

Compliance Assessment Report

Report ID:
CAR_NRW0025266

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

Site	Cwm Environmental Ltd	Permit Ref	YB3293HL			
Operator/Permit holder	C W M Environmental Ltd					
Regime	Waste Operations					
Date of assessment	12/07/2016	Time in	10:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	MRF Activities					
Lead officer's name	Wakeford, Sally					
Accompanied by	Bacon-Weekes, Liane					
Recipient's name/position	Bruce Creamer/ MRF Manager	Date issued	08/09/2016			

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
A1 - Specified by permit	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	Sche 9A 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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

A site inspection was conducted on 12 July 2016 by Sally Wakeford and Liane Bacon-Weekes. This CAR form only discusses the inspection on the activities undertaken under the Schedule 9A Materials Facilities EPR 2014 Amendment.

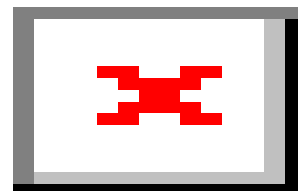
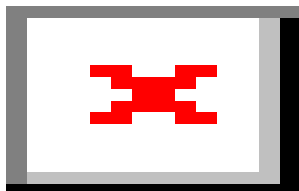
Site

Inspection:

A general site inspection was undertaken.

The scales used to weight the bulk samples prior to sorting appeared to be accurate and tared to zero on removing the weight. The inputs were consistent with those expected and reported – mainly mixed recyclate bags from Ceredigion and Carmarthen Councils.

The outputs appeared consistent with the reported target percentages, see photographs below.



You mentioned your biggest problem with the metal outputs are cat food pouches. I have passed this information on to our policy team, as this is very useful information for them to take to others (wrap, EA etc)

Reporting:

We discussed the analysis of the Q1 2016 returns which had been completed. The site should use the code MF1 on the front sheet of the waste returns.

Inputs:

Improvements had been made – no issues identified.

Outputs:

- Output samples sheets were inspected for plastic and metal outputs.
- The paper outputs had been mistakenly reported against the wrong line of the waste returns. The

samples should have been allocated to the line with 3312 tonnes of output rather than 919 tonnes. The two lines should not have been merged as the lower of the two lines (919 tonnes) is not and MRF output – it is separately collected.

- Some underreporting for plastic outputs.
 - Plastics are being regularly under sampled in weight, approx. 11-14 kg rather than 20kg. This error comes down to the incorrect information at the top of the sampling sheets provided to staff. (see scoring of G4 below)
 - Plastic outputs – the sampling calculations are completed together. To ensure you are taking and reporting the correct number of samples for plastic film and plastic bottles, the calculations on how many samples for each output should be calculated separately for each type.
- Under reporting of metal outputs.
 - You are currently reporting double the weight of the metal samples (due to the incorrect value written at the top of the sampling sheet), however you are not sampling frequently enough. In the Q1 returns the number of samples should have been 22 for the 447 tonnes of output to EPS, however only 10 were reported. (see scoring of G4 below)

We do have some concerns with the level of reporting, I discussed this with Claire Mainwaring during the site inspection who has shown me the excel spreadsheets where the sampling frequency is calculated. These appear to be suitable for use, and have had some improvements made regarding the frequency for plastic bottles and film calculated separately.

G4 – Monitoring and records, maintenance and reporting – Reporting an notification to Natural Resources Wales – CAT 4 – The Environmental Permitting Amendment (England and Wales) 2014 Regulations Schedule 9A, Part 2(2)

As discussed during the site inspection, you have been scores against the above criteria as during the inspection it was noted that the plastic samples are less than they should be, and as such are being reported incorrectly.

On inspection of your sampling sheets it was identified that the weight of the samples for the plastics and metal had been switched around. You have been sampling 10kg of plastics and 20kg of metal (which should only be 10kg).

Advice and guidance was previously provided via email to Sean Gallagher in December 2015 regarding your plastics sampling being too low in weight.

You have also been scored under this criteria as the metal samples are double weight, but are not being taken frequently enough, as mentioned above.

ACTION: You are required to undertake the actions in the table in section 4 by the date specified. This deadline is set as the date of submission of the next returns.

I am currently awaiting feedback from the Q2 returns recently submitted, however I discussed this with Claire, and she has reported the samples which have been taken, which will show some errors in the plastics and metal due to the errors picked up in the sampling sheets. However, the samples taken for the current quarter, to be reported in September/October should show these improvements. Please feel free to contact me when submitting returns – I am happy to provide advice prior to submitting. You have since informed me you have increased the sampling to the changes in the requirements from

October to ensure they are correctly reported prior to the regulations changing.

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

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Operator/Permit holder	C W M Environmental Ltd	Date	12/07/2016

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			
G4	C4	Amend sampling sheets to ensure all samples are undertaken in accordance with the requirements of the legislation.	31/10/2016

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.