

Compliance Assessment Report CAR_NRW0037377

Permit being assessed: JP3698FK.

For: LAS Waste Ltd., held by L.A.S. Recycling Limited

At: Tregaron Road, Lampeter, Ceredigion, SA48 8LT.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 22/01/2021.

Parts of permit assessed: Waste returns

NRW Lead Officer: Ffion Quan.

Report sent to: Mark Saunders, Director on 02/02/2021.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	7.2.2
C3 - General Management - Materials acceptance	C3 Minor	1.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	Condition A in Part 3 Schedule 9 Environmental Permitting Regulations 2016

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	12

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
G4	Ensure that all waste returns accurately reflect the materials being accepted and removed from the site and also ensure that wastes accepted on site are authorised on your permit, or that the permit is varied to accept these wastes.	23/01/2021
C3	Ensure that you do not exceed the capacity of 10 tonnes of hazardous waste on site	23/01/2021
C2	Permit Condition 1.12 (a) requires that the activities at your site shall be operated, "using the techniques and in the manner described in the documentation specified in table	23/01/2021

Criteria	Action needed	Complete by
	1.12". This includes the document, "How to comply with your permit" which states that, "we will look at any non-compliance as a symptom of poor management and we will focus on correcting poor performance through improved management systems and practices".	

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

On 5th November 2020 Ffion Quan carried out a review of the waste returns submitted by the site for the period covering 1st July 2019 to 30th June 2020 as a part of NRW's routine assessments for compliance.

Your returns identified at the end of Quarter 1 2020 you accepted European Waste Catalogue (EWC) code 02 02 03 Material unsuitable for consumption. As well as not being a permitted waste type, the description of the waste is not adequate. You have explained that this material has come from one customer that has a general waste container EWC code 20 03 01 where occasionally there are some small amounts of residual dog food in tin cans placed in the container causing odour. Due to this, you deliver this directly to landfill under the EWC code 02 02 03 which is requested by the landfill operator. WM3 clearly places the emphasis on the producer of the waste, not the receiver, therefore it is not for the landfill operator to request what EWC codes you use. Your customer also needs to ensure that this material is correctly coded. As EWC 02 02 03 is not a permitted waste type please consider whether you need to vary your permit or your operations with regard to this matter by 22/1/21.

At end of Quarter 1 2020 the review identified that around 70 tonnes of EWC code 02 03 04 Spent liquid waste was stored on site. You have explained that this was a one-off job from a customer where you collected 3 arctic loads of 02 03 04 spent liquid waste in cardboard boxes into LAS WTS, with the intention to maximise recycling from this tonnage. This material was then manually split into glass, metal, cardboard, wooden pallets and liquid. You have explained the remaining 41.56 tonnes was sent out as liquid waste but this isn't recorded on your waste returns. It is great that you put this process in place as requested by your customer however, you must ensure that all the material is accounted for when being removed from the site. The failure to do so is a breach of Permit condition 7.2.2 as this requires you to keep a record of 'all wastes received, and all materials removed' from the site.

It is also noted that you accepted 0.42 tonnes of EWC code 08 03 18 Printer cartridges in

Q1 2020. You have explained that these are stored securely in a secure container under your S2 Waste Exemption NRW/ WME034543 on site. Due to this, you shouldn't be recording 08 03 18 on your waste returns as it's accepted under your waste exemption and not your permit.

During the review it came up that you accepted EWC code 16 09 04 Sodium Hypochlorite in Q3 2019. You have explained that this was inputted incorrectly and should have used 20 01 15* Alkaline material. This is potentially a very dangerous material therefore can you please ensure its coding is done correctly and how it's managed is detailed in the management system. This will be reviewed in the future.

Additionally, the review for the period also stated that you accepted EWC code 20 01 99 Kennel waste and small animal waste. The guidance of the List of Wastes states that "99" codes should only ever be used as a last resort if no other suitable code can be identified. This waste stream should be assigned the EWC code 02 01 06.

EWC code 17 09 04 Construction waste – none of this material is recorded as leaving the site. You have explained this is because it's sorted, any recycling is picked, and any items left are sent out within the General Waste under 20 03 01. This is the incorrect coding of waste as the remainder of the waste should retain to the original EWC code of 17 09 04.

This also explains the discrepancy in the reported EWC code of 19 12 12 compost residues, where none of the material is recorded as leaving the site. Again, you have explained that EWC code 19 12 12 is checked for any recycling that can be picked out, and any times left are sent out within the General waste 20 03 01 code. This is the incorrect coding of waste and the remainder of the waste should leave the site as the original EWC code of 19 12 12.

The information reported on Waste Returns is used by Welsh and UK Governments for reporting waste targets and to determine waste policy. Therefore, it is important that the data you report is correct and reflects the waste activities being carried out at your site.

Due to the above matters, you have been given a Category 3 breach under Permit Condition 7.2.2.

Permit condition 1.1.1; Table 1.1. Waste acceptance Criteria - You have been given a Category 3 breach under the above condition because during the review of your waste returns it was identified at the end of Q2 2020 you had a total of 39.63 tonnes of hazardous waste stored on site.

The breaches of permit identified within this Compliance Assessment Report indicate several areas where the management of the site is inadequate. Although you don't have a permit condition requiring a management system, Condition A set out in Part 3 of Schedule 9 of the Environmental Permitting Regulations 2016 now applies. Permit Condition 1.12 (a) requires that the activities at your site shall be operated, "using the techniques and in the manner described in the documentation specified in table 1.12". This includes the document, "How to comply with your permit" which states that, "we will look at any non-compliance as a symptom of poor management and we will focus on correcting poor performance through improved management systems and practices". The management system will be reviewed in the future. Due to this you have been given category 3 breach

under Condition A.

Additionally, can you please provide answers for the below queries by 19/2/21.

1. EWC code 02 01 04 The returns indicate that at the end of Quarter 2 2020 there was 187.37 tonnes accepted on site but only 70.38 tonnes was removed from site. Please explain the discrepancy between the quantity accepted and removed from the site over the 12 months.
2. EWC code 17 02 01 Wood waste - The returns indicate that at the end of Q2 2020 there was 249.38 tonnes accepted on site but 530.54 tonnes was removed from site. Please explain the discrepancy between the quantity accepted and removed from the site over the 12 months.
3. EWC code 20 01 08 Food waste – The returns indicate that at the end of Q2 2020 there was 1722.1 tonnes accepted on site but only 1598.65 tonnes removed. Please explain the discrepancy between the quantity accepted and removed from the site over the 12 months.

Actions required –

- Please consider whether you need to vary your permit or your operations with regard to EWC code 02 02 03 by 22/1/21.
- Where we have highlighted errors on your waste returns under the 7.2.2 condition, please ensure these returns are corrected and re submitted by 19/2/21.
- Ensure that you do not exceed the capacity of 10 tonnes of hazardous waste per day.

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.