HN		
Operator/Permit holder	Sundorne Products (Ilanidloes) Limited				
Regime	Waste Operations				
Date of assessment	13/09/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	6.2.2 - Waste Returns				
Lead officer's name	Dines, Malcolm				
Accompanied by					
Recipient's name/position	Mark Phillips/ Area Manager	Date issued	17/09/2019		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	6.2.2

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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

On 13th September 2019 Natural Resources Wales (NRW) carried out a review of the waste returns submitted by the site for the period covering 1st July 2018 until 30th June 2019 as part of NRW's routine assessments for compliance.

Permit Breaches:

G4 Reporting and notification to Natural Resources Wales – Cat 4; Permit Condition 6.2.2:

You have been given this category 4 breach under the above condition because the waste returns are not adequate and therefore it is not possible to fully track waste or identify that it is being handled correctly and in line with regulations and the waste duty of care. During the review of your waste returns it was identified that there are errors with the application of Recovery and Disposal codes and also with the description of the waste and use of European Waste Catalogue codes.

In Quarter 1 2019 the site exported 430.88 tonnes of European Waste Catalogue (EWC) code 20 01 01 to a "sorting waste paper" Recovery activity but does not show that a similar amount of waste has been received at the site during the reporting period.

It was reported that 64 tonnes of Residual Waste (EWC code 20 03 01) - which is a degradable waste - was accepted at the site over the 12-month review period but none was removed from the site.

The returns also show that a large proportion (almost 100 tonnes) of EWC code 20 02 01 and almost 180 tonnes of EWC code 20 02 02 accepted at the site over the 12-month period has not been removed from site.

Your site is only permitted to store up to 30 tonnes of degradable wastes and 20 tonnes of inert wastes at any one time. If the returns are correct, the handling of these waste streams will have meant that the tonnage limit at the site for both degradable and inert wastes will have been exceeded.

You have reported that you have accepted "Automotive Batteries" at the site and they have been assigned the European Waste Catalogue code 16 05 05. Your permit does not authorise car batteries to be accepted at the site.

7.64 tonnes of Gas Bottles have been exported from the site over the duration of the review period when only 0.9 tonnes have been accepted at the site. Further to this, gas bottles belong to a gas company and as such are not waste until the gas company discards them. Please can you confirm what happens to the gas bottle when they leave your site?

It was reported that ceramics were accepted at the site as EWC code 20 02 02. This code is only applicable for household ceramics or similar commercial and industrial ceramics. Any ceramic wastes generated through construction and demolition activities such as bathroom or kitchen tiles, toilets or sinks etc. must be coded 17 01 03. Please provide an explanation of what this ceramic waste is and why it has been recorded as EWC code 20 02 02.

Most of the waste streams accepted at the site have been reported as accepted under the "D15" Disposal code, meaning it has been accepted at the site with the intention of disposing, not recovering, the waste. "D15" is not a permitted activity under your permit however, most of the waste accepted at your site is required by the Waste Hierarchy to be submitted to a recovery process. It would only be expected to see a very few waste streams accepted under a Disposal code - asbestos for example, which is only ever sent for disposal. As you have reported that most of the waste streams accepted under a Disposal code have been exported from the site under an "R" Recovery code, it indicates that the use of the "D15" code is an error. The correct use of Disposal and Recovery codes, as well as the correct coding and description of the waste, is requirement of the Waste Duty of Care, it is part of the process that ensures waste is not handled incorrectly or disposed of, or treated, illegally.

Please review the waste returns submitted for this 12-month review period ensure that the correct Recovery and Disposal codes are being used and that wastes are being described accurately and assigned the correct List of Waste code. and amend and re-submit as necessary. Please also ensure that the process for completing the returns is reviewed and that staff compiling the returns understand the correct use of Recovery and Disposal codes and the List of Waste codes.

If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Malcolm Dines on 03000 653403 or email Malcolm.dines@cyfoethnaturiolcymru.gov.uk

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

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EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035688**

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Site	Brecon Recycling Centre	Permit Ref	TB3190HN
Operator/Permit holder	Sundorne Products (Ilanidloes) Limited	Date	13/09/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
G4	C4	Ensure that all wastes are correctly coded and/or described in accordance with the List of Wastes and that the correct Recovery ("R") and Disposal ("D") codes are used. Ensure that the procedure for compiling the waste returns is correct and that staff are properly trained in how to apply the procedure.	01/11/2019

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.