

Compliance Assessment Report

Report ID:
CAR_NRW0033595

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

Site	Coomb Farm	Permit Ref	AB3094ZR			
Operator/Permit holder	Sion Davies					
Regime	Installations					
Date of assessment	22/06/2018	Time in	13:00	Out	15:00	
Assessment type	Audit					
Parts of the permit assessed	See Below					
Lead officer's name	Edwards, Michael					
Accompanied by						
Recipient's name/position	Sion Davies/ Operator	Date issued	10/07/2018			

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
C1 - General Management - Staff competency/training	C2	1.1.4
C2 - General Management - Management system and operating procedures	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.5.1
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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	3	Total compliance score (see section 5 for scoring scheme)	35.1
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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

Site inspection undertaken by Michael Edwards of NRW accompanied on site by Sion Davies, AD plant operator.

C2 Management System and Operating Procedures - EMS and Permit.

Under condition 1.1.3 of your environmental permit anyone having duties or those who maybe affected by the matters set out under the permit shall have convenient access to a copy of the permit rule set. And **under condition 1.1.2** you are required to maintain records demonstrating compliance with **conditions 1.1.1** which come under the EMS.

During the inspection it was difficult to locate these documents, however they are now saved on the office computer. As discussed, you need to know where the copies of the permit rule set and the EMS are kept so that should an incident occur on site it can be dealt with accordingly.

G1 Monitoring of Emissions - Stacks on Engines.

During the inspection it was noted that the annual monitoring on the engine stacks was not undertaken. This has been recorded as a **Category 3 breach of permit condition 3.5.1.**

Action

Ensure that the annual monitoring of the engine stacks is completed. **Under condition 3.5.1** and **table 3.1** of your environmental permit, any monitoring equipment, techniques personnel or organisation employed for the emissions monitoring shall have **MCERTS certification, or MCERTS accreditation.**

G4 Monitoring and notification to NRW - Waste Returns

During the previous inspection (10/07/2017) it was noted that you had not submitted the waste returns required under permit **condition 4.2.2.** The advice and guidance given to you at that time stated, although you do not accept waste onto site you are still required to submit waste returns, these are completed as **NIL returns** and submitted to **waste.returns@naturalresourceswales.gov.uk**

These have not been submitted, as such this has been scored as a **Category 4 breach of permit condition 4.2.2.**

Action

Submit all missing waste returns by **01/08/2018.**

More information on waste return and how to complete them can be found on the following link:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

G3 Maintenance Records

Under condition 2.1.2 you are required to ensure that all process plant and equipment is maintained in accordance with the manufacturers recommendations. During the inspection the engines were being serviced, you were able to provide the manufacturers maintenance instructions and invoices for the maintenance of the AD plant.

Ensure that all works are carried out in line with the maintenance instructions supplied by the manufacturer.

C1 Staff training - WAMITAB

Under condition 1.1.4 you are required to comply with the requirements of an approved competency scheme and under **condition 1.1.1 (b)** use sufficient competent persons.

During the previous inspection it was agreed that you would attain your WAMITAB certification by the end of 2017. During the inspection you stated that you had completed the WAMITAB training. However, on checking the WAMITAB register you are only registered twice, initially done 14/02/2017 and then again following the inspection 25/06/2018.

Due to the potential risks to human health and the environment posed by an AD plant this has been scored as a **Category 2 breach of permit condition 1.1.4.**

For this breach you have also been issued a **Formal Warning Letter** and a **Section 36 Notice** which will follow.

Action

Complete the WAMITAB certification by the agreed date in the **Section 36 Notice**. Failing this you may wish to hire a technically competent persons in the interval.

Many thanks for your time during the inspection.

EPR Compliance Assessment Report

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Operator/Permit holder	Sion Davies	Date	22/06/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G1	C3	Ensure that the monitoring requirements under table 3.1 of your permit are fulfilled.	01/08/2018
G4	C4	Please submit all outstanding waste returns.	01/08/2018
C1	C2	Ensure that you complete the required competency scheme.	09/08/2018

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.