

Compliance Assessment Report

Report ID:
CAR_NRW0036113

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

Site	MERITOR HEAVY BRAKING SYSTEMS	Permit Ref	AC0098101			
Operator/Permit holder	THE ESTATES MANAGER					
Regime	WaterQuality					
Date of assessment	19/12/2019	Time in	N/A	Out	N/A	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	3 Emissions and Monitoring					
Lead officer's name	Burton, Luke					
Accompanied by						
Recipient's name/position	Paul Matthews / Health Safety and Environmental Manager	Date issued	20/12/2019			

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
E3 - Emissions - Surface water	C1	3.1 Emissions to water

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)	60
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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

Monitoring Review

This Compliance Assessment Report has been produced following a review of all the monitoring data for March 2019, to date. Natural Resources Wales undertake monitoring / sampling of the permitted discharge. The decision for Natural Resources Wales to monitor / sample the discharge was taken in line with Environment Agency's Operational Instruction 74 07. All samples are analysed by Natural Resources Wales Analytical Service, which is a United Kingdom Accreditation Service (UKAS) accredited laboratory.

Permit condition 3.1.2 states that the limits given in schedule 3 of the permit shall not be exceeded. Schedule 3 has the following limits: Trichloroethene 54 ug/l, cis- 1,2 dichloroethene 82ug/l, pH 6 to 9, and, Visible oil or grease no significant trace present. 2018

Monitoring Data

No breaches of permit limits except:

- April 2019: 65.7ug/l Trichloroethene
- June 2019: 114ug/l Trichloroethene
- August 2019: 96.3ug/l Trichloroethene

Natural Resources Wales understand that Meritor Heavy Vehicle Breaking Systems (UK) Limited no longer undertake operations in the 'northern area' of the site covered by this permit, as this section is now a 6th form college development and supermarket. However, for as long as Meritor Heavy Vehicle Breaking Systems (UK) Limited hold this permit, they are responsible for breaches of emission limits and liable for enforcement action.

Action Required:

Transferring or surrendering your environmental permit - Please consider if you wish to keep, surrender or transfer your permit. The following links give advice on surrendering and transferring:

Surrendering - <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/surrendering-giving-up-your-permit/?lang=en>

Transferring - <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/transfer-your-permit/?lang=en>

Please confirm to Natural Resources Wales in writing what you wish to do.

Breaches of emission limits for emission to surface water

- Please confirm who is the landowner for the 6th form college and supermarket site

- We understand that the drainage systems detailed in your permit for the 'northern area' may be different to those on site because of the development of the 6th form college and supermarket. We already understand that the drainage system under the 6th form college has been removed. Please confirm the integrity of the drainage system covered by the 'northern area' permit (attached) under the supermarket and provide Natural Resources Wales the current drainage plans for the 6th form college and supermarket site

- Please set up a meeting between Natural Resources Wales, Meritor Heavy Vehicle Breaking Systems (UK) Limited, and the landowners for the 6th form college and supermarket site to discuss breaches of emission limits.

REPORT END

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.

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			
E3	C1	Review operations and improve infrastructure	20/01/2020

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.