

Compliance Assessment Report CAR_NRW0042498

Permit being assessed: BP3095CL.

For: Nis-Spec 1st, held by Mr John Barry Dyos & Mrs Susan Caroline Dyos

At: N I S-S P E C 1st Ltd, Guilsfield Road, Welshpool, Powys, SY21 9BS.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 20/09/2023 between 11:30 and 12:30.

Parts of permit assessed: TBC

NRW Lead Officer: Gillian Coates.

Report sent to: Tom Dyos & Ben Bragg, Site Managers on 01/12/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Table 2.3
C1 - General Management - Staff competency/training	C3 Minor	1.1.1(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C4	Batteries being stored on floor of workshop. There is a risk that these could leak and spill acid. Ensure that all batteries are stored within an acid resistant container to prevent spillages in accordance with your permit	08/12/2023
C1	Supply evidence that either a member of your company has attained the relevant TCM qualification or that an external professional TCM has been engaged who is responsible for your permitted operations.	19/01/2024
G4	Submit annual return for 2022 and ensure future reports are received within one month of the end of the reporting period.	08/12/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

NRW Hazardous Waste Officer Gillian Coates and Enforcement Apprentice Holly Dyke visited Niss Spec 1st site to inspect the activities taking place under Environmental Permit BP3095CL which is a Standard Rules SR2011No3 permit. Weather conditions at the time of the inspection were overcast with showers and visibility was good. The operator was not pre notified of the visit.

Officers were accompanied during the visit by Ben Bragg the Site manager in the absence of Tom Dyos who was unavailable at the time of the visit.

Vehicles are taken into the site and de-polluted under cover in the main workshop. Fluids are drained down and stored in labelled tanks and containers.



Photo showing vehicle de-pollution workshop



Photo showing inside the workshop with vehicle on ramps

At the time of the visit there was a vehicle on the ramps in the process of being depolluted. Officers were shown where fluids drained from vehicles. The fluids were stored separately and labelled adequately.



Photo showing labelled containers for fluids

C4 - STORAGE, HANDLING, LABELLING & SEGREGATION - PERMIT CONDITION
TABLE 2.3 - CCS 3



Photo showing vehicle batteries being stored on workshop floor

Officers noticed that a number of vehicle batteries were being stored on the floor of the workshop. This was pointed out to the Site Manager during the visit and he agreed to provide a suitable container.

Breach identified

Your permit requires that all lead acid batteries are stored within a container with an acid resistant base. Because batteries were being stored on the workshop floor you were not compliant with this condition of your permit.

ACTION - ensure that all batteries are stored inside an acid resistant container in accordance with your permit.

Officers would like to thank you for your time and assistance with this visit.

Following the site visit checks were made on our records for your TCM qualifications and waste returns.

C1 - STAFF COMPETENCY/TRAINING - PERMIT CONDITION 1.1.1 (b) - CCS 3

On 18/11/2020 we received an email from you stating that John Dyos had an appointment on 29/01/2021 for a WAMITAB continuing competency test. We do not have confirmation that there is currently a qualified TCM for your operation..

Breach identified

Condition 1.1.1(b) of your permit requires that you shall manage and operate the activities using sufficient competent persons and resources. In the absence of a qualified TCM you are not compliant with this condition.

ACTION - supply evidence that either a member of your company has attained the relevant TCM qualification or that an external professional TCM has been engaged who is responsible for your permitted operations.

G4 - REPORTING AND NOTIFICATION TO NRW - PERMIT CONDITION 4.2.2 - CCS 4

The last annual waste return we received from you was sent in on 12/10/2021 and detailed waste accepted and removed for the year 2021.

Breach identified

Condition 4.2.2 of your permit requires that within one month of the end of each year you shall submit a report of all waste accepted and removed from your operation. You are required to send in a report even if there are no waste movements during the reporting period. We have not received a report for 2022 and you are not compliant with this condition.

ACTION - Send in your annual waste return for 2022 and ensure future reports are received within one month of the end of the reporting period.

If you wish to discuss your CAR please contact me at:

Gillian.Coates@cyfoethnaturiolcymru.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 2012.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.