

## Compliance Assessment Report

Report ID:  
CAR\_NRW0000058

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	11/02/2016	Time in	10:00	Out	10:45
Assessment type	Audit				
Parts of the permit assessed	Permitted area				
Lead officer's name	Davies, Gareth				
Accompanied by	Medcraft, Jodie				
Recipient's name/position	Jonathan Rees/ Permit Holder	Date issued	26/04/2016		

### 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 - Suspended	2.3.1
C1 - General Management - Staff competency/training	C3	1.1.4
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>3</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

Trevor Davies – Consultant to Jonathan Rees

Gareth Davies – Natural Resources Wales

Jodie Medcraft – Natural Resources Wales

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

Jonathan Rees gave a short site tour of the operations carried out on site. Ferrous and non-ferrous metal is brought to site and then deposited on the hard standing area. The metal is then graded between light and heavy metal into separate skips. The area used to for the handling of scrap metal can be seen in the photographs below.



Impermeable pavement had been installed, yet no sump has been installed to serve the impermeable pavement as required under Table 2.3 – Operating Techniques of SR2011No2 and SR2011 No3. The impermeable pavement does not fully comply with the requirements of Table 2.3 as the impermeable pavement is currently not connected to a sealed drainage system, either a sealed sump or to public sewer.

**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).**

Jonathan Rees confirmed that it is the intention that the sump will be installed by 30 April 2016. Gareth Davies confirmed that if the sump is not installed by 30 April 2016, then Natural Resources Wales will look to serve a Regulation 36 Compliance Notice

At present Jonathan Mark Rees has not completed his WAMITAB training and there is no provision in place to employ someone to meet the requirements of condition 1.1.4. As there is no WAMITAB in place the operations are non-compliant with condition 1.1.4 of Standard rules SR2011No2 – metal recycling site.

**This is a breach of condition 1.1.4 and has been scored a CCS 3 under C1 General Management – staff competency /training.**

The above breaches also constitutes a breach of the written management system in that the written management system has

failed to identify and prevent a non-conformances 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.**

Discussions were held on the requirements of the waste returns. Trevor Davies intends to submit these on a quarterly basis.

***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.***

END

## EPR Compliance Assessment Report

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Operator/Permit holder	Jonathan Mark Rees	Date	11/02/2016

### 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			
B3	C3	Jonathan Rees confirmed that a sealed sump would be installed by 30 April 2016	30/04/2016
C1	C3	Please provide an update for the proposed course of action for compliance with condition 1.1.4, for agreement with Natural Resources Wales by 30 April 2016	30/04/2016
C2	C3	The actions outlined for the breaches of condition 1.1.4 and 2.3.1 shall be implemented to ensure compliance with the written management system.	30/04/2016

## 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. 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.