

	EPR Compliance Assessment Report	Report ID: 100848/0225809			
This form will report compliance with your permit as determined by an NRW officer					
Site	Kinmel Park Depot		Permit Ref	100848	
Operator/ Permit holder	Denbighshire County Council				
Date	25/11/2014		Time in	10:35	Out 11:15
What parts of the permit were assessed	Management, Operations				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op X	Water Discharge
Recipient's name/position	Alan L ROBERTS				
Officer's name	Matthew Buckley-Rees		Date issued	07/01/2015	

Section 1 - Compliance Assessment Summary					
This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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					Condition(s) breached
a) Permitted activities	1. Specified by permit	A			
b) Infrastructure	1. Engineering for prevention & control of pollution	N			
	2. Closure & decommissioning	NA			
	3. Site drainage engineering (clean & foul)	N			
	4. Containment of stored materials	A			
	5. Plant and equipment	N			
c) General management	1. Staff competency/ training	A			
	2. Management system & operating procedures	N			
	3. Materials acceptance	A			
	4. Storage handling, labelling, segregation	C3		2.3.1; 3.1.3;	
d) Incident management	1. Site security	A			
	2. Accident, emergency & incident planning	N			
e) Emissions	1. Air	NA			
	2. Land & Groundwater	N			
	3. Surface water	N			
	4. Sewer	N			
	5. Waste	NA			
f) Amenity	1. Odour	A			
	2. Noise	A			
	3. Dust/fibres/particulates	A			
	4. Pests, birds & scavengers	A			
	5. Deposits on road	A			
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	NA			
	2. Records of activity, site diary, journal & events	C4		1.1.2;	
	3. Maintenance records	N			
	4. Reporting & notification	N			
h) Resource efficiency	1. Efficient use of raw materials	NA			
	2. Energy	NA			
KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored					

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	4.1
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

The site visit was undertaken by Matthew Buckley-Rees, who was accompanied on site by Alan L Roberts. The weather during the visit was cold, dry and cloudy with no wind.

At the storage sheds for the dry recyclables, there were no non-compliances seen. The waste types appeared compliant and there did not appear to be any waste escaping, and any areas that had been seen on previous visits that required repairs appear to have been repaired.

Container storage. Throughout the lower end of the site which borders the A55, there were Intermediate Bulk Containers (IBCs) and 205ltr drums that were stored on permeable hardstanding. The drums appeared to be largely empty, but the IBC's were seen to be containing a dark liquid. Alan ROBERTS explained that he had been asked to find a way of disposing of these. The drums had been used to hold a bitumen compound that was used by the highways department to repair potholes in the road and that these were the empty containers from that process. The IBCs on site still contained this compound, and there were also areas on site where it appeared the ground was stained with the product, presumably from some form of filling/refilling activity. Permit condition 3.1.3 states that; All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container. This is scored as a CCS Category 3 breach of permit condition 3.1.3 under sub criteria C4.

Site diary. The site diary was not available for inspection during the visit. From speaking to staff members, it would appear that the diary has not been completed for at least a week. This is contrary to paragraphs 78-87 of the site's Environment Management System and is therefore scored as a CCS category 4 breach under subsection G2 under permit condition 1.1.2.

Waste storage. Continuing round the border of the site, waste was observed on the hardstanding in the open - namely metal waste on the floor around the skips used by another Local Authority Department, and also a pile of green waste near the corner of the site. Green waste had been seen here on the previous visit, but not this amount and on the previous occasion it could have feasibly come from site maintenance. There appeared to be no indication that this was the case for this waste now; Alan L ROBERTS was unaware as to where this waste had come from, however said he would arrange for its removal to another permitted site. As this waste is not classified as 'specified waste' as defined in the permit, then this is to be scored as a CCS category 3 breach under subsection C4 under permit condition 2.3.1 but is consolidated with the breach under permit condition 3.1.3 above.

Other waste storage – it was noted that the storage bays near the refuelling station are now being used for the storage of some litter from parks and gardens. Alan L ROBERTS indicated that he now has a drainage plan that indicates where the site drains from this area of the site go. He will send this by email or hard copy.

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PHOTOGRAPHS



Photograph above shows storage of lighting maintenance waste



Photograph above shows green waste on site



Photograph above shows green waste stored on site



Photograph above shows green waste stored on site



Photograph above shows 205ltr drums stored on site



Photograph above shows waste stored around the skips on site



Photograph above shows collected kerbside waste on site



Photograph above shows bay being used for collected parks and garden waste

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Operator/ Permit	Denbighshire County Council	Date 25/11/2014

Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	☐
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.	☒
We will now consider what enforcement action is appropriate and notify you, referencing this form.	☐

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
C4	C3	Liquid in containers are not being stored in accordance with permit conditions. Remove the liquids or ensure they are stored appropriately	05/12/2014
G2	C4	Site staff are not keeping records as per the requirements of the site Environment Management System. Training/reminders should be given to ensure this is done.	05/12/2014

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 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 which 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 fulfill 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 (e.g. 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.