

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0019588**

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

Site	The Old Forge	Permit Ref	MB3333DG			
Operator/Permit holder	Jonathan Mark Rees					
Regime	Waste Operations					
Date of assessment	03/05/2016	Time in	10:30	Out	11:15	
Assessment type	Audit					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Medcraft, Jodie					
Accompanied by	Davies, Gareth					
Recipient's name/position	Jonathan Mark Rees/ Permit Holder and Operator	Date issued	02/06/2016			

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1

**KEY:** See Section 4 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
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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

Present

Jonathan Mark Rees – Permit Holder and Operator

David Puckett – Acting Technically Competent Manager (TCM) for Jonathan Mark Rees

Jodie Medcraft – Natural Resources Wales

Gareth Davies – Natural Resources Wales

The purpose of the visit was to assess compliance with permit reference EPR/MB3333DG.

During the previous inspection, Jonathan Rees communicated that it was their intention to install a sump to serve the impermeable pavement. Gareth Davies confirmed that if the sump was not installed by 30 April 2016, then Natural Resources Wales would look to serve a Regulation 36 Compliance Notice.

Since that visit, a decision has been made by Jonathan Rees to move ELV operations inside the building on site. This would negate the need for a sump, as long as no waste is stored or treated on the impermeable pad. As the drainage requirements on site are still not compliant, a Regulation 36 Compliance Notice will be served. Furthermore, the previous score which was suspended under B3 Infrastructure, in CAR Report NRW0000058, will now be reactivated.

Table 2.3 – Operating Techniques of SR2011 No. 2 and SR2011 No. 3 states that *"All waste shall be treated on an impermeable surface with sealed drainage system"* This requirement is still not being fully complied with.

**This is a breach of condition 2.3.1 and has been scored a CCS 3 under B3 Infrastructure – Site drainage engineering (Clean and foul)**

The above breach also constitutes a breach of the written management system in that the written management system has failed to identify and prevent a non-conformance of condition 2.3.1 of the environmental permit.

**This is a breach of condition 1.1.1 and has been scored a CCS 3 under C2 General Management – Management system and operating procedures.**

A conversation took place with regards to the issuing of the Regulation 36 Compliance Notice. A discussion will be held between Natural Resources Wales, Jonathan Mark Rees and David Plunkett to mutually agree an achievable and realistic date for the appropriate work to be carried out on site in order to comply with the notice. Any breaches of condition 2.3.1 noted on site in the course of any visits that take place during the notice period will result in these scores being suspended.

There is currently no definitive plan in place to determine how operations on site will be altered in order to comply with the notice. Therefore, it was agreed that confirmation of the timescale required to achieve compliance with the Regulation 36 Notice would be provided by 03 June 2016.

At present, Jonathan Mark Rees has not completed his WAMITAB training. However, since the last inspection positive steps have been made and the site have employed the services of David Puckett, to meet the requirements of condition 1.1.4 of SR2011 No. 2 and SR2011 No. 3. The operator is now compliant with condition 1.1.4.

Please forward a copy of David Puckett's WAMITAB certificates and Continued Competence Certificates by 24 June 2016 for our records.



## EPR Compliance Assessment Report

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CAR\_NRW0019588**

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Site	The Old Forge	Permit Ref	MB3333DG
Operator/Permit holder	Jonathan Mark Rees	Date	03/05/2016

### 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			
C2	C3	The action outlined for the breach of condition 2.3.1 shall be implemented to ensure compliance with the written management system.	20/05/2016
B3	C3	Jonathan Rees and David Puckett to confirm to NRW the timescale that would be required to achieve compliance with the proposed Regulation 36 Notice.	20/05/2016

## 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 reports 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 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](mailto: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.