

	EPR Compliance Assessment Report	Report ID: 37278/0229146
This form will report compliance with your permit as determined by an NRW officer		
Site	Harris Salvage	Permit Ref 37278
Operator/ Permit holder	Harris Daniel	
Date	10/12/2014	Time in 13:35 Out 15:10
What parts of the permit were assessed	Compliance History and Permitted Area	
Assessment	Site Inspection	EPR Activity: Installation Waste Op X Water Discharge
Recipient's name/position	Danny Harris	
Officer's name	Andrew Sowerby, Julia Frost	Date issued 20/01/2015

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	A	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	*C4	2.3.1
	2. Management system & operating procedures	N	
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	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	NA	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	A	
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	1	Total compliance score (see section 5 for scoring scheme)	0
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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.

Comments

Breach

C1 Management- staff competency and training - CAT 4 (suspended)- Permit Condition 2.3.1

Condition 2.3.1 of your permit refers to technically competent management(TCM) at your site. The lack of a TCM on site has been highlighted a number a number of times in the past and was discussed during this inspection. Mr Harris has attempted the continuing competency test but unfortunately did not pass. Wayne is currently doing the course so that he will have the qualification. Due to personal circumstances Wayne had been unable to complete the course as quickly as hoped. During discussions on site it was indicated that the hope was to have the qualification in place within the next three months. For this reason the decision has been made to suspend the category 4 score. **If there is no TCM for your site by the 31st March 2015 then we will apply this score.**

No other issues observed on site. The site seemed to be well organised and tidy. A couple of ELVs were checked and they looked to be fully depolluted.

The visit was pre-arranged so that we could meet with Mr Harris. The reason for the meeting was to discuss a number of issues.

These issues included:

- Shock absorbers, the release of a position statement about how to deal with them and the possibility of any recharge for failure to depollute shock absorbers prior to the release of the position statement.

It was explained that prior to the release of the position statement we had to regulate shock absorbers according to the ELV directive. This meant that any ELVs found on hardstanding with undepolluted shock absorbers was looked upon as a breach or an offence. The release of the position statement allowed us to relax this stance and now waste operators are allowed to store ELVs on hardstanding with intact shock absorbers as long as there is no chance of pollution occurring and the shocks are drained or removed before the ELV leaves site as non hazardous waste. We are unable to amend breaches with regards to the shocks prior to the release of this position statement.

- Airbags, the potential hazards from them and how they may be regarded in the future.

We were informed that trials are currently taking place to eventually regulate airbags in a similar way to shock absorbers. The potential hazards from airbags was discussed and Mr Harris mentioned that he had seen a report regarding the hazardous nature of the gases that are released when an airbag is deployed. Until any trials regarding airbags are concluded and a decision made by Natural Resources Wales based upon those trials we will continue to regulate airbags according to what the ELV directive says, i.e. all airbags should be deployed or removed from ELVs prior to them being stored on hardstanding.

I would be interested in seeing the report regarding the gases released when an airbag is deployed. I would be grateful if you could either direct me to where to find it or send me a copy if you have one available.

- The sites recent inspection forms were discussed along with the most recent breaches.

Mr Harris does not agree with some of the breaches that have been applied. Should you wish to appeal any future breaches then you should submit the details to us within 20 working days of the form being issued. If you do not agree with any of your past breaches then please write in to us detailing which scores you do not agree with and the reasons. **This should be submitted to us in writing by the end of January.**

- Paperwork, for example waste returns.

Ryan Liptrot is now being used by Mr Harris to help complete paperwork such as waste returns. It is hoped that this will ensure that waste returns are submitted on time in the future. **You should be aware that your annual waste returns for 2014 will be due by the end of this month.** All waste returns must now be entered onto the new Natural Resources Wales forms and submitted to the new email address/address. NRW are no longer accepting waste returns submitted to us on Environment Agency forms. You can find details at the below website address

<http://naturalresourceswales.gov.uk/policy-and-guidance/waste-policy/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

- How inspection forms affect subsistence fees.

Inspection forms such as this one are used to record breaches officers observe either during inspections or in connection with relevant paperwork. These breaches or non-compliances are graded from 1 to 4 with category 1 breaches being considered to be a non compliance which could have a major environmental impact and category 4 being a non-compliance which has no potential environmental impact. Each non-compliance category attracts a score (these scores can be seen on the reverse of this inspection form). Every score from every CAR form issued to you over a calendar year is then added together to get an overall compliance (OPRA) score. This compliance score is then used to determine what OPRA band you are in, between Band A and F. What banding your site is determines what your subsistence fee for that year is. The table below summarises this.

OPRA band	A	B	C	D	E	F
OPRA Score	0	>0-10	10.1-30	30.1-60	60.1-149.9	150 plus
Fee payable	- 5%	100%	110%	125%	150%	300%
Example fee (1000/year)	£950	£1000	£1100	£1250	£1500	£3000

Your total OPRA score for 2014 is currently 8.4. This is due to having 2 x Cat 3 breaches and 4 x Cat 4 breaches. This means that for 2014 you should be a Band B site.

If you have any questions then please contact me (01244) 894510.

In this document, 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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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			
C1	C4	No TCM. Score has been suspended due to special circumstances. The site has until the 31st March 2015 to resolve this issue.	31/03/2015

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.