

Compliance Assessment Report

Report ID:
CAR_NRW0036721

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	11/06/2020	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	see below				
Lead officer's name	Grant, Daniel				
Accompanied by					
Recipient's name/position	Andrew Owen/ Director	Date issued	09/07/2020		

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	
C1 - General Management - Staff competency/training	C3	1.1.4
C3 - General Management - Materials acceptance	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Updated CAR Form (following original CAR form issued on the 22/06/20). This was a desk-top based inspection carried out on Thursday 11th June 2020 by Natural Resources Wales officer Daniel Grant (Hazardous Waste Regulation Officer). During this review waste returns submitted over the past year were reviewed along with the current TCM status of the site.

Discussions took place over the phone with Lorraine Owen on Tuesday 16th June 2020

It was explained that work to construct a filter in the storage compound area had been complete along with the security boundary fencing. Any photos you have of this would be appreciated for our files. As previously mentioned, (e-mail dated 14/04/20), I would recommend that you alter your EMS in order to reflect this change.

Waste transfer notes from the past year were reviewed which included waste returns submitted in:

- Quarter 2,3 and 4 of 2019 and Q1 of 2020.

Having reviewed each of these returns it became apparent that the waste being received and removed from site were above the permitted storage amount as per Table 2.2 in your permit (10 tonnes per day/ 3,650 tonnes a year). For example, 22866.679 tonnes had been received in Q3 (July-Sep) 2019.

This was brought to Lorraine's attention and it was explained that these high quantities were caused by incorrectly filling in the form, involving decimal places being incorrectly inputted. This issue was identified and rectified on the same day with amended waste returns for the above Quarters submitted. Please ensure in the future each waste return is carefully reviewed before submission.

At the time that this inspection was carried out no waste returns had been submitted for Q1 2020 (Jan-March) which were due to be submitted within one month of the end of the quarter (30 April for Q1).

No further action is required as you sent me the waste returns soon after discussions took place over the phone.

Could I also take this opportunity to remind you that the waste returns for Q 2 (April-June) 2020 are due to be received by 31 July 2020.

Please continue to send your completed returns to:

Email – waste.returns@naturalresourceswales.gov.uk

Post – Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP

The following non-compliance was observed:

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.

You were scored for this same non-compliance in a previous CAR form dated 16/09/2019.

During our inspection on the 03/02/20 it was explained that Brian Warner was temporarily covering the Technical Competency Manager (TCM) duties whilst Mr Owen and his son were in training.

In your previous CAR form (dated 13/02/20) a certificate of Brian Warner's WAMITAB was requested as evidence of his qualification. We received certificates from 2006.

In an e-mail dated 14/04/20 you were notified that these certificates had expired, and the most up-to date certificates were requested. No certificates were supplied.

On the 20/02/20 we sent an e-mail to Mr Warner, directly asking for his WAMITAB certificates. No certificates were supplied.

Considering all of this, we checked the WAMITAB database system for qualifications and the results under Brian Warner's name showed that his latest qualification was in 2006 with no updates since. Therefore, at the present time Mr Warner does not hold the relevant qualification to stand as your TCM for the site and as such nobody is currently providing the required technical competency cover.

Until Mr Owen and/or his son are qualified you must ensure a qualified TCM covers your site. Could you please provide an update by the 07/08/2020 with evidence that provisions have been put in place to secure a TCM.

To summarise the following non-compliances have been recorded:

C1 – Category 3 breach

Thank you for your time.

Regards,

Daniel Grant, Hazardous Waste Regulation Officer

daniel.grant@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

**Report ID:
CAR_NRW0036721**

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Site	Unit A6	Permit Ref	AB3097ZB
Operator/Permit holder	C & A Asbestos Removal Ltd	Date	11/06/2020

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			
C1	C3	Ensure that appropriate Technical Competency cover is in place at the site as set within the applicable guidance.	07/08/2020

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.