

Compliance Assessment Report

Report ID:
CAR_NRW0032211

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

Site	Phoenix House	Permit Ref	QB3997TU		
Operator/Permit holder	Phoenix Asbestos Recovery Ltd				
Regime	Waste Operations				
Date of assessment	21/09/2017	Time in	10:00	Out	11:30
Assessment type	Audit				
Parts of the permit assessed	ALL				
Lead officer's name	Warrick, Linda				
Accompanied by					
Recipient's name/position	Mike Parker/ Site Manager	Date issued	28/09/2017		

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

Linda Warrick met with Mike Parker at the Site Office. The site is still pre-operational although groundworks have started and it is estimated that the building should be in place within 6 months.

Permit

A copy of the Technically Competent Manager Certificate and, if applicable, the continuing competency certificate is to be forwarded for the site file.

We discussed Table 2.3 of the permit which stated that asbestos should be stored on an impermeable pavement with sealed drainage – the facility will be within a building with no drainage. This will meet the permit condition as long as the building floor is impermeable and any liquids are contained and cannot enter unmade land or surface water

Consignment Notes

Currently there are no consignee returns as the waste is taken straight from the place of production to a landfill or a transfer station and not this site. When the building is in place the asbestos will be kept in locked containers within the building and any waste leaving this site then will be consigned.

We discussed the requirement for a returns register and to ensure that the site is a registered premise.

Ensure if the waste goes straight to landfill it has D05 code but if it goes to a transfer station it had a D15 code.

SIC code should be 39.00 – Remediation activities and other waste management services

Linda Warrick will send a link to the Consignee returns page ready for the operation commencing in the next few months.

Exemptions

The permit only allows waste codes 17 06 01 and 17 06 05 . Any other waste stored on site will need exemptions.

Please ensure the appropriate exemptions are registered for your waste wood and construction and demolition material being stored on site.

The non waste framework directive (NWFD) exemptions do not require registration but they are limited to 50 cubic metres at any one time. The most applicable ones are:

NWFD 3 – Temporary storage of waste at a place controlled by the producer

NWFD 4 – Temporary storage at a collection point

There is also S2 exemption – Storing waste in a secure place

Any waste scrap metal requires a sealed drainage system even if it is in a container. Once the building is in place then this should be suitable as long as the flooring is impermeable and no liquids can escape the container or the building.

Waste Wood can be stored as long as the Duty of Care checks details that the appropriate EWC codes are in place - See S2 guidance on wood storage EWC codes.

EMS

The EMS is to be forwarded prior to commencement of the waste operations on site.

EPR Compliance Assessment Report

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Operator/Permit holder	Phoenix Asbestos Recovery Ltd	Date	21/09/2017

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.

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.