Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0033882

This form will report compliance with your permit as determined by an NRW officer					
Site	Mobile Plant	Permit Ref	EP3198EV		
Operator/Permit holder	Lee Remediation Ltd				
Regime	Waste Operations				
Date of assessment	31/08/2018	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	TCM, monitoring and waste returns				
Lead officer's name	Moggridge, Lara				
Accompanied by					
Recipient's name/position	Matt Rees/ Contracts Manager	Date issued	31/08/2018		

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
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	X	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	42.1

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)	0.1

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

A baseline compliance audit was undertaken of mobile plant permit EPR/EP3198EV. The permit was issued in January 2008, and a variation was approved on 26th July 2018 to amend the operator's registered address.

C1 Staff competency

Permit condition 5.1 requires at least one member of staff who is suitably trained to be present on site during the operations at a site under the mobile plant permit. We do not have up to date records regarding the technically competent persons for the permit, or the continuing competency qualifications.

Action: submit up to date training records/WAMITAB certificates, including continuing competency certificates, for the Technically Competent persons, by 28th September 2018.

C2 Management Systems

We do not have an up to date Environment Management System (EMS) on our records regarding the mobile plant operations.

Action: supply updated EMS, if there is one, by 28th September 2018

G1 Monitoring of emissions and environment

Permit conditions 34 and 35 require a record of emissions monitoring and sampling results to be maintained and submitted, with an interpretation, on a monthly basis, within one month of the monitoring being carried out.

Action: submit relevant monitoring and sampling results along with the interpretations or provide evidence that the relevant information has been provided to the appropriate authority during active deployments, by 28th September 2018

G4 Reporting and notification - Category 4 breach

Permit condition 42.1 requires the submission of quarterly waste returns for wastes accepted to and removed from sites during the quarter. We have not received waste returns for this permit for a number of years. A category 4 breach has been given for these missing submissions.

Action: submit waste returns for the last year (Q3 2017-Q2 2018) to waste.returns@cyfoethnaturiolcymru.gov.uk by 28th September 2018.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0033882**

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Site	Mobile Plant	Permit Ref	EP3198EV
Operator/Permit holder	Lee Remediation Ltd	Date	31/08/2018

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.

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	C4	Submit waste returns for the last year of waste received/removed from sites under the mobile plant permit	28/09/2018
G1	X	Up date NRW regarding any sampling and monitoring undertaken in line with permit conditions and submit monitoring data	28/09/2018
C2	X	Submit copy of environment management system for mobile plant operations	28/09/2018
C1	X	Submit up to date technical competence certification	28/09/2018

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.