

Compliance Assessment Report

Report ID:
CAR_NRW0032991

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

Site	Broughton Aircraft Factory EPR/BS4235IN	Permit Ref	BS4235IN			
Operator/Permit holder	Metal Improvement Company LLC					
Regime	Installations					
Date of assessment	30/12/2017	Time in	10:00	Out	14:00	
Assessment type	Audit					
Parts of the permit assessed	1.1.1, 1.1.2, 3.3.5, 4.2.1					
Lead officer's name	Voice, Elizabeth					
Accompanied by						
Recipient's name/position	Michelle Anderson/ EHS Coordinator	Date issued	07/03/2018			

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
C1 - General Management - Staff competency/training	C3	1.1.1(b)
C2 - General Management - Management system and operating procedures	C3	1.1.1(a), 1.1.1(b), 1.1.2, 4.2.1
C4 - General Management - Storage, handling labelling and Segregation	C3	3.3.5
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.1

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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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

Report for year-end review of site performance and site inspection 13/12/17 with EHS Coordinator and Facilities Manager.

Requirement

Permit Condition 1.1.1(a) The activities shall be managed and operated in accordance with a management system, which identifies and minimises risk of pollution...

Findings

The Environmental Management System was updated in 2016 to align with ISO14001.

The environmental policy includes high level (corporate) requirements.

A corporate annual audit of EHS occurs.

Objectives, Target and Programmes document EMP 4.3.3 refers to objectives but these are not followed up. No objectives and targets were set for 2017, however they will be for 2018.

Environmental issues will be added to the Health and Safety meetings and will commence January 2018.

Environmental Notice Boards - Some of the notice boards were out of date. THE EHS Coordinator is to review and update. The information will be more relevant once objectives and targets are set.

Compliance/ Action

C2 Management systems CCS3

The EMS needs to be updated to ensure it is fit for purpose.

1. Update the environmental aspects and ranking register.
2. Set environmental targets and objectives for 2018.
3. Update the environmental notice boards.

Please confirm by email that you have complied with the above by 30/04/18.

Requirement

1.1.1(b) The activities shall be managed and operated by sufficient persons.

Findings

Training

Site induction for new employees, refresher training is to be set up. At present, training is mainly health and safety based.

Some training has been delivered e.g. drum waste, spill containment. Several training presentations have been written but not delivered. Unable to find comprehensive records of environmental training. A new training database is being created to encompass environmental, health and safety training records.

Compliance/ Action

C1 staff competency and training CCS3 (cannot demonstrate who has been trained in updated EMS)

C2 Management systems CCS3 (already scored above)

Identify environmental training needs for staff and record on the new training database.

Please confirm by email that you have complied with the training requirement by 31/07/18.

Requirements

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

Findings

Internal Audits

Environmental audits are carried out monthly, however no record is kept.

Compliance/ Action

C2 Management systems CCS3 (already scored above)

Ensure records are maintained of environmental audits and actions. Please confirm by email that systems are in place to ensure records are kept of internal audits by 31/07/18.

Requirement

4.2.1 A report ...on the performance of the activities over the previous year shall be submitted to the Agency by 31 January...each year.

Findings

Reporting

The EMS does not have a procedure for annual reporting and notification, as required by the permit. Annual reports submitted 19/02/18.

Duty of Care notes – the EHS Manager signs all waste transfer notes and is fully aware of waste documentation requirements. Documentation demonstrated compliance.

Compliance/ Action

C2 Management systems (CCS3 already scored above)

G4 Reporting and notifications to NRW CCS4

Write procedure for annual reporting and notifications. Confirm by email that this action has been completed by 31/07/18.

Requirement

3.3.5 All liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment.

Findings**Storage**

Two unlabelled drums of 2% phosphoric acid were stored outside of the building without containment, one without a bung, and not in the correct storage area.

Spill kit was checked and were fit for purpose.

Compliance/ Action

C4 Storage, Handling, Labelling and Segregation CCS3

Ensure waste storage procedures are sufficient, and train staff as to the purpose of the storage requirements. Please confirm by email that this action has been completed by 31/07/18.

EPR Compliance Assessment Report

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Site	Broughton Aircraft Factory EPR/BS4235IN	Permit Ref	BS4235IN
Operator/Permit holder	Metal Improvement Company LLC	Date	30/12/2017

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			
C1	C3	See Section 2 for details	31/07/2018
G4	C4	See Section 2 for details	31/07/2018
C4	C3	See Section 2 for details	30/04/2018
C2	C3	See Section 2 for details	30/04/2018

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.