

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032416

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

|                              |                                  |             |            |     |       |  |
|------------------------------|----------------------------------|-------------|------------|-----|-------|--|
| Site                         | Ex-mod R A F Site                | Permit Ref  | FP3995EL   |     |       |  |
| Operator/Permit holder       | Wern Tarn Recycling Ltd          |             |            |     |       |  |
| Regime                       | Waste Operations                 |             |            |     |       |  |
| Date of assessment           | 31/10/2017                       | Time in     | 11:45      | Out | 12:00 |  |
| Assessment type              | Audit                            |             |            |     |       |  |
| Parts of the permit assessed | All permitted area               |             |            |     |       |  |
| Lead officer's name          | Medcraft, Jodie                  |             |            |     |       |  |
| Accompanied by               |                                  |             |            |     |       |  |
| Recipient's name/position    | Leyton Shillibier/ Permit Holder | Date issued | 09/11/2017 |     |       |  |

### 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           | Condition 1.1.1       |
| C2 - General Management - Management system and operating procedures                                           | X            |                       |
| D1 - Incident Management - Site security                                                                       | X            |                       |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C3           | Condition 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 | 2 | Total compliance score<br>(see section 5 for scoring scheme) | 8 |
|-----------------------------|---|--------------------------------------------------------------|---|

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

### **Present**

Jodie Medcraft – Natural Resources Wales

Laura Phillips – Natural Resources Wales

The purpose of the visit was to assess the compliance of Wern Tarw Recycling Ltd with their Environmental Permit EPR/FP3995EL.

At the time of the inspection, the site was locked up and non-operational.



It was noted that the ID board for the site was in a poor state. The contact information for the site was incorrect and the board was not located in a prominent position.

**Action** – Please update the information on the site ID board and ensure it is displayed in a prominent position.

As access was unable to be obtained it was not possible to ascertain whether the 4000m<sup>3</sup> of soil being stored on behalf of Agrivert (The anaerobic Digestion plant adjacent to the site) had been returned as planned.

### **Environmental Permit and Environment Management System**

Due to the absence of an office on site, all paperwork is kept at the Wern Tarw Recycling Ltd facility located on Village Farm Industrial Estate. Copies of the Environmental Permit and Environment Management System had been requested during an audit at the Village Farm site earlier that day. The permit was easily accessed via the online system but it was thought the Environment Management System was being stored in Leyton's office. Advice was given that it was important to ensure that copies of both these documents are available at all times and staff

have access to up to date copies. It was also noted that the copy of the Environment Management System held on file by Natural Resources Wales was dated March 2009. As this is a live, working document it is recommended that updates be made every 2 – 4 years to ensure the document reflects the current operations and management.

**Action –** Please update the Environment Management System for the site and provide a copy to Natural Resources Wales.

### **WAMITAB**

During the last inspection of the site (23/03/17) it was noted that the current WAMITAB certificate for the site was out of date. Mr. Shillibier explained that he was booking onto a course to rectify this. A check of the WAMITAB database undertaken by Natural Resources Wales has shown this not to be the case and the qualification remains out of date.

Condition 1.1.1. of your Environmental Permit states;

*“The activities shall be managed and operated;*

- a. In accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the licence holder as a result of complaints;*  
*And*
- b. By sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.”*

**This is a breach of Condition 1.1.1 and has been scored a Category 3 Breach (A non-compliance which could have a minor environmental effect) under C1 General Management – Staff competency/training.**

In order to become compliant with this condition, please ensure that a continuing competency course is booked as soon as possible. Please also provide a copy of the certificate to Natural Resources Wales when the qualification has been achieved.

### **Waste Returns**

Whilst undertaking the audit at the Wern Tarw Recycling Ltd site in Pyle, a discussion was had with regards to the waste returns for the Tythegston site. A Compliance Assessment Report was issued to the site on the 04/01/17 with a Category 4 Breach recorded for failing to submit quarterly waste returns for 2016.

Condition 4.2.2 of your Environmental Permit states;

*“A summary report of the waste types and quantities accepted and removed from the site shall be made for each quarter, and shall be in the format required by the Agency.”*

To date, no waste returns have been received by Natural Resources Wales for 2017.

**This is a breach of Condition 4.2.2 and have been scored a Category 3 Breach (A non-compliance which could have a minor environmental effect) under G4 Monitoring and**

## **Records – Reporting and notification to Natural Resources Wales.**

In order to become compliant with this condition please submit any missing returns to Natural Resources Wales as soon as possible and ensure that all future returns are completed and submitted in line with the below required timescales;

| Quarterly Returns Perion                                  | Return Submission Deadline |
|-----------------------------------------------------------|----------------------------|
| Q1 – 1 <sup>st</sup> January to 31 <sup>st</sup> March    | 30 <sup>th</sup> April     |
| Q2 – 1 <sup>st</sup> April to 30 <sup>th</sup> June       | 31 <sup>st</sup> July      |
| Q3 – 1 <sup>st</sup> July to 30 <sup>th</sup> September   | 31 <sup>st</sup> October   |
| Q4 – 1 <sup>st</sup> October to 31 <sup>st</sup> December | 31 <sup>st</sup> January   |

Failure to meet future deadlines may result in escalation of our scoring category for such a breach and may also result in further action.

Please submit missing waste returns to the following:

Email: [waste.returns@naturalresourceswales.gov.uk](mailto:waste.returns@naturalresourceswales.gov.uk)

Post: Natural Resources Wales, Customer Care Centre, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0032416**

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

|                        |                         |            |            |
|------------------------|-------------------------|------------|------------|
| Site                   | Ex-mod R A F Site       | Permit Ref | FP3995EL   |
| Operator/Permit holder | Wern Tarn Recycling Ltd | Date       | 31/10/2017 |

### 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 |              |                                                                                                                                                                                       |            |
| D1                  | X            | Please update the site ID board with the correct information and display in a prominent position.                                                                                     | 28/01/2018 |
| C2                  | X            | Please review and update the Environment Management System for the site and provide a copy to Natural Resources Wales                                                                 | 28/01/2018 |
| G4                  | C3           | Please submit any missing waste returns to Natural Resources Wales as soon as possible and ensure that all future returns are completed and submitted within the required timescales. | 28/01/2018 |
| C1                  | C3           | Please ensure that a Continuing Competency Course is booked as soon as possible and when complete a copy of the certificate provided to Natural Resources Wales                       | 08/12/2017 |

## 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](mailto: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.