Compliance Assessment Report

Report ID:
CAR_NRW0034296

This form will report compliance with your permit as determined by an NRW officer					
Site	Lovatt Brothers M R S	Permit Ref	BP3995CY		
Operator/Permit holder	Lovatt Roger, Michael John And Christopher Barry				
Regime	Waste Operations				
Date of assessment	22/11/2018	Time in	10:30	Out	11:10
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by	Starks, Madeleine				
Recipient's name/position	Mike Lovatt/ Operator	Date issued	05/12/2018		

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**

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

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

Liz Park and Madeleine Starks arrived on site and met with Mike Lovatt to undertake a site inspection. At the time of the inspection the weather was very cold and foggy.

Mike showed Liz the new section of concrete that has been laid as part of the impermeable surface. This now means that all the hazardous and non-hazardous wastes on the site are stored and treated on an impermeable surface or within a building as required in Table 2.1.

Fridges and Freezers are now being stored on the impermeable surface and are being stored appropriately to prevent damage.

The following non-compliance was identified:

B4 - Containment of Stored Materials – Permit condition 2.1.1 – Advice and guidance

A small amount of non-hazardous waste (biodegradable plant matter) was being stored with the inert waste in an area that does not have impermeable pavement and sealed drainage. As soon as this as brought to the attention of Mike Lovatt he arranged for it to be immediately removed. This was being undertaken as Liz and Maddie left the site. Due to the small amount of waste stored and the prompt action taken you have been given advice and guidance on this occasion.

Please review Standard Operating Procedure No 03 – Waste storage and its implementation to ensure that all wastes are stored appropriately. At present there is insufficient detail within this SOP as to where wastes are to be stored. Please see page 35 of 'How to Comply with your Environmental Permit' for details on what your management system must include. A link to the NRW guidance page is below.

https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en

The implementation of an appropriate Waste Storage procedure would prevent the above non-compliance occurring.

Hazardous Waste and Non Hazardous Wastes

There is now clearer separation between hazardous and non-hazardous waste particularly concerning ELVs.

Waste separation

A small amount of metal waste is currently being stored in close proximity to the wood waste. Please ensure that there is a suitable separation distance between waste stream to prevent contamination.

Batteries in ELVs

Batteries are now being removed from ELVs as soon as they arrive on site as required by the permit. Mike Lovatt fully understood the reason for this to be undertaken.

Management System

Mike Lovatt was not sure when the management system had last been reviewed as this is undertaken by Darren Lovatt in his role as Technically Competent Manager. The version that NRW currently have is the original as made dated 10 March 2010. You need to regularly review the management system to ensure that it is appropriate and that it is being implemented.

Action: Please send an electronic copy of the most recent version of the management system which must include the site plan to Liz Park within four weeks of the date of this CAR. Should additional time be required to review the management system and undertake any changes then please inform Liz. A review of the management system will then be undertaken by NRW.

Action: All members of staff with a role or responsibility which the management system applies to must be aware of it contents and receive appropriate training.



Area to interceptor which is in front of the ELVs is now clear

Maintenance Records

The interceptor is now accessible, and Liz and Maddie were informed that it is being inspected weekly and after periods of heavy rainfall. The records themselves were not checked on this occasion.

Biomass boiler

Mike Lovatt informed Liz that they are now buying in non-waste wood to use in the biomass boiler. Should you wish to use waste wood in the future you must have an appropriate authorisation in place.

Plastic waste – silage wrap

Mike informed Liz and Maddie that they have been finding it hard to find a site that will pay them a gate fee to take the plastic silage wrap. At present they have found a site that takes the waste for a gate fee. Please inform NRW should you not be able to find a site to take this waste stream.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0034296**

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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.