

Compliance Assessment Report

Report ID:
CAR_NRW0035366

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

Site	Lamby Way Depot	Permit Ref	EP3995FL			
Operator/Permit holder	Cardiff Council					
Regime	Waste Operations					
Date of assessment	03/07/2019	Time in	11:00	Out	12:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Various					
Lead officer's name	Lee, Jonathan					
Accompanied by						
Recipient's name/position	Pat McGrath, Martin Williams/ Operations Manager, Recycling Manager	Date issued	08/07/2019			

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
A1 - Specified by permit	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	X	
B4 - Infrastructure - Containment of stored materials	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	X	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Introduction

Officer Jonathan LEE in attendance of Lamby Way Depot, Cardiff to complete a routine compliance inspection of the permit EPR-EP3995FL held by Cardiff Council. Weather was warm and dry at the time of the inspection.

Officer LEE was accompanied by Natural Resources Wales representatives John Fry, Marcus Fogarty and Mark Rhodes. The visit focused on the Material Recycling Facility (MRF) portion of the site.

The visit was pre-arranged to discuss the following matters with the operator; site infrastructure to the rear of the MRF building (identified as non-compliant in previous inspection), reporting of waste returns for the MRF section of the facility, and destinations of waste plastics arising from site activities.

Inspection Observations

The following observations were made during the inspection.

Site Infrastructure

Improvements had been made to the area of site infrastructure to the rear of the MRF building since the previous site inspection in December 2018. The operator had sought to move the glass waste storage bay further away from the ditch watercourse adjacent to the site (thus reducing risk of potential water pollution) and had instigated regular litter picks of the area should there be issues with windblown wastes. The operator had also moved some concrete wall blocks into this area. The operator stated that finance had been secured to complete infrastructure improvements in this area of the site, an action to supply the schedule of works to NRW has been stipulated regarding this matter (see 'compliance actions' section below).

No other issues were identified with regards to site infrastructure during the inspection.

Material Facility Regulations inspection (Schedule 9 Environmental Permitting (England and Wales) Regulations 2016)

Part of the inspection focused on site processes in relation to the sampling of waste (as the site is a notified MF).

During the inspection officers were shown the areas where waste incoming was deposited, where samples were collected and where sampling was undertaken. It was discussed that the sampling process adopted was in line with the WRAP Sampling and Testing Guidance for Material Facilities. Samples were collected in an unbiased manner and samples were sorted in an effective manner using a purpose-built sorting table.

It was established that non-recyclable material was identifiable in the sampling, but this was currently classified as 'non-target' since a 'non-recyclable' field was not on the sampling form. In future, the sampling forms would include this category and guidance provided to operatives on recording 'non-target' and 'non-recyclable' as separate categories. This data would be included on future waste returns submitted to Natural Resources Wales.

It was also discussed that Material Facility returns had not been received for Quarter 1 (Jan-Mar) 2018 and Quarter 1 (Jan-Mar) 2019 and were required to be submitted by April 30th 2018 and April 30th 2019 respectively. Previous returns had indicated that more samples were required to be taken of mixed plastic outputs and you advised that steps were being taken to ensure that 1 sample was being taken for every 15 tonnes of specified plastic output as required in the Regulations.

Compliance Actions

B3 – Site drainage and engineering - Action only

Improvements to site infrastructure are required in the area to rear of the MRF building on site.

Action- As discussed, please supply a schedule of works/action plan to NRW outlining the infrastructure improvements you intend to make to rear of the MRF building.

A deadline of the 31st July 2019 has been specified for this schedule of works to be supplied to NRW.

G4 – Reporting and notification to Natural Resources Wales – Action only

Waste returns are required to be submitted accurately and on time for each 'part' of the facility, NRW are currently awaiting the submission of your Q1 2018 and Q1 2019 waste return for the MRF part of the facility.

Actions:

- Submit outstanding MRF waste returns; Q1 2018 and Q2 2019.
- Ensure that future returns are submitted accurately and on time for each part of the site (HWRC, WTS and MRF).
- Ensure that 1 sample of mixed plastic is taken for every 15 tonnes of waste plastic output.
- Ensure that a 'non-recyclable' field is added to sampling forms.
- Ensure that 'non-recyclable' data is included on future waste returns.

A deadline of the 31st July 2019 has been set for outstanding MRF waste returns to be submitted, this is also the submission deadline for all of your Q2 2019 waste returns.

Summary

Thank you for your time.

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

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Operator/Permit holder	Cardiff Council	Date	03/07/2019

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			
G4	X	Submit outstanding waste returns for MRF. Ensure that future waste returns are submitted accurately and on time.	31/07/2019
B3	X	Supply a schedule of works/action plan to NRW outlining the infrastructure improvements you intend to make to rear of the MRF building.	31/07/2019

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.