

Compliance Assessment Report

Report ID:
CAR_NRW0034807

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

Site	Unit A6	Permit Ref	AB3097ZB		
Operator/Permit holder	C & A Asbestos Removal Ltd				
Regime	Waste Operations				
Date of assessment	15/08/2019	Time in	12:30	Out	13:45
Assessment type	Report/Data Review				
Parts of the permit assessed	The CAR Subcriteria listed below				
Lead officer's name	Lang, Vanessa				
Accompanied by					
Recipient's name/position	Andrew Owen/ Director	Date issued	16/09/2019		

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	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.3.1
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3	1.1.1 (a)
D1 - Incident Management - Site security	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	

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

This pre-arranged site inspection was carried out on Thursday 15th August 2019 by Natural Resources Wales officer Vanessa Lang (North West Industry & Waste Regulation Team Leader).

Present was Andrew and Lorraine Owen of C & A Asbestos Removal Ltd.

Weather conditions throughout the visit were dry, clear and mild.

A copy of the permit was available within the site office.

All asbestos waste was being stored within secure and identifiable containers.

The quantity of asbestos waste being stored on site was less than the permitted limit (quantity not to exceed 10 tonnes per day).

A selection of hazardous waste consignment notes were reviewed which appeared satisfactory.

Staff training on site is mainly HSE orientated but also covers aspects required as part of the permit.

The following non-compliances were noted upon the inspection.

B3 - Infrastructure - Site drainage engineering (clean and foul), Permit Condition 2.3.1 (Table 2.3), Compliance Classification Scheme Category 3 breach.

Table 2.3 of permit condition 2.3.1 states the operating techniques required for the storage of waste asbestos. Of concern is the latter part of point 1 of table 2.3 requiring that asbestos waste is stored on an impermeable surface with sealed drainage. It was established upon the site inspection that the drainage system on site is not sealed and drains to soakaway. This therefore is not compliant with the requirements of the permit. A category 3 non-compliance has been recorded for this non-compliance. Please ensure that this breach is rectified, and that appropriate work is undertaken. Please advise the regulating officer for the site what the proposed action will be including timescales for completion. At present, the date for completion of this action is the 14th October 2019.

C1 - General Management – Staff competency/training, Permit Condition 1.1.4, Compliance Classification Scheme Category 3 breach.

The technical competency requirements at the site are currently not being fulfilled. Nobody is currently providing the required technical competency cover which is detailed within Natural Resources Wales's 'How to Comply with your Environmental Permit' guidance document. Please ensure that the technical competency requirements at the site are being fulfilled and documentation is retained to evidence this. Please inform the regulating officer for the site what provisions will be put in place to ensure permit compliance. Please also note that upon the new waste return form which you are required to complete on a quarterly basis (Copy to be emailed), there is now a requirement to include the name of the person who is providing the technical competency cover at this site. A category 3 non-compliance has been recorded for this non-compliance.

C2 - General Management – Management system and operating procedures, Permit Condition 1.1.1 (a), Compliance Classification Scheme Category 3 breach.

There is currently no written Environment Management System (EMS) in place at the site. In accordance with condition 1.1.1 (a) 'The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints'.

Failure to ensure that an appropriate EMS is in place at the site could result in other permit breaches, pollution of the environment or harm to human health occurring. In addition, this non-compliance could be considered the root cause breach for the other non-compliances identified. If an EMS had been in place, the other breaches may have been avoided. Please ensure that a written EMS is produced in accordance with permit condition 1.1.1 (a), is in place by the 14th October 2019 and is forwarded on to the regulating officer (Guidance has also been provided on Environment Management Systems under separate cover). A category 3 non-compliance has been recorded for this non-compliance.

To summarise the following non-compliances have been recorded.

B3 – Category 3 breach – 4 CCS points

C1 – Category 3 breach – 4 CCS points

C2 – Category 3 breach – 4 CCS points

Total number of CCS points recorded for site inspection on 15 August 2019 – 12.

Total number of CCS points for the 2019 compliance year so far is 12.1. This places you within compliance band C.

Please keep the regulating officer aware of progress with regards to the identified non-compliances.

Thank you for your time.

Regards,

Vanessa Lang, North West Industry & Waste Regulation Team Leader vanessa.lang@cyfoethnaturiolcymru.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 2012.

EPR Compliance Assessment Report

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Site	Unit A6	Permit Ref	AB3097ZB
Operator/Permit holder	C & A Asbestos Removal Ltd	Date	15/08/2019

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			
C2	C3	Compliance with permit condition 1.1.1 (a) - Ensure that a written management system is in place at the site and operations/activities are managed in accordance with the document.	14/10/2019
C1	C3	Ensure that appropriate Technical Competency cover is in place at the site as set within the applicable guidance.	14/10/2019
B3	C3	Ensure that all asbestos waste being stored on site is stored in accordance with permit condition 2.3.1. Notably that the waste material is stored on an impermeable surface with a sealed drainage system.	14/10/2019

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.