

Compliance Assessment Report

Report ID:
CAR_NRW0035635

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

Site	S.I. Plant Hire	Permit Ref	TB3093HA		
Operator/Permit holder	Stephen Lloyd				
Regime	Waste Operations				
Date of assessment	29/08/2019	Time in	10:00	Out	10:30
Assessment type	Audit				
Parts of the permit assessed	See Below				
Lead officer's name	Edwards, Michael				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Stephen Lloyd/ Director	Date issued	03/09/2019		

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	C3	4.1.2
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	C3	1.1.1 (a)
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Unannounced site inspection undertaken by Michael Edwards and Sally Wakeford of Natural Resources Wales (NRW) met on site by Stephen Lloyd, Director of S.L Plant Hire.

Site Security

During the previous inspection the operator was made aware that the gate had been left open to the public when no one was on site. Stephen Lloyd has now confirmed that the gate is kept locked when no one is operating on site.

Environmental Management System (EMS)

During the inspection the EMS was not available. **Condition 4.1.2** states - *The operator shall keep on site all records, plans and management systems required to be maintained by the standard rules, unless otherwise agreed in writing by Natural Resources Wales.*

As the EMS was not available at the time of the inspection. This has been scored as a **Category 3** breach of permit.

Action - You must ensure that an up to date copy of the EMS is kept on site and made available to all members of staff.

Under **condition 1.1.1 (a)** *in accordance with a written management system that identifies and minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.*

Having contacted Excal following the site inspection for a copy of the EMS, NRW has been provided with a copy which is dated 2014.

A review of this EMS has identified several issues and is not reflective of current on site practices. This has been scored as a **Category 3** breach of permit condition.

Action - The EMS is a live document and must be maintained and updated to reflect current on site activities. Please review the current EMS and ensure it is reflective of current on site working practices. Information on what should be included within the EMS can be found on the following link.

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

Waste Returns

As highlighted in the previous Compliance Assessment Report (CAR) and discussed on site. Under **condition 4.2.2** - *Within one month of the end of each quarter, the operator shall submit to NRW using the form made available for the purpose, the information specified in the form relating to the site and the waste accepted and removed from it during the previous quarter.*

This has been scored as a **Category 3** breach of the above permit condition.

Action - You must submit all outstanding waste returns to NRW using the form available on the link below.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

The quarters and submission deadlines are detailed below:

Returns Period	Deadline
Q1 - 1st January to 31st March	30th April
Q2 - 1st April to 30th June	31st July
Q3 - 1st July to 30th September	31st October
Q4 - 1st October to 31st December	31st January

Competent Persons

Under condition 1.1.1 of the Environmental Permit *the operator shall manage and operate the activities: b) using sufficient competent persons and resources.* And under **condition 1.1.4** *The operator shall comply with the requirements of an approved competence scheme.*

During the previous inspections the issue of continuing competency was raised. Having spoken with Chris Lloyd, he has confirmed that he completed the WAMITAB training with consultant Ifon Jones.

Action - Please submit evidence of the WAMITAB certification to Michael.Edwards@cyfoethnaturiolcymru.gov.uk

Many thanks for your time during the inspection.

EPR Compliance Assessment Report

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Operator/Permit holder	Stephen Lloyd	Date	29/08/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	C3	Ensure that waste returns are submitted in accordance with the conditions of the environmental permit.	23/09/2019
C1	X	Please submit evidence of WAMITAB certification.	30/09/2019
C2	C3	EMS is required to be maintained and updated to reflect on site activities.	30/09/2019
A1	C3	Ensure that a copy of the EMS is kept on site in a location that all members of staff have access to and is available on request	30/09/2019

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.