

Compliance Assessment Report

Report ID:
CAR_NRW0000024

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	26/02/2016	Time in	11:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	MRF Requirements					
Lead officer's name	Wakeford, Sally					
Accompanied by	Bacon, Liane					
Recipient's name/position	Bruce Creamer/ Site Manager	Date issued	12/04/2016			

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C4	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling, labelling and Segregation	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates/litter	A	
F4 - Amenity - Pests/birds/scavengers	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to the Environment Agency	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

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

The visit was conducted on 26 February 2016 by Liane Bacon and Sally Wakeford, it was an unannounced visit focussing on the general management of the MRF and quality of the co-mingled recyclates treated on site. Bruce Creamer showed us around the site.

During the site inspection a breach of the permit was noted.

C2. General Management – Management System and Operating Procedures- CAT 4 - Permit Condition 1.1.1

You have been given a CAT 4 breach under the above condition because during our inspection it was observed that although the majority of the documents for the overarching system were on site, the site specific details could not be located.

It is to your credit that you have chosen to operate using an external certified EMS and achieved ISO 14001. However the use of an externally verified EMS does not mean that you automatically comply with all the conditions in your permit and you should check to ensure that your EMS covers the conditions in each of your permits.

As you have a number of regulated sites it is good to have an overarching management system that covers all of your sites and activities. However you also need supplement this by assessing and identifying site specific risks and demonstrating how these are being managed.

The management system does not need to be all in one document, but you should have a signpost document that explains where to find the different parts so they can be accessed and viewed easily.

Your permit requires: *“The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints”*

You are required to take the following steps to remediate/rectify the breach, by the date listed on page 5 of this form under Actions Required.

ACTION: Compile a comprehensive Environment Management System.

Guidance document “Environmental Management Toolkit”, which may assist you in developing your Environment Management System, can be found on NRW’s website at the following link:

<http://naturalresources.wales/apply-for-a-permit/environmental-permitting-regulations-guidance/environment-management-system/?lang=en>

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.

MRF Regulations Sampling:

The main purpose of this inspection an unannounced visit to ascertain your compliance with the Material Recycling Facility Regulations.

Bruce Creamer was checking and logging sampling sheets on our arrival. These sample sheets appeared consistent with the previous returns reported to NRW.

CWM is currently oversampling for the requirements of the Regulations, however this is necessary for your

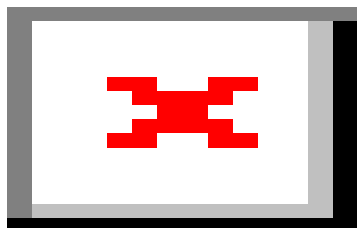
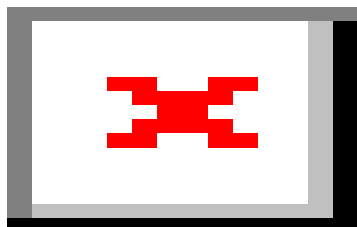
customers' requirements.

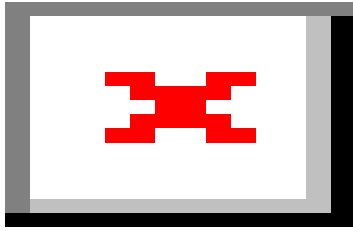
No sampling was being undertaken at the time of the inspection. Staff records were checked for training for the staff which undertake the sampling. The toolbox talk gives good details regarding sample taking, handling, weighing of samples. The toolbox talk records were signed by those who have signed the sample sheet seen during the inspection.

Recyclates come from Carmarthen and Pembrokeshire Council collections, and appear consistent with the input data on the waste returns.

The area dedicated to sampling is cordoned off from the area of moving vehicles, and the waste sorting line. The area was clean and clear of any wastes, and the sorting tables are fitted with 45mm screens. The containers are fit for purpose (using a standard weight box for all samples).

The separated recyclates appear consistent with those recorded on the waste returns, as seen in the photographs below.





Following this unannounced visit it suggests that the permit requirements are being met and that the quality information being reported can be generally relied upon. I recommend only routine (announced and unannounced) inspections should be completed.

Thank you to Bruce for taking the time to show us around the site.

EPR Compliance Assessment Report

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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			
C2	C4	Compile a comprehensive Environment Management System	30/06/2016

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.