

Compliance Assessment Report

Report ID:
CAR_NRW0034158

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

Site	Rees Metals	Permit Ref	LP3098FJ			
Operator/Permit holder	Rees Metals Ltd					
Regime	Waste Operations					
Date of assessment	31/10/2018	Time in	11:00	Out	11:45	
Assessment type	Audit					
Parts of the permit assessed	Historic scrap and hardstanding					
Lead officer's name	Ellar, David					
Accompanied by	Edwards, Michael					
Recipient's name/position	Len Davies/ Director	Date issued	07/11/2018			

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	C3	1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.1.3

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	2	Total compliance score (see section 5 for scoring scheme)	8
-----------------------------	---	--	---

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 was a pre-notified inspection to assess compliance against a Regulation 36 enforcement notice. On site we met up with Len and Shaun Davies from Rees Metals.

The notice that was served on the 22 March 2018 required:

1. The removal of all waste that had been stored on site for more than 3 years (in consultation with NRW during the notice period).
2. To engineer and maintain the hardstanding areas in accordance with table 2.1a of the permit, in that it must; remain even when wet, shall have sufficient durability to allow cleaning by scraping and shall remain free from standing water.

1 - Historic waste (waste stored more than 3 years)

A large amount of historic waste had been removed from the Northern part of the site however a significant quantity remains. Mr Davies explained that he had not had enough time to remove it all and requested a few more weeks. Mr Davies also explained that he had had a few mechanical break downs and a recent injury to his ankle meaning he had had to take a few weeks off work. I explained that unfortunately the notice had now expired so it could not be extended. I also explained that the original notice had already been extended following a previous request from him.

Table 1.1 a) (v) of the permit states that no wastes shall be stored on site for a period of more than 3 years. The majority of the scrap currently stored on site has been stored for more than 3 years and in some cases considerably longer. This issue has been raised at several of our last site visits but has failed to be adequately addressed this was one of the reasons the Regulation 36 notice was served. This part of the notice has not been complied with and it has been recorded as a **Category 3 non-compliance**.

2 - Hardstanding

The hardstanding areas (including the tracks through the site) must be constructed and maintained in accordance with table 2.1 of the permit e.g. not subject to rutting, have sufficient durability to allow cleaning and shall remain free from standing water. During our visit standing water and deep mud was observed in several locations this shows that the hardstanding has been either poorly constructed or has failed to be maintained. This issue has been raised at several of our last site visits but has failed to be adequately addressed this was one of the reasons the Regulation 36 notice was served. This part of the notice has not been complied with and it has been recorded as a **Category 3 non-compliance**.

Photograph showing standing water and mud on the hardstanding area:



The requirements of the notice have not been met, we shall be in touch in due course to consider our enforcement response. This should not however distract you from undertaking further works at the site and carry on with the removal of the historic scrap and the construction and maintenance of the hardstanding.

Thank you for your time during our visit.

Ends.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034158**

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

Site	Rees Metals	Permit Ref	LP3098FJ
Operator/Permit holder	Rees Metals Ltd	Date	31/10/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
B1	C3	Construct and maintain hardstanding as per permit conditions.	30/04/2019
A1	C3	Remove all waste that has been stored on site for more than 3 years.	30/04/2019

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.