

EPR Compliance Assessment Report

Report ID: 104887/0243352

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

Site	The Old Forge	Permit Ref	104887
Operator/ Permit holder	Rees Jonathan Mark		
Date	03/06/2015	Time in	14:00 Out 14:30
What parts of the permit were assessed	Permitted area		
Assessment	Site Inspection	EPR Activity:	Installation Waste Op X Water Discharge
Recipient's name/position	Jonathan Rees - Permit Holder and Operator		
Officer's name	Gareth M Davies, Angharad Clark	Date issued	07/07/2015

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	NA	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	C3	2.3.1
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	C3	1.1.4
	2. Management system & operating procedures	C3	1.1.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	NA	
	2. Land & Groundwater	NA	
	3. Surface water	NA	
	4. Sewer	NA	
	5. Waste	NA	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	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	N	
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

3

Total compliance score
(see section 5 for scoring scheme)

12

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.

Attendees

Jonathan Mark Rees – Permit holder and Operator
Trevor Davies – Consultant to Jonathan Rees
Angharad Clark – Natural Resources Wales
Gareth Davies – Natural Resources Wales

The purpose of the visit was to act as a handover from Angharad Clark to Gareth Davies. Following restructuring within Natural Resources Wales, a Waste Regulation Team has now been formed that will be responsible for the regulation of all waste operations within the South West area.

Following introductions, 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 metal is then taken off site for recovery. The environmental permit allows for the operations to be carried out as described in Standard rules SR2011No2 – metal recycling site (SR2011No2) and Standard rules SR2011no3 – vehicle storage, depollution & dismantling authorised treatment facility (SR2011No3).

At present no de-pollution of End of Life Vehicles takes place on site as allowed under SR2011No3. If an end of life vehicle is picked up then this is normally left on the lorry overnight and then taken to a permitted site for recovery.

It was noted that impermeable pavement had been installed and plans were in place to install a sump 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).

I have included a copy of Pollution Prevention Guidance 27 for the installation, decommissioning and removal of underground storage tanks. Although this is aimed at large scale storage tanks, it may provide some useful information when designing and installing the proposed sump.

At present Jonathan Mark Rees has not completed his WAMITAB training and has been receiving external support. As present 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.

At the time of the inspection no written management system was in place as required under condition 1.1.1 of Standard rules SR2011No2 – metal recycling site. Condition 1.1.1 states that the operators shall manage and operate the activities in accordance with a written management system that identifies and minimises risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the operator as a result of complaints.

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.

Following the inspection a meeting was held between Gareth Davies and Trevor Davies on 2 July 2015 and the following actions and timescales agreed.


- The sump would be installed by 30 April 2016.

- Confirmation of the approach to be taken for compliance with condition 1.1.4 would be provided by 31 September 2015.

- Trevor Davies presented a copy of the written management system that had been drafted for use by Jonathan Rees. This fulfils the requirements of condition 1.1.1. A hard copy of the Environment Agency's Metal Recycling Industry – Environment Management Toolkit was provided to Trevor Davies during the meeting. This toolkit can be used to supplement the current written management system.

If you have any questions in relation to this report then please contact Gareth Davies on 03000 653226.

END

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Operator/ Permit	Rees Jonathan Mark	Date 03/06/2015

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.	<input checked="" type="checkbox"/>	X
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.	<input type="checkbox"/>	
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			
B3	C3	The sump will be installed to comply with condition 2.3.1 of the permit.	30/04/2016
C1	C3	Natural Resources Wales will be provided with the intended course of action that will be taken in order to comply with condition 1.1.4.	31/09/2015
C2	C3	The written management system will be finalised and implemented on site.	N/A

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.