

Compliance Assessment Report

Report ID:
CAR_NRW0034865

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

Site	Riverside Garage	Permit Ref	EB3433RE		
Operator/Permit holder	Grant Haines				
Regime	Waste Operations				
Date of assessment	06/03/2019	Time in	08:00	Out	09:00
Assessment type	Site Inspection				
Parts of the permit assessed	Part of permit assessed				
Lead officer's name	Coleman, Craig				
Accompanied by	Felton,Elizabeth				
Recipient's name/position	Anthony Haines/ Director	Date issued	27/03/2019		

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	Permit Condition 1.4.1
C2 - General Management - Management system and operating procedures	C3	Permit Condition 4.2.3
C3 - General Management - Materials acceptance	O - Suspended	Permit Condition 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
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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

NAG Recycling Site Visit, Crosskeys (EPR/EB3433RE) – 06/03/2019

Environment officers Craig Coleman & Elizabeth Felton attended the NAG Recycling facility in Crosskeys on 06/03/2019 in response to an incident report that there was oil leaking from site, into the highway system in to the river Sirhowy. We investigated the issue and later met with Anthony Haines, a director to discuss the issue. The weather at the time of the visit was very wet with intermittent heavy rain showers.

(B3) Site drainage engineering (Clean and Foul):

The site drainage appeared to contain the fluid within the boundary of the site. However, the spill had reportedly taken place on the boundary between the permitted area and the public highway. There was hydraulic fluid either side of the threshold. There was a significant flow of fluid down the road from the site. An attempt had been made to use a sawdust like material to absorb the fluid, but the flow water was too high due to the volume of rain fall. The fluid had travelled from the site boundary and had entered the Sirhowy river.

(C1) – Staff Competency & Training: Permit Condition 1.4.1 – Category 3 breach (Root cause)

A Category 3 breach has been scored against this condition.

Permit condition 1.4.1: Whenever the site is open to receive or dispatch waste, or is carrying out any of the specified

waste management treatment or disposal operations, it shall be supervised by at least one member of staff who is suitably trained and fully conversant with the requirements of the licence and the working plan regarding:

- A. Waste acceptance and control procedures*
- B. Operational controls and environmental monitoring*
- C. Maintenance*
- D. Record-keeping*
- E. Emergency action plans;*
- F. Notifications to Natural Resources Wales*

When we arrived on it was apparent that very little attempt had been made to clear up the large patches of hydraulic oil that were still standing around the site on the public highway. We spoke to a member of staff on arrival who showed us to the spill kits available on site which had not been utilised in accordance with the EMS to prevent or reduce pollution from entering the Sirhowy river. Natural Resources Wales had also not been informed by NAG recycling that there had been a pollution event at their site.

Action: There must be a member of staff on site at all times who understands and is able to implement the EMS response to any pollution event.

(C2) - Management Systems: Permit Condition 4.2.3 – Category 3 breach

A Category 3 breach has been scored against this condition.

Permit Condition 4.2.3(d): In the event of any potentially polluting leak or spillage occurring on site, documented control and remediation procedures shall be implemented immediately and recorded; and shall meet the standard specified in the table below.

(d) Control and Remediation of leaks and spillages:

- i. Minors spillages shall be cleaned up immediately, using sand or proprietary absorbent to clean up liquids.
- ii. Major spillages, which are causing or are likely to cause polluting emissions to the environment:

- Immediate action shall be taken to contain the spillage and prevent the liquid from entering surface water drains, water courses and unsurfaced ground.
- The spillage shall be cleaned immediately and placed in alternative sealed containers.
- Natural Resources Wales shall be informed immediately.

Natural Resources Wales was not informed of the spill by NAG recycling as required by Permit Condition 4.2.3 (ii), the spillage was reported to NRW at 17:30 on 05/03/2019 but there was still pools of hydraulic fluid present on site in standing pools of water the following morning (06/03/2019) at 08:00. NAG has adequate spill remediation material on site to have cleared a pollution event of this size, but the control and remediation procedures have not been followed.

Action: Ensure that staff are aware of the procedure to follow in a pollution event. Including the location and application of spill kits housed on site.

(C3) Materials Acceptance: Permit Condition 1.1.1, Table 1.1 *Ongoing non-compliance not scored

This is an ongoing non-compliance and you are therefore not being scored on this occasion.

Permit Condition 1.1.1, Table 1.1:

Table 1.1 Specified Waste Management Operations		
Specified Waste Management Operation	Permitted Waste Types which may be subject to the specified operation	Limits on Specified Waste Management Operations

Storage (D15 & R13) pending disposal and recovery.	All	80m ³
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The purpose of the site visit was to respond to a pollution event that had occurred on site. During the site visit all of the waste piles were observed and remain over the limit. Work must continue to reduce the volume of waste on site in line with the Regulation 37 suspension notice.

Action: See suspension notice currently in place.

Craig Coleman

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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.

EPR Compliance Assessment Report

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Operator/Permit holder	Grant Haines	Date	06/03/2019

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			
C3	O	Action: See suspension notice currently in place.	28/04/2019
C2	C3	Action: Ensure that staff are aware of the procedure to follow in a pollution event. Including the location and application of spill kits housed on site.	27/03/2019
C1	C3	Action: There must be a member of staff on site at all times who understands and is able to implement the EMS response to any pollution event.	27/03/2019

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.