

Compliance Assessment Report

Report ID:
CAR_NRW0034378

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

Site	Unit 1- Crugmore Farm	Permit Ref	AB3493CS			
Operator/Permit holder	M D Recycling Limited					
Regime	Waste Operations					
Date of assessment	07/12/2018	Time in	14:00	Out	14:15	
Assessment type	Audit					
Parts of the permit assessed	Technical Competence and Site					
Lead officer's name	Dines, Malcolm					
Accompanied by						
Recipient's name/position	Stephanie Davies/ Technically Competent Manager	Date issued	20/12/2018			

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Met with Marc Davies (Operator) and Stephanie Davies (Technically Competent Manager (TCM)) to discuss progress with the site.

M D Recycling operate another permit at the same site (EPR AB3097HG) and the CAR form (ref. NRW0033466) for that permit had a non-compliance due to the TCM (Stephanie Davies) not demonstrating knowledge of on-site activities relating to that permit. A discussion was had during this compliance visit regarding this matter, with Marc and Stephanie Davies highlighting that Stephanie was the TCM for the Standard Rules permit (EPR-AB3493CS) and not for the bespoke permit. It was explained to the operators that this was not clear within the permit Environmental Management System (EMS) and is something that should be clearly highlighted in the EMS for both sites, or within a combined EMS that covers both permits.

As the bespoke and standard rules permits are adjacent sites, the technical competence requirements for both sites can be covered by one TCM, as long as their qualification and continuing competency awards are relevant to all activities being carried out at both sites, and as long as the requirements to be present at both permitted facilities fall within the total number of hours permitted for a TCM by the guidance.

A discussion was also had with regards to the site boundary of this permit. Because of the overlap between the standard rules and bespoke permit boundaries, as well as any non-waste activities being carried out within the old farmyard areas, there needs to be clear identification of the permit boundary on the site itself. This is to ensure that the operators and regulators alike can clearly identify what operations are being carried out within the site and ensure that the operators are complying with the permits.

The operator wanted advice regarding meeting the construction standards set out in the Fire Prevention and Mitigation Plan (FPMP) guidance regarding the length of time that concrete dividing walls must be able to resist fire. The guidance states that it must be a minimum of two hours however, the operator stated that having discussed this with their concrete supplier, the longest period of time that the concrete can resist is one hour. The operator was subsequently sent an email detailing the relevant information about burn times and that this will dictate the thickness of the walls required in the transfer station building.

Please ensure that prior to commencing operation of this permit, that there is written EMS that covers the activities authorised by this permit. This can be a standalone EMS for this permit or, as an adjacent site, it can be included within an EMS that covers both this permit (the standard rules operation) and the bespoke permit. If the EMS is to cover both permits, it must be made very clear where sections relate only to one of the permits, such as with the TCM as noted above and a combined EMS must address the permitted activities separately and not refer to activities and pollution or fire prevention in general terms.

EPR Compliance Assessment Report

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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			

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.