

Compliance Assessment Report

Report ID:
CAR_NRW0035926

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

Site	Pen Y Wain Farm	Permit Ref	JB3036RA			
Operator/Permit holder	A Q A (Cardiff) Ltd					
Regime	Waste Operations					
Date of assessment	06/11/2019	Time in	10:10	Out	10:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Various					
Lead officer's name	Lee, Jonathan					
Accompanied by	Burge, Chris					
Recipient's name/position	Mohammed Ali/ TCM	Date issued	07/11/2019			

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	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	X	
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

Compliance Assessment Report – AQA (Cardiff) Limited

Natural Resources Wales (NRW) Officers Jonathan LEE and Chris BURGE in attendance of AQA (Cardiff) Limited to complete a routine compliance inspection of the permit EPR-JB3036RA. Weather was overcast at the time of the inspection. Officers did not meet with any representatives from AQA (Cardiff) Limited, however, other personnel were on site at the time and updated officers regarding the status of the wider site.

Compliance

No issues relating to vehicle depollution and dismantling activities were identified at the time of the inspection.

No issues relating to site infrastructure were identified at the time of the inspection. It was noted that the external area of the yard had been recently concreted to improve the drainage arrangements for this portion of the site.

There were only a few depolluted End of Life Vehicles (ELV's) being stored in the permitted area at the time of the inspection. No ELV's were being stored inside the building on site.

Compliance Breaches

The following compliance breaches and points requiring action were identified during the inspection.

C1 – Staff training and competency – Permit Condition 1.1.4 – Action only

Permit condition 1.1.4 states that the 'operator shall comply with the requirements of an approved competence scheme'.

At the time of the inspection the assumed Technically Competent Manager (TCM) for the site, Mr Mohammed Ali, was not present. NRW do not hold up to date information regarding the current competency status of Mr Ali or any other TCM for the site.

Action – Please advise NRW of the Technically Competent Management of the site. Submit evidence of the technical competency to NRW.

G4 – Reporting and notification to NRW – Permit Condition 4.2.2 – Category 4 Breach

Permit condition 4.2.2 states that ‘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 specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.’

NRW records have been checked and no quarterly waste returns evidenced the acceptance and removal of wastes from the site have been submitted to NRW since the issuing of the permit In January 2014.

You have been scored a **Category 4 Breach** for failure to submit quarterly waste returns to NRW.

Action – Submit all outstanding quarterly waste returns. Ensure that future waste returns are submitted in a timely manner.

Full information regarding submitting quarterly waste returns can found at the website link below. In quarters where no waste is accepted or removed from the site, a null return is still required to be submitted.

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

Summary

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

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CAR_NRW0035926**

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Operator/Permit holder	A Q A (Cardiff) Ltd	Date	06/11/2019

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			
G4	C4	Submit all outstanding quarterly waste returns. Ensure that future waste returns are submitted in a timely manner.	31/01/2020
C1	X	Advise NRW of the Technically Competent Management of the site. Submit evidence of technical competency to NRW.	10/01/2020

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.