

Compliance Assessment Report

Report ID:
CAR_NRW0033894

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

Site	Jwb Recycling Ltd	Permit Ref	RP3998FJ			
Operator/Permit holder	JWB Recycling Ltd					
Regime	Waste Operations					
Date of assessment	03/05/2018 - 23/05/2018	Time in	10:30	Out	12:50	
Assessment type	Site Inspection					
Parts of the permit assessed	Specified waste management operations					
Lead officer's name	Tye, Laoni					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Mr Lee Bremner and Mrs Wendy Bremner/ TCM and Director	Date issued	05/09/2018			

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
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.4.1
C3 - General Management - Materials acceptance	A	

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)	4
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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 information within this CAR form covers two separate visits to site on the 3rd May 2018 and then on the 23rd May 2018. Both visits were conducted by officers Laoni Tye and Lara Moggridge. The first visit was an introduction as the new regulatory officer where we met with Wendy Bremner who showed us around site. The second visit was with Lee Bremner and it was to go through some of the permit conditions in more detail and to provide advice and guidance on changes in legislation and permit variations. We also had a walkaround site at the end of the meeting. Details of the visits, advice and guidance along with any breaches against the permit conditions are detailed below.

Guidance on Catalytic Converters and changes to permit

The position on Catalytic Converters changed in 2016 with the information that suggests that some of the supporting mats are made of refractory ceramic fibre (RCF). RCF is classed as a 1B Carcinogen, catalytic converters containing these mats must be classified as hazardous and should be coded as 16 01 21*. Any sites accepting Catalytic Converters would need to vary their permit to allow the treatment of hazardous waste, no more than 50 tonnes per day. We understand that this has never been discussed with you and we are therefore providing you with the advice and guidance now to get your permit up to date. (The correct waste code 16 01 21* is already included in your permit under table 1.6, section 1.2 of the Working plan.)

Pre-application advice

A *normal variation* will need to be applied for so that your permit covers the relevant activities on site. The variation will need to include the additional Recovery codes (R8) - required for processing catalytic converters and to update the relevant sections of the working plan, covered in Condition 1.6.1 within the permit.

R08	R08.01.01	Recovery of components from catalysts	Recovery of components from catalysts	Regeneration of catalysts and reclamation of catalyst compounds
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The site type also needs to be amended to an A16a

A16a Hazardous waste physical treatment facility

Facilities permitted to accept any type of controlled hazardous waste for the purpose of subjecting it to any physical process intended to change its properties.

The application forms can be found on the link below:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-vary-change-a-permit-for-waste-operations/?lang=en>

Parts A, C2, C4 and F 1 will need to be completed – varying a bespoke permit. Please read all the relevant associated guidance documents which will assist in completing the forms.

An Operational Risk Appraisal (OPRA) Spreadsheet will need to be completed, the excel spreadsheet can be found on the charges pages of our website: <https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>

We use OPRA to assess the risk to the environment from sites we regulate with environmental permits. The fee to vary your bespoke permit will be based on the OPRA score for your site. A link to the relevant Environment Agency guidance on how to complete an OPRA spreadsheet, which we are continuing to follow, can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606871/LIT_6665.pdf

The application charge for a normal variation will be your OPRA score (produced via the spreadsheet) multiplied by the normal variation charge multiplier (£139). Please refer to the charging scheme guidance for more information.

The units for the TCM will need to be updated to a treatment of hazardous waste qualification, please discuss this with WAMITAB and ensure you are booked on to a course. Information of this along with your current certification should be included with the application.

Please reference your permit number (EPR/RP3998FJ) on the application forms.

We also refer you to the following guidance on hazardous waste and consignee returns as requested:

Consignment note guidance - <http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/moving-hazardous-waste/?lang=en>

Has waste returns spreadsheet and guidance - <http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/hazardous-waste-returns-1/?lang=en>

Site inspection

We were taken around site and shown the storage and processing areas. The catalytic converters are opened using alligator shears, the 'honeycomb centre' containing the precious metals gets stored in drums and currently gets sent to BASF. The RCF matting is taken out and at the time of the first visit was put into black bin bags. Everything is cut open and removed under local extracted ventilation. At the time of the visit, there was an open bin containing RCF matting and numerous black bags of RCF piled on top of drums. This is not appropriate storage for RCF which due to its hazardous properties is a risk to the environment and human health. It should be double bagged in 1000 gauge polythene lined sealable bags or; wrapped in 1000 gauge polythene and then stored in a lockable rigid container. This waste must be sent to a suitably permitted landfill for disposal and coded as 160121*.

Please see the link below which takes you to the Environment Agencies guidance on Catalytic Converters containing RCF:

http://www.bvsf.org.uk/cms/images/PDFs/QG_Catalytic%20converters%20and%20RCF_%20March%202016_for%20comment.pdf

This guidance must be followed on site.

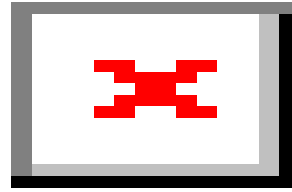
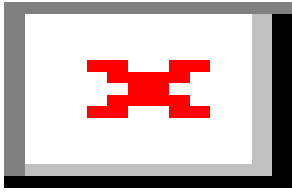
There was a breach regarding the TCM on site:

C1 – Staff competency and training. Category 3 breach.

Permit condition 1.4.1 states that 'Any changes in the technically competent management of the site and the name of any incoming person (together with evidence that such person has the required technical knowledge) shall be submitted to the agency.....'

The continuing competence certificate needs updating and you should book onto a course to ensure this is completed as soon as possible. Since the permit is due to change and additional qualification for hazardous waste treatment will be required, we will be allowing a year for this to be completed. This has been scored as a category 3 breach on this occasion, but any future scores will be suspended whilst the qualification is in progress (up to 12 months). This is in line with our Compliance Classification Scoring guidance (CCS).

Photographs



If you have any questions please get in touch with your regulatory officer.

Many thanks,

Laoni.tye@naturalresourceswales.gov.uk

03000 65 4492

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033894**

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

Site	Jwb Recycling Ltd	Permit Ref	RP3998FJ
Operator/Permit holder	JWB Recycling Ltd	Date	03/05/2018

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			
C1	C3	Additional qualifications required.	10/09/2019

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.