

Compliance Assessment Report

Report ID:
CAR_NRW0034147

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

Site	Fred Lloyd & Sons Ltd	Permit Ref	UP3495FT			
Operator/Permit holder	Fred Lloyd & Sons Ltd					
Regime	Waste Operations					
Date of assessment	25/10/2018	Time in	10:00	Out	15:00	
Assessment type	Report/Data Review					
Parts of the permit assessed	B4, C2, C1, E1, E4, G2, G4					
Lead officer's name	James, Ian					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Oliver Hazell/ Director/TCM	Date issued	02/11/2018			

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	C3	Permit Condition 1.1 – Specified waste management operations. Storage of waste pending disposal other than on this site. Stored in areas with impermeable pavement and sealed drainage system
C2 - General Management - Management system and operating procedures	C3	Permit Condition 1.4.3 – Understanding of licence and working plan – All site staff shall be, or shall work under direct supervision of a member of staff who is, fully conversant with those aspects of the licence conditions and working plan which are relevant to their specific duties.

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Compliance Assessment Report – Fred Lloyd – EPR/UP3495FT

Introduction

At 1000 on 25th October 2018 your site was inspected, and processes audited, as part of the routine assessments for compliance, your regulatory officer, Ian James, was in attendance along with officer Lara Moggridge. The weather was generally dry and cold with little wind.

Your operation at Pontypool consists of;

Waste Transfer Station – EPR/FP3995FM

Metal Recycling – EPR/UP3495FT

Those present;

Fred Lloyd	Natural Resources Wales
Oliver Hazell (TCM and Director)	Ian James (Environment Officer – Lead Auditor)
DG (Site Manager)	Lara Moggridge (Senior Environment Officer – Auditor/Technical specialist)
CH (Office Manager)	
LM (HSE & Compliance Manager)	

Scope

The audit was pre-planned and carried out for assurance purposes following changes of management at Fred Lloyd over the past year and in-line with NRW policy.

The audit covered the whole site and management systems in place to support the compliance of the two Environmental Permits in operation.

Schedule

An initial briefing discussed the schedule for the day and then reviewed the recent history of compliance and complaints.

This was followed by a deeper look at the management systems followed by a site inspection. The afternoon consisted of a review of waste transfer and duty of care paperwork followed by a debrief to management outlining key breaches, impact, correction expectations and observations.

Metal Recycling – EPR/UP3495FT

The following report highlights the various sections of the permit that have been recorded as assessed according to the Compliance Classification System (CCS) sub-criterion and Compliance Assessment Report (CAR) heading. It then references the related permit specific condition with a 'Finding' and 'Action'. Where an 'Action' is identified this will have a required by date. There is no specific requirement to report completion progress to your regulator unless the date will be missed, or you question the proposed action, in either of these cases you should highlight this as soon as possible.

Breaches are highlighted in **bold** along with the level of breach based on environmental impact as assessed by the regulator. These are also highlighted on the main CAR form.

Photos of the area are also attached.

Areas of the permit assessed, findings and actions

2 Breaches of permitted activities were identified as follows;

1. B4 – Containment of stored materials

Permit Condition 1.1 – Specified waste management operations.

Table 1.1 D15 – Storage of waste pending disposal other than on this site. Stored in areas with impermeable pavement and sealed drainage system provided in accordance with condition 2.1.2.

Storage of batteries, table 1.2 V006 of permit. “Maximum storage capacity of 30 tonnes (stored in lidded plastic containers).

Finding

Engine/gearbox parts stored on impermeable pavement but in such a way as allowing oils/other fluids to run-off and contaminate a permeable surface. Evidence of other oils/fluids present on areas of the permeable surface.

This has been determined a category C3 breach – potential for minor environmental impact

Batteries were being temporarily stored outside at time of inspection to allow access to locked building. These were immediately moved back inside on request. Lidded boxes also not being returned to site when batteries collected.

Action

Prevent further contamination of permeable surfaces and remediate where contamination is present. Ensure batteries are contained as per permit requirements. To be completed as soon as reasonably practicable and by 25th April 2019 at the latest.

1. C2 – Management Systems

Permit Condition 1.4.3 – Understanding of licence and working plan – All site staff shall be, or shall work under direct supervision of a member of staff who is, fully conversant with those aspects of the licence conditions and working plan which are relevant to their specific duties.

Finding

The working plan gives guidance on how to comply with permit storage requirements and identifies that staff should be trained or under direct supervision. The Working Plan conditions have not provided adequate controls to prevent the breach identified in point “1)” above.

Management, training, supervision and storage should be detailed in the working plan in sufficient detail to provide compliance with the permitted activities.

This is identified as the root cause of the previous breach and scored accordingly.

This has been determined a category C3 breach – potential for minor environmental impact

Action

Improve Working Plan, or otherwise, to ensure adequate management systems are in place to comply with permit conditions. Complete as soon as reasonably practicable and by 25th April 2019 at the latest.

1. C1 – Staff competency and training

Permit condition 1.4 – Staffing and understanding of requirements of licence conditions

Finding

No breaches. Training on the identification of waste types currently carried out by experienced staff for new starters. It was discussed whether photos or other visual aids might be useful for this process.

Action

The operator to review whether they wish to include visual aids in training for material acceptance and the frequency of any refresher training. Due by 25th April 2019.

1. E1 – Emissions – Air

Permit condition 6.1.2 – All emissions to air from the specified waste management operations on the site shall be free from visible concentrations of dusts, fibres or particulates as are likely to cause pollution of the environment outside the site boundary.

6.1.3 – In the event that any dusts, fibres or particulates arising from the site are released or are likely to be released onto public areas outside the site boundary in such quantities or concentrations that they are likely to cause pollution of the environment, the action specified in table 6.1 below shall be implemented immediately.

Table 6.1: Standards for dust, fibre and particulate control measures

Control of waste types	No wastes consisting of or containing significant proportions of dusts, fibres or particulates shall be accepted.
Physical containment	Fine materials shall be handled in a covered or sheltered area. Areas of impermeable pavement shall be kept clean. Fine materials shall be stored in closed containers.
Monitoring	Visual monitoring by member of staff at least twice per day.
Monitoring action plan	In the event of release or potential release the relevant treatment process shall be stopped, and the waste/site surface dampened with spray or bowser.

Finding

No breaches. This was assessed due to previous complaints to NRW, unsubstantiated at the time. Basic systems are in place to mitigate ground-based dust.

Action

The operator may wish to review if current systems are suitable to meet requirements in relation to stock piles and waste tipping/sorting activities. Due 25th April 2019.

1. E4 – Emissions sewer

Permit condition 2.1.2 – The engineered site containment and drainage systems shall be designed,

constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in table 2.1 below.

Type of site surface and drainage	Minimum specified standards of design, construction and maintenance
c) Sealed drainage systems.	i) Drainage to areas of impermeable pavement apart from the swarf storage bay shall be provided, by a three chamber oil interceptor with minimum of six minutes retention time per chamber at maximum flow rate, which discharges to foul sewer in accordance with the letter and enclosures dated 14 March 2000. Drainage of swarf storage area which is provided by a bunded area or 3 sided bay with a drain across the open side which drains to a sealed sump. The sump and interceptor shall be inspected no less frequently than weekly and after rain and shall be emptied and maintained so as to collect and contain all liquids which run off the pavement.

Finding

No breaches. Observation – inspection chamber obscured by old vehicle preventing easy access for inspection.

Action

None

1. G2 – Records of activity, site diary/journal/events

Permit condition 7.3.1 – A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency. This shall include a record of the following events:

a construction work

b maintenance

c breakdowns

d emergencies

e problems with waste received and action taken

f site inspections carried out by the operator

g despatch of records to the Agency

h severe weather conditions

i environmental problems and remedial actions

j failure to meet specified standards

k attendance of the technically competent manager on site

Finding

No breaches. Observations - site diary was available with checks completed, although not to the level of detail specified in the permit conditions. The Site Diary is completed as one document for both permits on site.

Action

The operator should review the Site Diary such that it complies with the requirements of both permits on site. Due 25th April 2019.

1. G4 – Monitoring and records, maintenance and reporting: Reporting and notification

Permit Condition 7.2.2. - A summary of the information, including nil returns, shall be submitted to the Agency, in the format specified by the Agency in Annex 1 that forms part of this condition. Summaries shall be for each financial year and shall be submitted to the Agency within one month of the end of the financial year.

Finding

All returns are up to date.

Action

None

Notes;

1. It is noted that the Working Plan describes that depollution according to DEFRA/DTI document – ‘Depolluting End-of-Life Vehicles – Guidance for Authorised Treatment Facilities’. During discussion it was reiterated to the operator that the deployment of airbags and seatbelt pre-tensioners is included in this.
2. It appreciated that staff were available and open during the audit.

With thanks.

If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Ian James on 03000 654203 or via email on ian.james@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034147**

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

Site	Fred Lloyd & Sons Ltd	Permit Ref	UP3495FT
Operator/Permit holder	Fred Lloyd & Sons Ltd	Date	25/10/2018

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.

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	Improve Working Plan, or otherwise, to ensure adequate management systems are in place to comply with permit conditions.	25/04/2019
B4	C3	Prevent further contamination of permeable surfaces and remediate where contamination is present	25/04/2019

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.