

Compliance Assessment Report

Report ID:
CAR_NRW0033636

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

Site	Pen-y-bont Highways Depot	Permit Ref	XP3199VX			
Operator/Permit holder	Powys County Council					
Regime	Waste Operations					
Date of assessment	13/07/2018	Time in	10:32	Out	10:47	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1 General Management					
Lead officer's name	Starks, Madeleine					
Accompanied by						
Recipient's name/position	David Jones/ TCM	Date issued	18/07/2018			

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
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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

On Friday 13th July I visited the site to conduct a routine site inspection, with a focus on Technically Competent Manager (TCM) attendance. The weather conditions were warm, dry and partly sunny. Upon arrival I signed into the site diary and noted the regular attendance of David Jones who acts as TCM for the site and whose Continuing Competency Certificate is up to date.

Upon inspection the site was clean, tidy and well managed (Image 1). The drain was clear at the time of inspection, however there was some mud/silt build up around the edge of the bunded area (Image 2). At present this does not pose any environmental risk due to the extremely dry and warm conditions we have experienced recently. However, it may be worth monitoring this build up after rainfall to ensure drainage water from the bay has a clear path to the drain and does not escape the bunded area.



Image 1 – Drainage bay.



Image 2 – Clear drain, though small accumulation of mud/silt which may hinder drainage in wet conditions.

It was noted that the last site checklist to be completed was in May. Though there are currently no environmental risks on site, please ensure these checks are being completed regularly to ensure any incidents are responded to in a timely manner.

C2 – Management Systems – Permit Condition 1.1.1a – Category 3 Breach

You are receiving this breach because the Environmental Management System available to operators on site has been superseded. When I asked to see the Environmental Management System (EMS) for the site, operators on site were not aware of updates and the only documentation held are the draft copies previously mentioned in the CAR form for our last inspection in March.

We have received updated documents relating to all Powys County Council (PCC) sites submitted via email by Lee Price, however these appear not to have been distributed to staff on site. In addition, the documents submitted made mention of tailored “site plan” which we have not seen and would be required in order for the document to be considered a valid EMS for the site. Please ensure updated copies of the EMS and tailored site plans are distributed to all PCC sites, are accessible to staff and that staff are appropriately trained. I would also recommend that old documentation is removed from the files kept on site, to avoid further confusion.

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EPR Compliance Assessment Report

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Operator/Permit holder	Powys County Council	Date	13/07/2018

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.

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.