Compliance Assessment Report

Report ID: CAR_NRW0031869

This form will report compliance with your permit as determined by an NRW officer					
Site	O J Jones & Son	Permit Ref	EB3697TF		
Operator/Permit holder	O J Jones & Son Limited				
Regime	Waste Operations				
Date of assessment	15/06/2017	Time in	14:00	Out	15:00
Assessment type	Site Inspection				
Parts of the permit assessed	see below				
Lead officer's name	Hughes, Julie				
Accompanied by	Williams, Leon				
Recipient's name/position	O J Jones/ Operator	Date issued	12/07/2017		

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
C1 - General Management - Staff competency/training	C3	1.1.4
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3	1.1.1

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	2	Total compliance score (see section 5 for scoring scheme)	8

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

A routine site visit took place on Thursday 15th June, 2017. The visit commenced with an inspection of the site at land near Gelert, Penamser Road, Porthmadog before moving to the site office located in Meadow Drive. Regulating Officers present Julie Hughes and Leon Williams.

At the Office, the Officers were met by Mr Dewi Jones and his wife Jackie – thank you both for your assistance during the visit.

The Environmental Management System requires updating as it had not been reviewed since the issuing of the permit in May 2015.

The permit requires that the Operator shall comply with the requirements of an approved competency scheme. There was no TCM to oversee the activities. The Operator would arrange cover immediately following discussions with his consultant. The following is a link to the 'How to comply with your environmental permit'. Page 37 of the document will provide you with information relating to the requirement of a TCM.

http://www.naturalresourceswales.gov.uk/media/2110/how-to-comply-with-your-environmental-permit.pdf

Site daily checks, staff training records are not being completed. Although the Operator carries out these activities unfortunately the forms within the EMS to record that the checks were done were not being completed.

The above observations have resulted in the following breaches being recorded.

Permit condition 1.1.4 states: The Operator shall comply with the requirement of an approved

competence scheme. **Category 3 breach**

Permit condition 1.1.1 (a)states: In accordance with a written management system that identifies and minimises risk of pollution, ……..

Although the EMS was in place, but required updating, the operating procedures within were not being carried out in accordance to the EMS. **Category 3 breach**

Root Cause: Non-compliances with permit conditions can be linked to the absence of a technically competent manager who understands the permit and its requirements

Advice and Guidance:

Please ensure that if producing product under the WRAP aggregates quality protocol that all paperwork is completed and are available for inspection by regulating Officers who may ask to inspect the documentation during site visits.

The following is a link to the guidance:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296499/LIT_8709_c60600.pdf

Contact Details of Regulating Officer:

Julie Hughes
Environment Officer – Waste Regulation
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
LL57 2DW

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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.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0031869**

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Operator/Permit holder	O J Jones & Son Limited	Date	15/06/2017

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.

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.

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			
G2	C3	ensure that all relevant forms within the EMS are completed and kept for inspection	31/07/2017
C1	C3	appoint a WAMITAB qualified TCM or the Operator should enrol onto the relevant course and submit a copy of the certificate/ letter of registration to NRW	31/07/2017

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.