

Compliance Assessment Report

Report ID:
CAR_NRW0034484

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

Site	Harp International Limited	Permit Ref	NP3099FS			
Operator/Permit holder	Harp International Ltd					
Regime	Installations					
Date of assessment	09/01/2019	Time in	10:00	Out	12:30	
Assessment type	Report/Data Review					
Parts of the permit assessed	EMS, TCM, GENERAL LAYOUT					
Lead officer's name	Kemp, Andi					
Accompanied by						
Recipient's name/position	Caroline Harries/ Quality & Environmental Manager	Date issued	21/01/2019			

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
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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

Purpose of Compliance Assessment

The reason for this brief visual inspection and meeting (9th Jan. 2019 10:00am – 12:00pm) was:

- Introduce new regulatory officer – Andi Kemp
- Discuss invoice issues – with Stuart Baber, HARP International Finance Director
- Brief discussions about operations, management systems and technical competence
- Inspection of the premises and operational areas

Internally there has been a change of NRW officer and it has been some time since the site was inspected. So this meeting and inspection served as an introduction to the site and an overview of site operations, management and site layout. This physical inspection was limited to just a familiarisation and did not look in detail at the technical processes, goods and waste movements, physical infrastructure or drainage systems. A compliance assessment plan will be created for the site and communicated to the site before April 2019.

EPR Cost Recovery, Subsistence and Invoicing

AK had a brief meeting with NRW Finance department earlier in January 2019. The invoicing was then explained to the operator and NRW Finance looked through their records, especially 2016, where the waste operation would have been billed as usual and subsequently the newly added waste installation should then have been invoiced on a pro rata basis after the consolidated permit was issued: 19th Aug.

2016.

It is helpful to briefly discuss the Environmental Permitting Regulations (EPR) regime and some key terminology and associated guidance. The two relevant regimes to Harp International, that EPR covers, are waste operations and waste installations. The installations are listed in Part 2 of Schedule 1 EPR and include combustion (Section 1.1), chemicals (Section 4), ferrous metals (Section 2.1) etc. Harp (since Aug. 2016) conduct a waste installation with the EPR reference S5.6 A(1)(a) – temporary storage of hazardous waste >50 tpd – pending incineration (S5.1) or disposal (S5.3). Waste operations are activities involving the treatment, storage, recovery or re-use of waste that are not covered by Installation references or waste exemptions. For these waste operations the regulator has issued standard rules permits – based on activity, waste type and tonnage. If one or more of the standard rules cannot be met, (e.g. above the stipulated limit), it may be possible to apply for a bespoke waste operation permit – this would involve more detail in the permit application, environmental risk assessment and increased application and subsistence fees.

In addition to the waste installation (specifically for hazardous waste >50 tpd at any one time), Harp conduct (as they historically always did) waste operations involving the storage, treatment and recovery of waste refrigerant gases – some recovered back to product (end of waste) some prepared for destruction via a permitted waste incinerator.

On the 9th January 2019, NRW Finance emailed Stuart Baber explaining the two accounts, one for the waste operation and one for the waste installation. The two amounts are not in dispute in terms of normal full year charges: waste operation £1722 x 0.95 – full compliance adjustment = £1635.90; waste installation £7000 x 0.95 – full compliance adjustment = £6650. The NRW EPR Charging Scheme and Guidance explains these waste operation charges and the OPRA based waste installation charge, plus compliance adjustment, which can be plus or minus depending on compliance performance. This email explained that the waste installation was incorrectly billed in 2016, so a credit note has been raised for that and a new invoice raised for the full installation charge (x 0.95) and adjusted pro rata for part year: 19th Aug. 2018 – 31st Mar. 2017. The account numbers, to aid with invoice recognition, for each account (waste operation and waste installation) were supplied and AK has ensured the invoices go to the right address and Harp contact as per email from Caroline Harries on 10th Jan. 2019.

The last element with regard to invoices to be clarified is the billing and payment terms. This is the text taken from an email AK sent to CH on 9th Jan. 2019: *As these are regulatory invoices, issued under our Charging Scheme, they are due on the date issued – but we allow 28 days grace before we issue the first reminder, then a further 14 days before we issue second reminder. No debt recovery actions take place until both these letters are sent. The payment on demand requirement is built into the Charging Scheme.*

Hopefully this will put the operator at ease with regard to invoicing dates and payment terms and amounts.

Management Systems and Technical Competence

Caroline Harries (Harp Quality & Environmental Manager) queried the attendance requirements of the technically competent managers at the site, since a qualified TCM had recently left the organisation. Cat Harvey (NRW Industry and Waste Team Leader) emailed CH on 18th Dec. 2018. The TCM availability requirements are covered in the umbrella EPR guidance: How To Comply With Your Environmental Permit – see NRW latest version on NRW website. Based on waste operation and waste installation OPRA profiles, the indicative attendance % over a week of operational hours is between 20% (minimum – unless alternative agreed) – 25%. CH indicated that her presence for this percentage of operational time is satisfied, with this one TCM.

Recommendation 1 Harp International 9th January 2019 – *The operator is to consider TCM coverage should the one remaining TCM be on annual leave or extended absence or leaves the organisation.*

During the meeting AK asked a number of questions about TCM and management systems. The TCM accreditation currently held by CH and the extant certification runs from 12th Feb. 2018 – 12th Feb. 2020. The site is externally accredited to ISO 14001 and a current certification is displayed in the reception area. The site also holds accreditations to the quality standard ISO 9001, and a current accreditation to the OHAS standard ISO 18001 (which has been replaced by ISO 45001, with operators having until Mar. 2021 to transist to the new standard). Extant certificates were emailed to AK after the meeting verifying current registration.

The operator is also a member of several professional trade bodies – whether required by customers or driven by Harp themselves, membership to such organisations can help the operator keep on top of changes to and additional legislation, regulatory activity etc.

Following the inspection CH emailed a number of up to date procedures: Environmental Permit Management System (issue 9 Jan. 2019), Working Plan (reviewed Jan. 2019). Now that the permit for waste operations and the waste installation are consolidated and the site have a current registration to ISO 14001, strictly these two documents are not explicitly required by the regulator. The permit conditions 1.1.1 and 1.1.2 require a written EMS to be implemented and records of such kept on site. Whilst this was not examined in any detail in this familiarisation visit, the current ISO 14001 registration clearly indicates that a written system exists for the registered inspection service to inspect. A brief discussion was held about what typically would be inspected (variously) by NRW, such as:

- Environmental policy – signed by current top management
- Legal register
- Significant impacts and aspects register

- Management reviews
- Internal audit schedule
- Environmental targets and objectives
- Various work instructions covering: maintenance, critical environmental tasks, emergency response, monitoring, waste handling etc.

However, the two documents supplied are useful in quickly highlighting relevant environmental aspects to the operations, e.g. site layout, site security, waste handling, drainage, incidents such as: fire, spillages, gas leaks, a list of permitted wastes and details of TCM. Additionally in the EMS document, such items as training, energy efficiency, BAT, records, complaints and maintenance are covered.

Physical Inspection

A brief tour led by CH was carried out for the benefit of the NRW officer. The inspection did not, as already mentioned, cover in any detail pollution prevention infrastructure, bunds, primary containment, drainage etc. However the full process flow was explained and the various packing lines, raw material bulk storage and waste storage, refrigerant recovery / treatment process, laboratory, gas sampling, cylinder storage, was looked at. The site appears to be fully served by impermeable surfaces and with gases, is unlikely to result in entry into drainage systems of lost inventory. More detailed inspection of critical environmental equipment and infrastructure will be key inspection topics going forward.

The H.S.E. occasionally visit the premises, as do the Fire and Rescue Service. COMAH and its application was discussed – a planned expansion will require the site to anticipate its maximum inventory and consider the application of the COMAH regulations – AK can advise on this as one of several COMAH inspectors for NRW.

The EPR permit covers specific activities and areas: bulk waste storage, especially of hazardous waste, waste treatment, oil storage – therefore certain areas, such as the bulk raw material refrigerant and raw material gas storage are not within the EPR jurisdiction. Although any relevant directly applicable environmental legislation, such as Duty of Care, hazardous waste consignments and general pollution legislation, does apply.

Lastly the site confirm that no significant incidents, accidents, vandalism, security breaches etc. have occurred in recent times.

A work plan for 2019 / 20 will be issued or work topics communicated to the operator by email, in due

course.

END.

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			

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.