

Compliance Assessment Report

Report ID:
CAR_NRW0036082

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

Site	Slicker Recycling	Permit Ref	ZP3334AQ		
Operator/Permit holder	Slicker Recycling Ltd				
Regime	Installations				
Date of assessment	12/12/2019	Time in	11:00	Out	13:30
Assessment type	Site Inspection				
Parts of the permit assessed	Staff changes. Reporting & Notification				
Lead officer's name	Green, Rebecca				
Accompanied by					
Recipient's name/position	Steve Chalupka/ HSEQ Manager	Date issued	17/12/2019		

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
C1 - General Management - Staff competency/training	C4	4.3.6 Notification, within 7 days, of changes in technically competent management.
C2 - General Management - Management system and operating procedures	C4	1.1. General Management, Change procedure.
E2 - Emissions - Land and groundwater	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.3 Quarterly waste returns

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)	0.3
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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 purpose of this meeting was to discuss problems with the submission of data to Natural Resources Wales (NRW) and to clarify staff responsibilities following recent changes in personnel. There was no formal agenda for this meeting.

Slicker personnel and responsibilities are as follows -

Steve Chalupka (SC), Health, Safety, Environment and Quality Manager.
Responsible for HSEQ for all Slicker sites. Based off site. TCM, CoTC and WAMITAB.

Leigh Davies, Plant and Laboratory Manager.
Responsible for sending waste returns to the regulator.

Gary Smith, Operations Director. TCM.

Ernie Price. Plant Supervisor, Newport. TCM, CoTC and Wamitab.

Proposed Site Extension

Slicker are proposing to buy the building which houses their offices and laboratory and to use the surrounding yard for storage of non-hazardous waste. They are considering adding this site to the installation's permitted area.

RVG advised that they would be wise to obtain a Site Condition Report for the new area before applying to vary the installation permit. This would probably involve taking and analysing soil and groundwater samples as a reference point at the start of their use of the land.

Any material should be stored on an impermeable surface. The surface around the proposed new site is in poor condition and would need replacing; it is too worn to be "made good".

The activities proposed for the site could probably be carried out under an exemption, but this would need to be discussed again once more detail is known.

Permit Condition 4.3.6 states -

"The Agency (NRW) shall be notified within 7 days of any changes in technically competent management and the name of any incoming person together with evidence that such person has the required technical competence."

SC starting working with Slicker in August 2019. NRW were not informed of the change in responsible persons and have received no evidence of technical competence. Changes of any sort should be covered by the company's change procedure and the fact that NRW received no notification infers that either a procedure does not exist or was not followed.

Having met SC face to face his technical competency is obvious, but NRW should have received documentary evidence within the specified time period.

Action 1: Send NRW documentary evidence of SC's technical competency and an up to date management structure for Slicker Recycling by 20th December 2019.

Permit Condition 4.2.3 states -

"A summary report of the waste types and quantities accepted and removed from the site shall be made for each quarter. It shall be submitted to the Agency (NRW) within one month of the end of the quarter and shall be in the format required by the Agency (NRW)."

Reports for the waste transfer station and the installation were not received by the due date. They were sent to the Environment Agency. When they were received they were incorrect.

Slicker have been asked to re-send reports for quarters 1, 2 and 3 for 2019 for both the waste transfer station and the installation as soon as possible. This is to ensure that NRW have accurate data for 2019.

Action 2: *Send Q1, Q2 and Q3 waste returns for the Newport installation and waste transfer station to NRW as soon as possible.*

Action 3: *Ensure persons responsible for submitting waste returns for the Newport site know what they are to submit, when it is due and to whom it should be sent. A copy of the amended procedure to be received by NRW on or before 31st January 2020.*

1.1 General Management

Slicker must have a Change Management Procedure in place as part of their Environmental Management System. This does not appear to be the case as NRW were not informed of the personnel changes affecting the Newport site. In addition, responsibility for reporting waste returns seems to have moved from the HSEQ Manager to the Plant and Laboratory Manager at a different site, who was unaware that the returns should be sent to NRW and that there were hazardous and non-hazardous reporting requirements for the Newport site. This has brought a worrying weakness to light as this is not the first time that Slicker's Change Management Procedure has been shown wanting.

In 2016 Slicker were issued with three non-compliances related to late reporting, with the root cause being the management system. The CAR was issued in May 2016, reference number CAR_NRW0019585 and is quoted below -

"This infers that the management system is not robust enough to cope with changing personnel and that there may be some confusion about the requirements of an EPR installations permit compared with those for a Waste Management Licence (Permit)."

Action 4: *Send a copy of the Change Management Procedure to NRW by 31st January 2020.*

Please note, repeat non-compliances against the same permit condition will ultimately result in an escalation of NRW's enforcement response.

END.

EPR Compliance Assessment Report

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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			
C2	C4	Comply with permit condition 1.1.3. Ensure all those having responsibilities concerned with this permit are familiar with the requirements and that they understand that it is regulated by NRW not EA. Ensure contact details for NRW are clear and accessible.	31/12/2019
G4	C4	Comply with permit condition 4.2.3. Send quarterly reports to NRW by the due date, in the format specified by NRW.	31/12/2019
C1	C4	Provide evidence that the new HSEQ Manager is technically competent.	20/12/2019

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.