

Compliance Assessment Report

Report ID:
CAR_NRW0034353

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

Site	Site Serv Recycling Ltd	Permit Ref	JB3893HP			
Operator/Permit holder	Siteserv Recycling (sw) Limited					
Regime	Waste Operations					
Date of assessment	06/09/2018	Time in	14:15	Out	15:45	
Assessment type	Site Inspection					
Parts of the permit assessed	Storage outside of the building					
Lead officer's name	Tye, Laoni					
Accompanied by	Dearle, Nessa					
Recipient's name/position	Nigel England and Carl Jones/ Director and TCM	Date issued	14/12/2018			

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
C1 - General Management - Staff competency/training	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.2.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1

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)	12
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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

Environment officers Laoni Tye and Nessa Dearle visited site on the 6th September 2018 and were accompanied around site by Carl Jones TCM. The purpose of the visit was to assess compliance with the Regulation 36 notice which was issued on the 4th August 2017. The deadline of the notice was 31st August 2018 and therefore all steps within the notice should have been complied with. There were breaches recorded during the visit and the notice was not deemed to have been complied with. Details below.

Compliance with Regulation 36 notice

The notice was issued with a breach of Condition 2.3.1 Table 2.3 Because there is mixed municipal waste stored outside of a building that needs to be removed from site. The site was required to take the steps set out in Schedule 1 of the notice which stated that:

All mixed municipal waste stored outside of the building following the fire, 'Hangar B' waste must be removed from site and taken to an authorised facility. The deadline for this was the 31st August 2018. – Not complied with.

Environmental Permitting Regulations 2016 (3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice, landfill closure notice or mining waste facility closure notice.

'Hangar B' waste had not all been removed from site and large volumes of it was still witnessed stored outside of the building on the concrete pad. Due to this, the notice is deemed not to have been complied with. As discussed during the visit failure to comply with the notice is an offence and we are considering our enforcement response to the matter.

Quarterly updates of the volumes of waste removed from site were also included in the steps, these steps were considered complied with on receipt of the information.

Site visit and breaches

C3 – Materials acceptance. Category 3 breach.

Condition 2.2.1 states that waste shall only be accepted if: a) It is of a type and quantity listed in table 2.2. and

b) it conforms to the description in the documentation supplied by the producer and holder.

Waste fines EWC 191212 were received onto site, brought over from Unit 2 (EPR/RB3993HH). This is not a waste that is permitted to be accepted onto site and you have therefore been breached for this. We were also advised by Carl that the waste had not entered over the weighbridge but had by passed and been taken directly to the concrete pad of hangar B. The root cause of this non-compliance can be attributed to issues with staff competency and training which is detailed below.

Action: All unpermitted waste fines shall be removed from site and taken to an authorised facility. A compliance notice and cover letter is due to be issued with a deadline for removal.

Action: All waste entering the site should be checked to ensure there is documentation and that it conforms to the description within the documentation. All waste entering site needs to be formally recorded via the weighbridge

C1 – Staff competency and training. Category 3 breach.

Condition 1.1.1 states that the operator shall manage and operate the activities a) in accordance with a written management system that identifies and minimises the risks of pollution, including those arising from operators, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints and;

b) Using sufficient competent persons and resources.

This breach is being recorded as the root cause of breach C3 – Materials acceptance, due to an unpermitted waste code being brought onto site. Waste was brought onto site without being checked by site personnel. Unpermitted waste was able to come onto site and be deposited which is not in line with the conditions of the permit. We were advised by the site TCM that approximately 7 loads came in over a weekend due to a mistake made by site staff.

Action: All site staff should be trained to understand the requirements of the permit and associated documentation, to include acceptance procedures and permitted waste types.

C4 – Management – storage, handling, labelling and segregation. Category 3 breach.

Condition 2.3.1, table 2.3 states that unless stored or treated outside as specified waste:

- a) all bulking, transfer or treatment of waste shall be carried out inside a building;
- b) all waste shall be stored in a building or within a secure container
- c) all waste shall be stored and treated on an impermeable surface with sealed drainage system

Specified waste shall be stored and treated on hard standing or on an impermeable surface with a sealed drainage system.

There are large volumes of waste stored outside of a building which is not in line with this condition. There is the fire damaged waste of hangar B which was under notice to be removed from site by the 31st August 2018 which has not all been removed. The notice period is over but the waste still needs to be removed.

We received a letter from you on the 24th August 2018 where you stated that you were approximately 65% of the way through the waste removal and that you will have the remaining mixed waste removed by the 30th November 2018. This date has now passed.

Action: Please confirm that this waste has now been removed from site.

****Please note that since the compliance notice was not complied with all historical breaches will be unsuspended in line with our compliance classification scheme (CCS) guidance. ****

There are stockpiles of fines currently stored on hard standing/unmade ground outside of the building which is also not in line with the permit conditions. These fines have been in situ for several years and require removal.

We are due to issue a regulation 36 notice with a deadline for removal of waste fines. Notice and cover letter will be issued in due course.

Other comments on the visit

There were large rolls of cardboard outside of Hangar A which we were told had been moved out temporarily in order to allow other loads to be removed from the hangar. We were told that they were there very temporarily as there were numerous loads of paper and cardboard being removed from site that week.

We were told that there are plans to remove plastics from the incoming wastes and to only store and treat paper and cardboard going forwards.

Photographs



EPR Compliance Assessment Report

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Operator/Permit holder	Siteserv Recycling (sw) Limited	Date	06/09/2018

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.

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

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			
C4	C3	See comments	06/09/2019
C1	C3	See actions in comments section	01/01/2019
C3	C3	Unauthorised wastes to be removed from site	01/03/2019

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.