

Compliance Assessment Report

Report ID:
CAR_NRW0034047

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

Site	The Old Brickworks	Permit Ref	HB3433RA			
Operator/Permit holder	Mark Robinson					
Regime	Waste Operations					
Date of assessment	11/10/2018	Time in	11:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	various					
Lead officer's name	Malatynski, James					
Accompanied by	David Warwick-Brown					
Recipient's name/position	Mark Robinson/ Site Manager	Date issued	12/10/2018			

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
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C3 - General Management - Materials acceptance	A	
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	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	C3	4.3.5

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

Environment Officer James MALATYNSKI and David WARWICK-BROWN met with site manager Mark ROBINSON at The Old Brickworks site (EPR/HB3433RA) at 11am. The site was operational at the time of visit and the weather was fair.

Compliance

G4: Reporting and notifications – Specified by Permit Condition 4.3.5 – CAT 3

Condition 4.3.5 of your permit states 'Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:

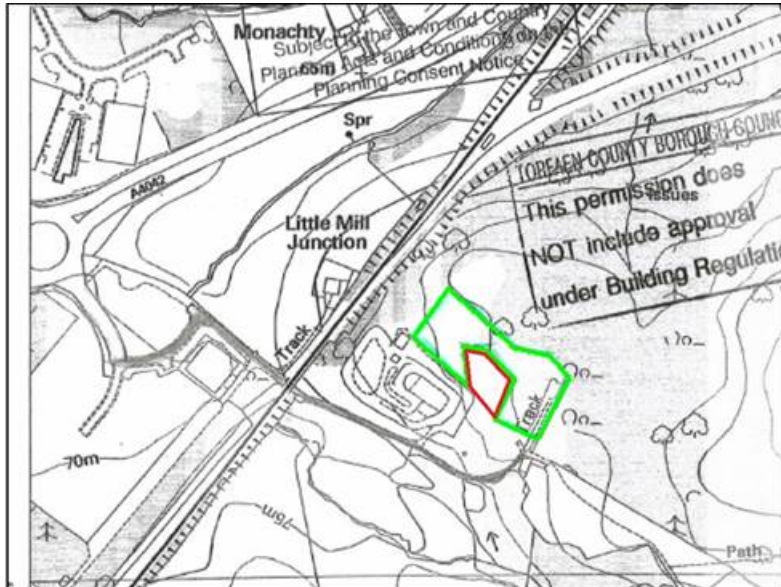
- (a) the Environment Agency (NRW) shall be notified at least 14 days before making the change; and
- (b) the notification shall contain a description of the proposed change in operation.'

In previous visits from NRW Environmental Officers the permit boundary of where you operate has been discussed and is currently not shown on your permit, it was requested that you amend this via our permitting team on the 03/07/18.

Mark Robinson explained that an area was not included on the original permit due to a field mouse survey being conducted at the time but it was the intention of the operator to include this area in the permit after the field mouse survey concluded that operations were permitted in the area.

Due to the length of time the site has been operational and failure to amend your permit to show the increased boundary since last advised to do so on the 02/07/18 a Category 3 breach has been issued on this occasion.

Action: Please ensure that the variation to include the area outlined in red in the map below is included in your permitted area of operation is made by Q4 which commences on the 01/01/19. Please follow this link: <https://naturalresources.wales/permits-and-permissions/installations/apply-to-vary-change-a-permit-for-installations/?lang=en> for further information on how to do this.



Advice and Guidance: I discussed with Mark Robinson on site that there was no indication within the Environment Management System relating to maximum quantity of materials expected to be held on site and advised that the EMS is updated to include this information

Action: Please could you update your EMS to include maximum quantity of material allowed on site and send forward an updated version of your EMS when completed to allow NRW to update their records.

General Observations

We walked the site with Mark Robinson who took the time to explain procedures and activities on site. I was taken to areas where screening and materials went through the trommel process, strictly inert material processed.

Mark Robinson is considering completing a WAMITAB course, Alun Davies is currently the TCM for the site.

Concerns were raised regarding the level of waste throughput to the site and 0 tonnes recorded leaving the site. Mark Robinson confirmed that approximately 25,000 tonnes were being removed from site as product annually.

Operating procedures are to be improved on site, bring machinery closer together to allow more efficient and quicker working, reducing the length of time to move material around the site.

Robust security on site with several cameras in operation, Mark Robinson suggested that this prevented vandalism and trespassers on site.

There were no amenity issues to record on site and the wheel wash in place prevented any materials being taken off site.

Advice and Guidance: Paperwork inspected was all present and correct. However, there was no record of your EMS on site. Please ensure that a copy of your EMS is kept on site for site reference and staff.

Waste Returns

Thank you for submitting your waste return on time, please continue this habit. The waste codes all seemed present and correct.

The site is very well managed and maintained with the intention to make operational improvements. Thankyou Mark Robinson for taking the time to show me around the site.

If you have any issues with the report please contact James Malatynski on 0300 065 3394

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	The Old Brickworks	Permit Ref	HB3433RA
Operator/Permit holder	Mark Robinson	Date	11/10/2018

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.

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			
G4	C3	Contact permitting regarding permit variation to include addition site boundary	01/01/2019

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.