

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

Site	I Hayward Ltd	Permit Ref	EP3794FY		
Operator/Permit holder	I Hayward Limited				
Regime	Waste Operations				
Date of assessment	31/05/2016	Time in	13:00	Out	13:30
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by					
Recipient's name/position	Cari/Chris Hayward/ Site Manager/ Owner/ TCM	Date issued	16/06/2016		

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
C3 - General Management - Materials acceptance	C3	2.3.2
C4 - General Management - Storage, handling labelling and Segregation	C3	2.4.1
E2 - Emissions - Land and groundwater	C3	3.2.1

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)	12
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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

Breaches

C3 – General Management – Materials Acceptance – Condition 2.3.2 – CCS Cat 3

Condition 2.3.2 of your permit states that “waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table S2.1;”

The pictures below (pictures 1 and 2) show both air conditioning units and fridges that were observed on site at the time of the inspection. These wastes would be regarded as having an EWC code of 16 02 11. This EWC code is not listed as a permitted waste type in Table S2.1 of Schedule 2 of the site environmental permit. It should therefore not be found on site and as a result is regarded as a breach. These wastes should be collected in a skip and removed from site as soon as possible. Should these waste types be brought to site again they should either be returned to the waste producer or quarantined until they can be disposed of. Details of how quarantined waste can be dealt with should be included within your Environment Management System.

This non-compliance with the permit is regarded as a CCS Cat 3 breach.



Picture 1



Picture 2

C4 – General Management – Storage, handling, labelling and segregation – Condition 2.4.1 – CCS Cat 3

Condition 2.4.1 of your permit refers to the storage and treatment of waste motor vehicles. During the inspection of the site, a number of end of life vehicles (ELVs) in differing conditions, i.e. baled or unbaled, were observed being stored at the top end of the site next to the baler. Some of these ELVs were being stored on a permeable surface.

According to the environmental permit, I Haywards Ltd are permitted to accept both depolluted and un-depolluted ELVs onto site, however, as I Haywards do not carry out any ELV depollution activities on site, the practice has been to only accept depolluted ELVs. In this case a number of the ELVs observed on site had not been fully depolluted, in that the shock absorbers had not been drained of oils and a quick check of the ELVs showed a couple of the oil reservoirs to still contain some oil. Further checks were difficult due to the state of the cars. See Photos below. These ELVs had come from the neighbouring permitted site, Clwyd Breakers Ltd. Should I Haywards Ltd decide to accept un-depolluted ELVs onto site from another permitted site (or company) then they should ensure this movement of waste is accompanied by

hazardous waste consignment notes. I Haywards will also need to ensure the un-depolluted ELVs are stored on an impermeable surface with sealed drainage as they were stored on bare ground on this occasion. This is a requirement of the End-of-Life Vehicles Directive referred to in Condition 2.4.1. Should you decide to start depolluting ELVs on site then you will need to ensure you have the appropriate infrastructure in place prior to starting.

As the un-depolluted ELVs were being stored on permeable ground there has been a breach of the permit and as a result a CCS Cat 3 breach has been applied. If any un-depolluted ELVs are accepted onto site in the future they must be stored on an impermeable surface with sealed drainage.

I have included with this inspection form a checklist that can be used when ELVs are accepted onto site to ensure that they have been fully depolluted. If they aren't fully depolluted then they will need to be treated as hazardous waste.



Picture 3



Picture 4



Picture 5



Picture 6

E2 – Emissions – Land & Groundwater – Condition 3.2.1 – CCS Cat 3

Permit condition 3.2.1 states that “emissions of substances not controlled by emission limits shall not cause pollution.” In this case it was observed that there was a lot of oil on the ground around the baler. It was explained that the machine had recently leaked and this had resulted in the oil spill. The oil spill should have been cleaned up immediately and measures taken to prevent any further oil contaminating the land. There were no signs on site that this action was being taken. The sites environment management system (EMS) refers to the spill procedure set out in the sites working plan. This spill procedure only states that “In the event of a leakage of oil from a hydraulic machine the spillage will be controlled by the use of granules”

As there has been a spill to land there is a breach of the permit and as a result a CCS Cat 3 has been applied. All effort should be made to clean up the area and it recommended that measures be put in place to prevent a future spill from the baler contaminating the land. One way of doing this may be to enclose any fuel/oil tanks in a bunded area to prevent any future spills from discharging off the concrete base. The area should be cleared up straight away ideally and no later than the 8th July 2016.



Picture 7

Other

Following this inspection I have read through the environment management system that was created for the site in 2013. Whilst I believe it addresses a lot of the risks on site there are some I think are missing or are not dealt with in enough detail. Some examples would be with regards to spill procedures on site and waste acceptance procedures to ensure that waste items such as fridges or un-depolluted ELVs are not accepted. An EMS should be periodically reviewed to ensure it contains all the information it needs to. I therefore think you should take this opportunity to review the EMS and either update or rewrite it to ensure that it covers everything it needs to. I will provide some links in the accompanying email to further guidance on environment management systems.

During the inspection I was provided with a copy of the latest continuing competency certificate for Chris Hayward. This new certificate expires on the 11th March 2018. Please ensure that any attendance on site by Chris is recorded in a site diary as he is expected to be on site for a certain amount of time as the sites technically competent manager.

If there are any questions regarding the above please contact me.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0020657**

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Site	I Hayward Ltd	Permit Ref	EP3794FY
Operator/Permit holder	I Hayward Limited	Date	31/05/2016

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			
E2	C3	Clean up the area thoroughly to remove all trace of oil and ensure any future spills are, first contained and second spilled up immediately.	08/07/2016
C4	C3	Remove any un-depolluted ELVs from any permeable surfaces and if they are to be accepted ensure they are stored on an impermeable surface with sealed drainage.	08/07/2016
C3	C3	Remove all non permitted waste from site	08/07/2016

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.