

Compliance Assessment Report

Report ID:
CAR_NRW0033884

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

Site	Mobile Plant Land Spreading 2010 No 4		Permit Ref	JB3139RS	
Operator/Permit holder	Andrew Matthews				
Regime	Waste Operations				
Date of assessment	31/08/2018	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Waste Returns, TCM & EMS				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Andrew Matthews/ Director	Date issued	31/08/2018		

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
A1 - Specified by permit	A	
C1 - General Management - Staff competency/training	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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)	0.1
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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

This is a desk-based compliance Audit carried out by NRW on the standard rules SR 2010 No4 for land spreading - permit number **EPR- JB3139RS**. It aims to check that the administrative duties required by the permit have been completed. The permit is registered under Andrew Matthews.

Permit condition 1.1.4 requires that *"the operator shall comply with the requirements of an approved competence scheme"*. The listed Technically Competent Manager (TCM) for the permit is Andrew Matthews; please notify NRW if this has changed. Andrew Matthews was completing a WAMITAB course in 2017, reference 4MTMPL6.

Action: Please can you update NRW as to the progress of this qualification

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

Permit condition 1.1.1 of the permit requires that you *"manage and operate activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attend of the operator as a result of complaints"*.

We cannot find an Environment Management System (EMS) on our records for the mobile plant activity.

Action: Please submit the EMS for the mobile plant permit by **1st October 2018**.

Please see the below link for 'how to comply with your permit' for further details on the content of an EMS:

<https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

WASTE RETURNS

<u>Breach - Category 4</u> G4 - Reporting and notification to Natural Resources Wales Waste returns - Condition 4.2.2	The business has failed to submit its waste return documents for the past two quarters. It is your duty under your permit conditions to ensure that the document is submitted to NRW on time, even if it is for a <u>NIL</u> return. Operators have a one-month grace period to submit the quarterly returns: Quarterly Returns Period Return Submission
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“Within one month of the end of each quarter, the operator shall submit using the form made available for the purpose,

the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter”.

Q1 - 1st January to 31st March – Deadline: 30th April

Q2 - 1st April to 30th June – Deadline: 31st July

Q3 - 1st July to 30th September – Deadline: 31st October

Q4 - 1st October to 31st December – Deadline: 31st January

This has scored a **Category 4** breach against permit condition **4.2.2** as a result.

Action:

Please submit the outstanding waste return documents by 1st October 2018. If these are not submitted by this date breaches can be escalated.

Please see our website for further information on waste returns:
<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document ‘Natural Resources Wales’ means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

EPR Compliance Assessment Report

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Operator/Permit holder	Andrew Matthews	Date	31/08/2018

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.

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	C4	Submit outstanding Waste Return documents by 1st October 2018	01/10/2018

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.