

Compliance Assessment Report

Report ID:
CAR_NRW0034256

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

Site	Ex-mod R A F Site	Permit Ref	FP3995EL			
Operator/Permit holder	Wern Tarn Recycling Ltd					
Regime	Waste Operations					
Date of assessment	14/11/2018	Time in	11:50	Out	11:55	
Assessment type	Site Inspection					
Parts of the permit assessed	B, C, D					
Lead officer's name	Davies, Eleanor					
Accompanied by	Davies, Gareth					
Recipient's name/position	Leyton Shillibier/ Director	Date issued	22/11/2018			

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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
C1 - General Management - Staff competency/training	C3	1.1.1
C2 - General Management - Management system and operating procedures	X	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	

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)	4
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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

Environment Officer Eleanor Davies and Senior Environment Officer Gareth Davies attended site for a routine inspection. The site was unmanned but was securely locked up.

There appeared to be a lot of material on site but from what we could see it appeared tidy and organised.

During the inspection in March 2017 it was noted that there was a load of soil being stored on site on behalf of the Agrivert site next door. During the inspection at the Village Farm site Leyton Shillibier confirmed that this material had been removed from site.

Environment Management System.

At the last inspection carried out by Jodie Medcraft in October 2017 it was stated that the EMS for site needed to be updated and a copy sent to NRW. LS stated that he believed the EMS had been updated as part of the updates carried out for the aggregate quality protocol.

Please ensure that a copy of the reviewed and updated Environment Management System for the site is provided to Natural Resources Wales by Friday 7th December 2018.

Technically Competent Management

During the inspections of site on the 23 March 2017 and the 8 November 2017 it was highlighted that the current WAMITAB certificate for the site was out of date. LS explained that he had not yet managed to complete the qualification but that he was looking into asking the TCM for Cox Skips (Paul Denyer) to cover Wern Tarw as TCM also. Upon return to the office PD's WAMITAB certificate was checked. PD hold a certificate for the Transfer of Hazardous waste only. As this does not cover the treatment of waste, PD would not be classed as technically Competent to cover Wern Tarw. This is a breach of condition 1.1.1 which states:

"The activities shall be managed and operated:

[...] b. by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities."

C1 general Management - Staff Competency / Training CCS score C3.

Please provide a date for agreement by which you can employ or provide a suitably qualified technically competent manager by 30 November 2018.

EPR Compliance Assessment Report

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Operator/Permit holder	Wern Tarn Recycling Ltd	Date	14/11/2018

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			
C2	X	Please ensure that a copy of the reviewed and updated Environment Management System for the site is provided to natural Resources Wales	07/12/2018
C1	C3	Please provide a date for agreement by which you can employ or provide a suitably qualified technically competent manager	30/11/2018

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.