

Compliance Assessment Report

Report ID:
CAR_NRW0035658

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

Site	Pembrey Motor Racing Circuit	Permit Ref	MB3393HW		
Operator/Permit holder	Gower Reycling Limited				
Regime	Waste Operations				
Date of assessment	04/09/2019	Time in	14:00	Out	15:15
Assessment type	Audit				
Parts of the permit assessed	See Below				
Lead officer's name	Edwards, Michael				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Mark Jones/ Director	Date issued	10/09/2019		

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	X	
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	C3	2.3.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	X	
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	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

Unannounced site inspection undertaken by Natural Resources Wales (NRW) officers Michael Edwards and Sally Wakeford.

The operations on site are being carried out under the **Standard Rules 2010 No7** environmental permit. No variation has been completed following previous correspondence from NRW.

General Management

Under condition 1.1.1 of the environmental permit, the operator must manage and operate the activities: a) *in accordance with a written management system that identifies and minimises risks of pollutions, including those that may arise from operations, maintenance, accidents, incidents, nonconformances, closure and those drawn to attention of the operator as a result of complaints; and (b) using sufficient competent persons.*

Action - Please submit evidence of a written management system that complies with the above permit condition.

Under condition 1.1.4 the operator is required to comply with an approved competency scheme.

Action - please confirm who the sites Technically Competent Manager (TCM) is and provide evidence of their relevant qualification.

Waste Returns

Condition 4.2.2 of the environmental permit states - Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specific on the form relating to each site and the waste accepted and removed from it during the previous quarter.

These quarterly waste returns have not been submitted in the lifetime of the permit as a result this has been scored as a **category 3 breach** of permit.

Action - The operator is required to submit waste returns for all missing quarters by 8/10/2019.

Waste Acceptance

Under condition 2.3.1 *Waste shall only be accepted if...(f) visually inspected on arrival and at the point of deposit to ensure that it complies with these standard rules.* During the inspection officers noted a fairly large amount of contamination in the materials brought onto site, including metals and plastics.

This is evident that the visual inspections are not being carried out and as a result has been scored as a **category 3 breach** of permit.

Action - Ensure that visual inspections are undertaken to ensure contamination in waste loads are removed prior to deposit.

Further to the above condition, condition 2.3.3 requires *records demonstrating compliance with condition 2.3 (including analysis and assessment of any excavated soil from potentially contaminated sites) shall be maintained.*

Action - please provide evidence the operator is maintaining records in line with condition 2.3.3 of the environmental permit.

Waste Transfer Notes

Under condition 4.1.1 all records required to be made by these standard rules shall: d) be retained, unless otherwise agreed by Natural Resources Wales (NRW), for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender: i) off site environmental effects; and ii) matters which affect the condition of land and groundwater.

Action - Please submit waste transfer notes for all materials brought onto site in the previous 2 months.

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EPR Compliance Assessment Report

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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	Submit all missing waste returns.	08/10/2019
A1	X	Please provide the information requested relating to condition 4.1.1.	30/09/2019
G2	X	Please provide evidence of compliance with condition 2.3.	30/09/2019
C2	X	Please provide evidence of compliance with condition 1.1.1	30/09/2019
C1	X	Please provide evidence of compliance with condition 1.1.4.	30/09/2019
C3	C3	Ensure that materials are visually inspected as required by the conditions of the permit.	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.