

Compliance Assessment Report

Report ID:
CAR_NRW0034851

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

Site	Creigiau Tyres	Permit Ref	FP3295LD			
Operator/Permit holder	Mr Stephen John O' Leary, Mr Terence Peter O' Leary & Mrs Barbara Jayne O' Leary					
Regime	Waste Operations					
Date of assessment	07/03/2019	Time in	11:00	Out	12:00	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	Site Inspection					
Lead officer's name	Palmer, Richard					
Accompanied by						
Recipient's name/position	Charlotte John/ Transport and Waste Manager	Date issued	26/04/2019			

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	A	
C2 - General Management - Management system and operating procedures	C4	EMS not reviewed as per 4 year requirement
C3 - General Management - Materials acceptance	A	
D1 - Incident Management - Site security	A	

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	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

NRW Environment Officer Richard PALMER completed an inspection of your site on the 07th March 2019, to assess compliance with your environmental permit. I was shown around site by Charlotte John, the sites Transport and Waste Manager and nominated technically competent person. Thank you for taking the time to show me around site. The site appeared well managed at the time of inspection. However, some issues were highlighted on site.

On site we discussed your environmental management system (EMS), you advised that your EMS was last reviewed in 2014. Your permit outlines that your EMS should be reviewed every 4 years, to ensure your plan is relevant to the sites current operations. This document has still not been submitted to NRW and as such you will be scored a Cat 4 Breach. **Action: - NRW requests that you complete a review of your management system by the 1st of May 2019 and that you e-mail the reviewed EMS document by the above date.**

As discussed, NRW published new fire prevention and mitigation guidance in August 2017. This guidance outlines measures for waste operators to protect their sites from fire risks and manage a fire incident. Thank you for sending in the updated FPMP and the Fire Emergency Services Action Plan. I have updated our system with these documents and put the FPMP forward to the NRW FPMP Assessment Panel for review. NRW will keep you up to date with the progress of the review. Waste stack size, height and accessibility and the designation of a quarantine area in the event of a fire are likely issues to be considered as part of the review. And a site plan will need to be included showing waste pile sizes and separation distances.

Following on from Nessa's previous visit regarding the issue of the tyre powder/shred that you have stored on site that is not included in your permit. Previously NRW Officers advised " ...this can be done through applying for a variation to your permit. As this consists of a simple change, you should be eligible for an admin variation which doesn't have any associated cost...." NRW understands that you have applied for this variation by the and is now in the process of being determined by the permitting team, under which variation scheme it can be completed under. Until this variation is ratified as a variation to your permit,

NRW advise that you cannot accept any waste materials outside of what is included on your Permit.

If you have any queries relating to your environmental permit or this form, please do not hesitate to contact me on the details below.

Richard Palmer

Richard.palmer@cyfoethnaturiolcymru.gov.uk

Office Tel: 03000653799

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.

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			
C2	C4	Submission of reviewed EMS document.	01/06/2019

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.