

Compliance Assessment Report

Report ID:
CAR_NRW0035079

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

Site	Dyfed Recycling Services	Permit Ref	DP3098FN			
Operator/Permit holder	Dafen Service Station Ltd					
Regime	Waste Operations					
Date of assessment	15/04/2019	Time in	11:00	Out	12:00	
Assessment type	Site Inspection					
Parts of the permit assessed	A, B, C, D, F					
Lead officer's name	Davies, Eleanor					
Accompanied by						
Recipient's name/position	Simon Morris/ Recycling Manager	Date issued	13/06/2019			

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.1.2 and table 2.1
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1 and Condition A
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
F5 - Amenity - Deposits on road	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	2	Total compliance score (see section 5 for scoring scheme)	8
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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 attended site to meet with Paul Westwood and Nigel Scriven to discuss the requirements of the Fire Prevention and Mitigation Plan for the site and to carry out a site inspection.

Site was clean and tidy and there were small amounts of waste clearly segregated and stored appropriately.



Within the building there was a roofing panel missing. This is a contravention of condition 2.1.2 and table 2.1(d)(I) of the permit which states "the building shall be designed, constructed and maintained to prevent ingress of rain and surface water". Please ensure that the roofing panel is replaced / fixed to ensure compliance with this condition of the permit. **Compliance Criteria B1 CCS Score C3**



Within my last compliance assessment report, I highlighted that the numbered sections within the working plan do not marry up to those quoted within the Environmental Permit and requested that an updated EMS be submitted to me by 4th June 2019. No plan has been submitted. Please ensure that an updated EMS is submitted to me by 12/7/19 taking into consideration the requirements of the permit and the requirements of deemed Conditions A and B detailed below*. **Compliance Criteria C2 CCS Score C3. As this has been requested a number of times and not submitted / issues not rectified (see CAR_NRW0033151 dated 14/5/18 and CAR 34255/0254395 dated 15/12/15) this is a SITE WARNING.**

*The Environmental Protection (Miscellaneous Amendments)(England and Wales) Regulations 2018 have come into effect. One of the key additions is that for any permit that doesn't have a requirement for an environment management system then the legislation brings in 2 deemed conditions, see below.

Written management system conditions

1.—(1) An environmental permit which meets each of the following criteria is subject to conditions A and B—

(a) the permit was granted before 6th April 2008;

(b) the permit does not authorise a waste operation carried on at an installation or by means of a Part B mobile plant; and

(c) the permit does not, immediately before 7th April 2019, contain a condition referring to a management system recorded in writing relating to risks relating to pollution

(2) Condition A is that the operator must manage and operate the waste operation in accordance with a system (a “written management system”), described in a document or documents, which identifies and minimises the risks of pollution arising from the waste operation, including (but not limited to) those—

(a) arising from operations (including maintenance);

(b) arising from an accident or other incident;

(c) arising from a failure to comply with or from a contravention of the environmental permit in question;

(d) identified following a complaint; or

(e) arising from the closure of the operation.

(3) Condition B is that the operator must—

(a) from time to time, review the written management system and keep it up to date; and

(b) keep a written record of—

(i) activities carried out in accordance with the written management system; and

(ii) any review or update under paragraph (a).

EPR Compliance Assessment Report

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Operator/Permit holder	Dafen Service Station Ltd	Date	15/04/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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	C3	Update the working lplan to ensure the sections in the working plan correspond to the sections specified in the permit. Please also have mind to deemed conditions A and B as explained in main body of text.	12/07/2019
B1	C3	Repair roof panel to prevent egress of rain and surface water.	12/07/2019

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.