Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0026338

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	19/08/2016	Time in	10:45	Out	11:15
Assessment type	Site Inspection				
Parts of the permit assessed	permitted site area				
Lead officer's name	Sowerby, Andrew R.				
Accompanied by	Steven White				
Recipient's name/position	Chris Haywood/ owner	Date issued	10/10/2016		

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

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	1	Total compliance score (see section 5 for scoring scheme)	4

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

The inspection was carried out as a handover visit between the previous regulating officer (Andrew Sowerby) and the new regulating officer (Steven White), the following observations were noted and brought to the attention of the site manager.

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

The pictures below show 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 therefore it should not be found on site; this concern has been highlighted on previous inspections 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.

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

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





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

According to the environmental permit I Haywards Ltd are permitted to accept both depolluted and undepolluted 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. 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 airbags had not been deployed (these ELVs had come from one of the neighbouring permitted sites, Clwyd Breakers Ltd/HK Motors Ruabon). See Photos below.







You will need to ensure that the un-depolluted ELVs are stored on an impermeable surface with sealed drainage. This is a requirement of the End-of-Life Vehicles Directive referred to in Condition 2.4.1. If you decide to start depolluting ELVs on site then you will need to ensure you have the appropriate infrastructure in place prior to starting this type of operation.

During the site visit a number of batteries (car batteries and forklift batteries) were observed out in the open (see photos below).





Permit Condition 1.1.1(a) refers to the sites Environmental Management System (EMS). In Table 2G of your EMS it refers to batteries being stored in sealed containers. The batteries should be moved from the table and open yard and placed into a sealed container such as one of the battery boxes on site; you should also ensure the box has a lid to prevent rainwater accumulating in the box. This must be done immediately.

A pile of gypsum bricks (EWC code 17-08-02) was observed on the yard (see photos below)



These EWC codes/waste types are not listed on the site permit and therefore should not be accepted on site; these will need to be removed immediately.

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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			
C3	C3	Remove waste immediately	14/10/2016

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.