

	EPR Compliance Assessment Report		Report ID: BS2330IM/0226756			
This form will report compliance with your permit as determined by an NRW officer						
Site	Treforest Textile Printers		Permit Ref	BS2330IM		
Operator/ Permit holder	TREFOREST TEXTILES LTD					
Date	09/12/2014		Time in	11:00	Out	12:00
What parts of the permit were assessed	6.4 Part A (1)(b)					
Assessment	Procedure review	EPR Activity:	Installation	X	Waste Op	Water Discharge
Recipient's name/position	Nigel Harris, Commercial Manager					
Officer's name	Richard Taylor		Date issued	09/12/2014		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	A	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (*suspended scores are marked with an asterisk),
 A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Permit Review

The purpose of this CAR form is to document the review of the site permit which was cited as an action for RT to complete at 'Action 3' in CAR BS2330IM/0223536 dated 21st October 2014.

The review centred on whether the site are still required to hold a permit under EPR regulation 6.4 Part A(1)(b) *'Pre-treating (by operations such as washing, bleaching or mercerization) or dyeing fibres or textiles in plant with a treatment capacity of more than 10 tonnes per day'*.

Has there been any changes to site which necessitates a permit review?

Treforest Textiles reported that some changes to the pre-treatment and batching process occurred several years previously, which limited the potential capacity to pre-treat 16 frames at 2000 metres per frame. (Emails from GH to RT, 13.15 hrs 23/3/14, 09.21 hrs 24/4/14, 09.00 hrs 28/4/14). This replaced the previous system which was unlimited at the time of permit issue (18/11/03).

It was thought by Treforest Textiles that this development was enough to drop them out of the >10 tonnes per day threshold. This was further augmented by the belief that the site was captured under the EPR regulations for pre-treatment only. However, this was not the case.

An examination of site permit BS2330IM at 1.1.1 shows that the site is captured under 6.4 Part A (1) (b) of the EPR regulations, and quotes the description of these requirements in full, as above in italics. This includes washing, bleaching, and dyeing fibres or textiles with a treatment capacity of >10 tonnes per day. Therefore, the site is not captured solely on pre-treatment of textiles because printing capacity is also cited in the 'dyeing fibres or textiles' part of the description, meaning that the site could be captured if the 'dyeing of fibres and textiles' part of the process had the potential to produce over 10 tonnes of product per day. The same threshold would apply if the bleaching operation alone had the potential capacity >10 tpd, or the washing part of the process had a standalone capacity >10 tpd.

Definition of Capacity.

The interpretation of 'capacity' comes from 'EPR RGN 2 version 3.0, April 2013 A2.1 and A2.3, where any capacity defined in terms of rate (as in tonnes per day) *'should be taken to mean the maximum rate at which the site can operate'*. In all cases under EPR 'capacity' means potential capacity and not historical or actual production levels or throughput'. RGN guidance carries no inclusion of time lost in the process, such as down time, or lost time in changing roles, breakdowns, or roll end changes. Hence the capacity is the maximum theoretical capacity without lost time.

However a technicality was examined where the guidance states at RGN A2.4 – *'an activity may fall out of the scope of schedule 1 because it has a physical or technical restriction limiting output or capacity to below design capacity. Clearly, in order to be considered sufficient such a restriction must be secure and stable, and not easily overridden or removed by the operator'*.

This guidance was examined from the perspective of whether the pre-treatment process could be included as 'a technical or physical restriction' which limits the production capacity. However the guidance approaches the subject from the perspective of engineering/retro fitting limitations into the production lines to purposely drop the capacity to below the threshold, thus dropping the site out of Schedule 1 activities, not from the perspective that the washing, bleaching and printing components of the process taken as a whole limit production capacity. Therefore, the calculation of capacity becomes clearer in that the 10 tpd threshold can be applied to the printing process alone, or the washing process alone, or the bleaching process alone, as individual activities. If any of these activities has the capacity of >10tpd, then they are Schedule 1 activities.

Calculation of site capacity?

The maximum printing production rate is 1000m per hour, per machine, (2 machines). The tonnage of this comes from site information at 35 000 metres = 10 tonnes, or 0.28572 tonnes per hour, per machine.

The maximum theoretical capacity therefore is 13.7143 tonnes per day, for a 24 hour day. The site is captured under EPR 6.4 Part A (1) (b) for this reason, even though historical production, and actual production levels are below this.

Can the printing operation be bypassed?

On the visit to site by site inspector RT and Dr Gareth Richards on 21st October, it could be seen that the printing operation could be operated as a standalone activity. Site could feasibly bring rolls in from elsewhere and run them through the printing process at a rate of 1000 metres per hour bypassing their own pre-treatment process.

Can printing be classified as dyeing?

The Collins English dictionary definition of 'dyeing' is 'the process or industry of colouring yarn or fabric etc.' 'dye' is likewise cited as 'to impart a colour or stain to something such as a fabric....' Because the site operates by printing designs onto fabric, and printing cannot be separated from dyeing, it follows that the site is caught under this part of the regulations alone, without examining the washing and bleaching capacity of the site in detail. This is further augmented by the site falling under 6.4 of the regulations dealing with 'coating activities, printing and textile treatments'.

Summary

It therefore remains NRW's view that the site has the treatment capacity to produce more than 10 tonnes per day of printed textiles, and that EPR regs 6.4, '*printing and textiles treatments*' at Part A (1)(b) applies to the process operated by the site.



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Operator/ Permit	TREFOREST TEXTILES LTD	Date	09/12/2014

Section 3- Enforcement Response

Only one of the boxes below should be ticked

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.

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.

