Compliance Assessment Report

Report ID: CAR_NRW0026548

This form will report compliance with your permit as determined by an NRW officer					
Site	Clyne Civic Amenity Site	Permit Ref	HB3397TK		
Operator/Permit holder	City And County Of Swansea				
Regime	Waste Operations				
Date of assessment	27/10/2016	Time in	13:45	Out	14:00
Assessment type	Audit				
Parts of the permit assessed	1.1, 1.7				
Lead officer's name	Thomas, Ffion				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Chris Fender/ Waste Manager	Date issued	12/01/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
A1 - Specified by permit	C3	1.1a
C2 - General Management - Management system and operating procedures	C3	1.7

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 (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

This Compliance Assessment Report (CAR) form has been completed following the unannounced site visit of the Clyne Household Waste recycling Centre (HWRC) undertaken on the 27th October 2016. Ffion Thomas undertook the audit and inspection was accompanied by Sally Wakeford of the South West Wales Waste regulation team.

The audit was divided into 2 sections, firstly to assess the permitted activities and Environment management System (working plan) related to CCS scheme of opening of general waste bags to ensure recyclables are placed into separate designated bins. Secondly to inspect the site.

Audit findings:

On the 30th September 2016 NRW were made fully aware through email exchange of City and County Swansea's new scheme at Clyne HWRC where users of the site may be requested to open general waste bags they have brought to the site to ensure recyclables are placed in the correct storage receptacles, CCS sought assurance from Natural resources Wales (NRW) that this activity would not be in breach of the environmental permit.

Further to the previously provided regulatory position (documented in CAR form ref 34136/020519 dated 21/4/14) we sought advice from our Legal Department in relation to the sorting of waste on site. The legal advice received confirms that the proposed scheme at Clyne HWRC as described above would not be in breach of the conditions of the environmental permit.

As detailed in table 1.1 specified waste management operations, (see screen shot of permit below) "treatment consisting only of physical sorting or separation of waste into different components, physical mixing or bulking of solid waste of the same or different types, where there is no resulting change in chemical composition of the waste or its different components"

The physical sorting of waste proposed is permitted.

1.1 **Specified waste management operations**

1.1.1 No waste management operations shall be authorised by this licence unless:

a specified in and undertaken in accordance with the limitations in section 1.1 of the working plan and in the following table; or

b otherwise required by the conditions of this licence as being an integral part of those operations:

Table 1.1 Specified waste management operations

Specified Waste Management Operation	Permitted Waste Types which may be subject to the Specified Operation	Limits on Specified Waste Management Operations
a) Physico-chemical treatment of waste (D9)	All Categories permitted under condition 1.2.1 of this waste management licence.	i) Treatment consisting only of physical sorting or separation of waste into different components, physical mixing or bulking of solid wastes of the same or different types, where there are no resulting changes in the chemical composition of the wastes or its different components

The proposed scheme does constitute a change of the activities described in the facilities current Environmental Management Plan (EMP) an update of which was received via email on the 31/8/16 in response to step 1 of the Reg 36 Notice associated to noise at Clyne HWRC but did not contain the proposed changes described above.

Condition 1.1.1 requires waste operations to be undertaken in accordance with a working plan (EMP in this case) Condition 1.7 of the permit requires you to update the EMP and notify NRW of proposed changes, accompanied by an assessment of the risks proposed by the changes to activities, and prior to commencement of the sorting of waste activities on site.

Amendments to working plan requiring prior consent from the Agency

1.7.1 The Licence Holder shall give the Agency prior notice in writing of any proposed change to those sections of the working plan which are specified in Table 1.7 below, and to any appendices, drawings and figures which are referenced in those sections.

Table 1.7 Sections of working plan requiring prior consent for amendments

Number and Heading of Working Plan Sections and Appendices	Sections, Subsections and Appendices requiring Prior Consent for Amendments
Section 1: Specified Operations	1.1, 1.2 ,1.3 (including all subsections);
Section 2: Site Engineering For Pollution Prevention and Control	2.1, 2.2, 2.3 (including all subsections); Drawing Numbers G125_100 and D/0137/02A
Section 3: Site Infrastructure	3.1 (including all subsections);
Section 4: Site Operations	4.1, 4.2, 4.3, 4.4, 4.5 4.6, 4.7 (including all subsections);
Section 6: Amenity Control and Monitoring	6.1, 6.2, 6.3,6.4, 6.5 (including all subsections);
Section 7: Site Records	7.1 (including all subsections);
Appendix 1	Area covered by Waste Management Licence
Appendix 2	Site Layout Plan
Appendix 3	Permitted Waste by European Waste Catalogue Number
Appendix 4	List of Materials Collected on Site

1.7.2 The notice shall be accompanied by a copy of the proposed changes, and by a written assessment of the effect that implementing the proposed change to the working plan would have on the risk posed by the site to human health and the environment.

Email exchange was had on the 12th October between Jon Willington (team leader of the SW Wales Waste regulation team) and Chris Howell (Head of waste management and parks operations – CCS) stating the above, and reply received by Chris Howell confirmed that the EMP would be reviewed and amended as necessary.

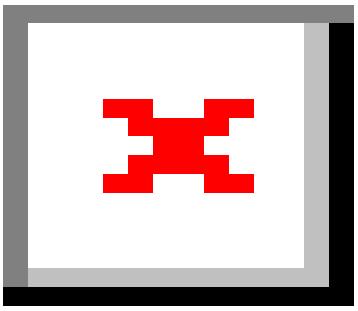
To date (28 October 2016) no update of the EMP nor assessment of the risks proposed by the changes to activities, as detailed in condition 1.7 have been received.

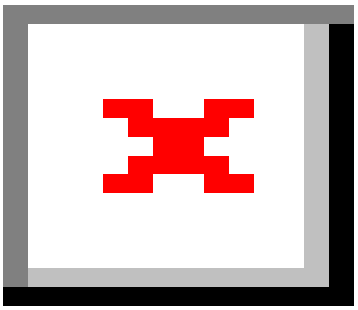
Site Inspection:

On the 27th October 2016 Ffion Thomas, accompanied by Sally Wakeford, undertook an unannounced inspection of the Clyne HWRC. The purpose of this inspection was to substantiated intelligence received from NRW officers that the activities of opening general waste bags brought to the site, to ensure recyclables are placed in the correct storage receptacles, was being undertaken.

The inspection confirmed that the activities above were indeed being undertaken.

See Photographs below.





I witnessed the “waste challenge” activities where residents were asked to open bags and where identified recyclables were removed from the general waste bag and placed into separate segregated recyclable waste bins.

It was noted that one visitors bags were not opened as it had been stated they contained dog mess. These bags were placed directly into the general waste compactor skip.

At the time of the inspection there was no evidence of escaped waste from the separation area, no run off nor malodour was witnessed nor pest infestations.

All recyclable wastes were segregated and contained in small domestic sized bins. Once full the content of these bins would be transferred to the larger comparable recyclable waste skips.

Advice and guidance was provided at the time to the foreman recommending that the food waste bin be kept shut until in use to prevent escape of odour or attraction of flies.

One visitor was declined at the site as his van did not have the required CCS permit and he was directed to the bailing plant.

An inspection of the rest of the site was undertaken and all wastes were found to be stored correctly, infrastructure inspected was as required, and the site housekeeping was of a very high standard (especially noted as this was an unannounced visit)

Permit Compliance.

Due to the findings of the site visit the following non compliances have been identified.

A non-compliance with the permit under 1.1.1 has been scored as a CCS Cat 3, as activities are being undertaken at the site not in accordance with the EMP.

A non-compliance with the permit under 1.7 has been scored as a CCS 3 as no prior notice, nor associated written assessments of the effect of implementing the proposed changes to the working plan (EMP) would have on the risk posed by the site to human health and the environment have been received.

ACTIONS

Submit for NRW review and consent an updated EMP to detail the changed waste operational activities, along with the written assessment of the effects of the changes to the EMP on the risk posed by the site to human health and the environment. Timeframe by 11th November 2016.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0026548**

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Operator/Permit holder	City And County Of Swansea	Date	27/10/2016

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.

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.

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			
A1	C3	Submit for NRW review and consent an updated EMP to detail the changed waste operational activities, along with the written assessment of the effects of the changes to the EMP on the risk posed by the site to human health and the environment. Timeframe by 11th November 2016.	11/11/2016
C2	C3	Submit for NRW review and consent an updated EMP to detail the changed waste operational activities, along with the written assessment of the effects of the changes to the EMP on the risk posed by the site to human health and the environment. Timeframe by 11th November 2016.	11/11/2016

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 reports 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 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.