

Compliance Assessment Report

Report ID:
CAR_NRW0000101

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

Site	Rifkins Yard	Permit Ref	GP3796ES		
Operator/Permit holder	Recycling Wales Ltd				
Regime	Waste Operations				
Date of assessment	23/03/2016	Time in	12:00	Out	12:20
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area, EMS and Waste Returns				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by					
Recipient's name/position	John Hand/ Owner / TCM	Date issued	07/04/2016		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)

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)	4
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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 inspection was not prearranged. Overall the site appeared to be tidy.

Breach

C2 - Management System and Operating Procedures - CCS Cat 4 - Permit Condition 1.1.1(a)

Permit 1.1.1(a) states that "the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risk 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;". A management system was submitted in November 2013. However, as detailed within the inspection form I issued on the 29th April 2014 I did not believe it to be suitable and I listed a number of improvements that should be made to the document. Due to unforeseen circumstances the improvements to the EMS were not made. The improvements still need to be made and should be done by the 30th June 2016.

As an EMS is an important part of the permit and the improvements have not been made yet this breach is regarded as a CCS Cat 3. More information on the EMS can be found below.

Other

A number of topics discussed on site during the inspection. A brief summary is provided below.

Permit Surrender

Permit surrender is still being considered and advice regarding this was provided to both Recycling Wales Ltd and their consultant in August / September 2015. You should be aware that any application charges quoted at that time may change as they were taken from the 2015/16 charging scheme which is due to be updated imminently. Recycling Wales have been advised that they may be able to operate under low risk waste exemptions instead of under an environmental permit. Recycling Wales Ltd should ensure they review and fully understand the relevant waste exemptions. If they are unable to comply with the waste exemptions then they will have to operate under a permit. Until the permit is surrendered Recycling Wales Ltd will have to continue paying the permit subsistence fee.

Environment Management System (EMS)

Whilst the site is operating under an environmental permit there must be a suitable EMS. If an application to surrender the permit is not received by the 30th June 2016 at the latest then an updated EMS must be submitted.

Technical Competency

John and Ian are the two technically competent people for the site. Whilst the site is operating under an environmental permit there is a requirement to have a technically competent person at the site. Technical competency needs to be regularly assessed (every 2 years). Correspondence in April 2015 suggested that the certificates held by John and Ian were out of date and they were advised to undertake the continuing competency test at that time. Please either provide a certificate if the continuing competency test has been done or ensure that someone completes the test as soon as possible. Details can be found on the WAMITAB website.

Waste Returns

A recent review of waste returns was undertaken. During that review a number of issues were highlighted.

- Site was informed that the waste returns for Quarters 2, 3 and 4 2015 had not been submitted. Following this they were submitted on the 5th April 2016.

- The waste returns indicate that EWC waste code 16 06 01 (lead batteries) is being accepted onto site. This waste type is not listed in your permit as a permitted waste type.

- Please ensure that any future waste returns have the quantities in tonnes (as specified in the form). Your waste returns indicated that you accepted 115,582 tonnes of waste in the first quarter of 2015. It is assumed that the measurements submitted were in kgs.

If you have any questions regarding the above please do not hesitate to contact me on 0300 065 3806

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EPR Compliance Assessment Report

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Operator/Permit holder	Recycling Wales Ltd	Date	23/03/2016

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			
C2	C3	Submit suitable EMS	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 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. 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.