

Compliance Assessment Report

Report ID:
CAR_NRW0036107

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

Site	Phoenix Metals And Colin Davies Non-ferrous Metals	Permit Ref	ZP3094FM			
Operator/Permit holder	Alwyn Davies & Colin Davies					
Regime	Waste Operations					
Date of assessment	11/12/2019	Time in	11:45	Out	12:15	
Assessment type	Site Inspection					
Parts of the permit assessed	see below					
Lead officer's name	Grant, Daniel					
Accompanied by	Hughes, Julie					
Recipient's name/position	Stephanie Critchley/ TCM (training)	Date issued	19/12/2019			

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
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
E3 - Emissions - Surface water	A	
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Routine unannounced inspection carried out at 11:45am carried out by Daniel Grant (Hazardous Waste Regulation Officer), accompanied by Julie Hughes (Tackling Waste Crime Officer) on the 11th December 2019.

Weather conditions were cloudy with a slight breeze and it was very wet underfoot.

Purpose of the visit was for familiarisation of the site and operating procedures as this was the first visit by the new regulatory officer Daniel Grant.

Officers met with Stephanie Critchley and Jackie Critchley in the site office where officers signed in. Stephanie explained that she had tried to send an e-mail response to NRW regarding information on their TCM. As explained on site, please send any future queries to my e-mail address which can be found below.

Discussions took place regarding TCM. There is no TCM currently associated with this permit, Stephanie is currently working towards her TCM qualification which is due to be completed by April at the latest. As discussed on site, could you please notify NRW when the TCM qualification is complete. Send proof of this by sending a copy of the certificate.

Officers were accompanied onto site by Jackie Critchley.

Site was generally busy at time of inspection. Weighbridge was being used by a customer bringing scrap metal into the site.

There was a large amount of un-depolluted ELVs stored on site awaiting processing in the temporary storage area.

A single ELV was being depolluted in the ELV workshop at the time of inspection. A self-bunded tank was stored at the back of the workshop which stores the waste oils and fluids from ELV depollution. It was good to see that saw dust had been placed beneath the ELV that was being depolluted as this was an indication that a minor oil spill had been dealt with appropriately (photograph 1).

There was a large amount of depolluted ELV's stockpiled as well as stockpiled scrap metal. None of the depolluted ELV's were inspected.

Officers looked at the oil interceptor in the North Eastern corner of the site which catches all surface water on the site. Jackie stated that these were due to be serviced soon and are serviced every 3 years along with oil being emptied from the system annually. This was supported by consignment notes which were made available to inspect by Jackie when officers proceeded to the site office. Various consignment notes across quarters were also made available to inspect.

Officers asked to see site inspection sheets, checks are carried out and recorded on a weekly basis by Jackie, all appeared in good order. The most recent copy of an EMS was made available and a copy of this EMS was sent via e-mail to us upon request.

The records were reviewed, and it appears that null consignee returns have been submitted to NRW every quarter since Q2 in 2017. You were able to show some consignment notes to me whilst on site therefore, if hazardous waste is being accepted at the site consignee returns should have been submitted to NRW at: hazwaste.returns@cyfoethnaturiolcymru.gov.uk

Hazardous waste consignee returns are required to inform Natural Resources Wales about the hazardous waste consignments that have been received, removed or disposed of at a site.

If hazardous waste has been received or disposed of at your site you are legally required to submit a consignee return to Natural Resources Wales documenting your activities (receipt, removal, disposal of hazardous waste) for each three-month period (Q1 Jan – Mar, Q2 Apr – Jun, Q3 Jul – Sep, Q4 Oct – Dec). The return must be submitted within one month of the end of that specific quarter. Failure to do this would be an offence under section 53 of the Hazardous Waste (Wales) Regulation 2005.

Officers left site at 12:15

Thank you for your time. If you would like to discuss anything mentioned in this report, please contact Daniel Grant using the below details.

Regards,

Daniel Grant, Hazardous Waste Regulation Officer.

daniel.grant@cyfoethnaturiolcymru.gov.uk



Photograph 1.

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			

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.