

Compliance Assessment Report

Report ID:
CAR_NRW0036402

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	27/02/2020	Time in	10:30	Out	11:00	
Assessment type	Audit					
Parts of the permit assessed	See Below					
Lead officer's name	Edwards, Michael					
Accompanied by	Clark, Angharad					
Recipient's name/position	Gary Samuel/ TCM	Date issued	09/03/2020			

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	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1 (a)
C3 - General Management - Materials acceptance	C3	2.3.2 and Table S2.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.1.1 and Table S1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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

Unannounced site inspection undertaken by Michael Edwards and Angharad Clark of Natural Resources Wales (NRW), accompanied on site by Phil Jones of Recycling Equipment (UK) Limited.

C1 - Staff training and competency

Under **condition 1.1.4** of the environmental permit the operator is required to comply with the requirements of an approved competency scheme. Evidence was submitted during the inspection for Gary Samuels WAMITAB completion. This is due to expire **13th September 2020**.

C4 - Waste treatment and Storage.

Condition 2.1.1 refers to the permitted operating procedures outlined in **Schedule 1, Table S1.1**. Under this condition, all wastes must be treated and stored prior to treatment within a building on an impermeable surface.

During the inspection, mixed wastes were stored and treated within the main building on site, where the machine is used to removed recyclates. A baler operates in the main building and was identified in the previous inspection **29/03/2019 (CAR_NRW0034972)**.

Table S1.1 states:

"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."

Baling of waste is not a treatment activity that the permit covers. And has been recorded as a **Category 3 breach** of permit **condition 2.1.1 and Table S1.1**. This non-compliance was also identified previously as detailed in **CAR_NRW0034972**.

At the rear of the site wood is being stored and treated by shredding. This is being undertaken on an impermeable surface as identified in previous CAR forms. During the inspection undertaken in 2019 it was identified that this is being undertaken under a **T6 waste exemption**.

Further to the above conditions, **Table S1.1** also specifies the conditions for storage of waste following treatment.

"After treatment:

- Mixed wastes (15 01 06 and 20 03 01) and asbestos waste (17 06 05*) must be stored within a building on an impermeable surface with sealed drainage to sump;*
- Paper and cardboard wastes (15 01 01 and 20 01 01) may be stored either within a building on an impermeable surface with sealed drainage to sump, or outside in a curtain sided trailer;*
- Inert waste may be stored on either within a building on an impermeable surface with sealed*

drainage to sump or hardstanding;

- *All other wastes must be stored either within a building on an impermeable surface with sealed drainage to sump, or outside in concrete bays with sealed drainage to surface water.*

During the inspection there were several skips of waste stored on the hardstanding areas of the site contrary to the above conditions.

ACTION – Operator must ensure compliance with the above conditions of the permit.

C3 - Waste acceptance

During the inspection, plasterboard was being stored on site in a concrete bay as well as in a skip on the hardstanding area.

Plasterboard has the following EWC codes;

- 17 08 01* Gypsum based construction materials contaminated with hazardous substances.
- 17 08 02 Gypsum based construction materials other than those mentioned in 17 08 01.

It has been raised in a previous inspection (CAR_NRW0033097) that gypsum-based construction material is not a permitted waste type that the site can accept under **condition 2.3.2** and **Table S2.1**. The storage of this material has been scored as a **category 3 breach** of permit **condition 2.3.2**.

ACTION – The operator must ensure that all wastes stored on site are listed in Table S2.1. Non-conforming waste types must be removed from site to a suitably authorised facility.

G4 - Waste Returns

Under **condition 4.2.2** of the permit the operator is required to submit quarterly waste returns.

“Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter”.

As of 28th February 2020, only the returns from Q1 of 2019 has been submitted.

This has been scored as a **category 4 breach** of **condition 4.2.2**.

ACTION– the operator must submit all missing waste returns.

Environmental Management System

The current management system in place for the site has not prevented the above non compliances identified during the inspection. Subsequently this is a breach of **condition 1.1.1 (a)** which states: *“The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints”.*

*This has been scored as a **category 3 breach** of **condition 1.1.1 (a)**.*

ACTION – A review of the written management system is required. The management system should reflect the on site operations and be produced in accordance with the conditions of the permit and the ‘How to Comply with your environmental permit’ guidance documents available on the following link; <https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

Permanent deposit of waste

It was noted on site that a large volume of waste (namely soil and stones) is being used on site to raise the level of the land. The conditions of the permit does not allow this activity to be undertaken on site.

Do not continue this activity until NRW has assessed that the necessary permissions are in place.

ACTION – Please provide information on the volume of waste materials being used on site for the permanent deposit of waste materials.

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	27/02/2020

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	Review and update written management system in line with the guidance documents referred to in the CAR form.	01/05/2020
G4	C4	Submit all missing waste returns.	10/04/2020
C3	C3	Removal of all non permitted waste types from site.	01/05/2020
C4	C3	Ensure that on site treatment and storage methods are in line with permit conditions.	01/05/2020

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.