

Compliance Assessment Report

Report ID:
CAR_NRW0020621

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	25/05/2016	Time in	12:30	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	4.4, 2.1, 1.1, 7.2,				
Lead officer's name	Thomas, Ffion				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Chris Fender/ Site Manager	Date issued	29/07/2016		

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
C4 - General Management - Storage, handling labelling and Segregation	C3	4.4.2
	C4	4.4.4

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)	4.1
-----------------------------	---	--	-----

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 an unannounced site visit of the Clyne Household Waste Recycling Centre (HWRC) undertaken on the 25th May 2016. Ffion Thomas and Sally Wakeford of the South West Waste Regulation team undertook the audit.

The Audit was divided into 2 sections, site visit and desk top paperwork checks.

Site visit findings:

As always the site was very busy with many members of the public depositing their waste. The site staff assisted all deliveries to ensure waste segregation was accurate. No mixed waste streams were identified during the inspection.

The site engineering infrastructure was inspected. Whilst areas were found to be in need for repair a email request has been received on 7th April submitted by CCS who had identified areas in need of repair. CCS/the operator are reminded of the requirements of condition 2.1.3 of the permit.

Construction quality assurance of new site containment and drainage systems

2.1.3

No wastes shall be deposited, stored, treated or otherwise handled in any area or in any fixed tank for which an engineered site containment and drainage system has been newly constructed to meet the requirements of this condition until:

- a** details of the identities, relevant experience and relevant qualifications of the personnel who will be providing Quality Assurance of the engineered site containment and drainage systems have been submitted in writing to the Agency and acknowledged in writing by the Agency;
- b** the engineered site containment and drainage system has been constructed in accordance with section 2.1 of the working plan and the other requirements of this condition;
- c** the Validation Report on the construction of the engineered site containment and drainage system has been submitted in writing to the Agency and has been acknowledged in writing by the Agency.

Waste skips were inspected and found to be fit for purpose. It was noted that the metal skip has now been lined with plywood. It is understood this has been undertaken as a measure to comply with the regulatory notice served to see compliance with condition 6.3.1. NRW have responded to CCS separately on matters associated with the regulatory notice and so no further comment will be made under this audit.

During the site visit car batteries were found to be stored on the pavement (behind the fluorescent tube container) not in accordance with the permit and site Environment management Plan (Working plan)



The EPR permit condition 4.4.2 states: *All wastes accepted at the site shall be handled, kept and recorded in accordance with section 4.4 of the working plan.*

There is a typographical error in the permit as the WP has been amended and the section related to storage of specified wastes is now section 4.5.

Within section 4.5.14 the WP states: "storage of lead acid batteries....."

▲ *Storage of lead acid batteries (service temporarily removed from site due to theft)*

- ▲ 4.5.14 Lead acid batteries will be stored within the areas specified on the site plan with the option to relocate anywhere within the site curtilage and stored on an impermeable pad in accordance with permit requirements. Waste lead acid batteries will be transferred by members of the public to an acid resistant and leak proof container(s) with a close fitting lid to prevent the ingress of rainwater. These containers will remain covered when not being actively filled/unfilled. Site staff will ensure that batteries are stored upright within these containers at all times. Lead acid batteries that have been segregated from other wastes accepted at the facility will be stored on site for a maximum period of 28 days subject to available storage capacity. |

As pictured above the car batteries were not stored within "acid resistant and leak proof container" nor were they stored on "an impermeable pad"

An email was sent to CCS on the 27th May 2016 to discuss this non-compliance and assess the root cause, as at the time of the inspection the site supervisor was not available to provide comment in determining the root cause of this non-compliance.

An assessment of condition 4.4.2 has been undertaken on the information available at the time and scored under criteria C4 as a CCS Cat 3.

As stipulated under the NRW adopted operational instruction 534_10 "recording non-compliance using the compliance classification scheme" "all non-compliances (except for those relating to amenity) are categorised on their reasonably foreseeable impact on the environment and not their actual impact" A Cat 3 is scored as a non-compliance at a regulated site that could foreseeably result in a pollution classified as a CICS category 3.

The NRW Incident classification scheme has replaced the CICS guidance. Within the ICG the definition and guidance on impact criteria states “Category 3, minimal effect on water quality, Limited and localised effect on water quality which has a minimal impact on the quality or use of that water. For surface water, impacts are normally localised around the point of discharge, but could include an impact extending over a few kilometres of a stream”

ACTION CCS: By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the waste management arrangements for batteries to ensure permit compliance. The quarantine waste skip which I was informed had recently been emptied was inspected during the time of the visit and was found not to be locked however this was immediately rectified by the site staff on it being brought to their attention. This is a non-compliance of the Permit condition 4.4.4 and 4.4 (typo should be 4.6 – Quarantined waste) of the EMP.

This non-compliance has been scored under the C4 criteria as a CCS category 4 as the non-compliance cannot foreseeably have an impact on the environment.

ACTION CCS: Improve site management to ensure quarantine skips are kept locked.

Desk top paperwork checks:

A desk top audit of the sites hazardous waste registration was undertaken. The site is registered as a Hazardous waste producer and this registration does not expire until 27/7/2016.

A check of NRW’s internal hazardous waste consignee returns database was undertaken however no hazardous waste consignee returns for Clyne were found. As there are on occasions discrepancies in the database recording Hazardous waste consignee returns an email was sent to the operators dated 27 May 2016 to request further information on this matter to seek clarification of the hazardous waste management arrangements. This matter will not be further assessed under this CAR form until a response has been provided.

ACTION CCS: By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the consigning of hazardous waste from the Clyne HWRC.

A desktop audit was undertaken of the sites waste returns. Here it was noted that waste code 200133 “batteries and accumulators....” had been removed from the site. This waste type is considered an absolute hazardous waste, and therefore seeing as the waste has been recorded as being removed from the site there would be the expectation of a Hazardous waste consignee return also.

There was no evidence within the waste returns checked of fluorescent tubes being accepted nor removed from the site. The EMP states that fluorescent tubes will be removed every 90 days, yet they are not included as wastes removed from site on the waste returns covering this time period.

Storage of Fluorescent Tubes

- 4.5.15 Fluorescent tubes will be placed directly into a lamp safe container (quad containers). Care will be taken not to break any fluorescent tubes. When the lampsafe is full it will be removed for disposal at a suitable licensed facility. Fluorescent tubes will be stored within the areas specified on the site plan with the option to relocate anywhere within the site curtilage and stored on an impermeable pad in accordance with permit requirements. Fluorescent tubes that have been segregated from other wastes accepted at the facility will be stored on site for a maximum period of 90 days subject to available storage capacity.

As there are on occasions discrepancies in the database recording Hazardous waste consignee returns an email was sent to the operators dated 27 May 2016 to request further information on this matter to seek clarification of the waste management arrangements for these waste types. This matter will not be further assessed under this CAR form until a response has been provided.

ACTION CCS: By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the waste management arrangements for batteries and fluorescent tubes at Clyne HWRC

ACTION SUMMARY

1. By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the waste management arrangements for batteries to ensure permit compliance
2. Improve site management to ensure quarantine skips are kept locked.
3. By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the consigning of hazardous waste from the Clyne HWRC
4. By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the waste management arrangements for batteries and florescent tubes at Clyne HWRC

END.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0020621**

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	Date	25/05/2016

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			
C4	C3	By the 10th June please provide response to email of 27th May 2016 requesting further information regarding the waste management arrangements for batteries at Clyne HWRC to come into compliance.	10/06/2016
C4	C4	Improve site management to ensure quarantine skip kept locked.	10/06/2016

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.