Compliance Assessment Report

Report ID: CAR_NRW0031411

This form will report compliance with your permit as determined by an NRW officer					
Site	3Sixty Waste Management Ltd	Permit Ref	AB3190CN		
Operator/Permit holder	3Sixty Waste Management Ltd				
Regime	Waste Operations				
Date of assessment	24/03/2017	Time in	11:30	Out	12:45
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Jowett, John				
Accompanied by	Dearle, Nessa				
Recipient's name/position	Paul Cassemis/ Director	Date issued	29/03/2017		

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
C2 - General Management - Management system and operating procedures	C2	Table 2.1
	C2	2.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3,Table 2.3

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	3	Total compliance score (see section 5 for scoring scheme)	66

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

I attended the site after getting a phone call from Mr Lee Schilling from HSE stating that the site was storing asbestos containers outside of its permit boundary. I went to site with EO Nessa Dearle and EO James Perry and the weather was warm and sunny.

Operating Techniques - CAT 2 Breach : Permit Conditions 2.1.1, Table S2.1

'The maximum quantity of asbestos waste stored at the site shall not exceed 10 tonnes'

You have been given this breach under the above condition because during my inspection it was observed that the site was storing asbestos in excess of its 10t limit as specified in its permit conditions.

Operating Techniques - CAT 2 Breach : Permit Conditions 2.3.1, Table S2.3

'Asbestos waste shall be double bagged or securely wrapped and kept within clearly identified, segregated, secure, lockable containers on an impermeable surface with a sealed drainage system'

You have been given this breach under the above condition because during my inspection it was observed that the site was not storing all asbestos in secure and lockable containers as specified in its permit conditions.

Operating Techniques - CAT 2 Breach : Permit Conditions 2.4, 2.4.1

'The activities shall not extend beyond the site, being shown in green on the site plan attached to the permit'

You have been given this breach under the above condition because during my inspection it was observed that the site was not storing all asbestos which is in lockable containers within the site boundary as specified in its permit conditions.

Summary:

The site has taken on far too much asbestos waste within the past few months. Most of it is being stored outside of the permit boundary on the southern side of the Chapel Farm Industrial Estate. There are 11 containers being stored here full of asbestos with some of the containers not sealed or lockable. There is more than the recognised 10tonnes of asbestos stored in these containers. There is asbestos also being stored in bags next to the containers with some bags seemingly ripped in places. The material that is stored within the site boundary is not being stored correctly in a sealed container as per the permit conditions.

Action:

The site needs to clear all asbestos waste that is being stored outside of the site boundary back onto the permitted site or dispose of it the correct manner at a recognised asbestos accepting cell at a waste landfill site. The site needs to also store all asbestos that is currently within the site boundary in a sealed and lockable container. The site needs to bring the amounts of asbestos that it currently has back under the 10tonnes that it is specified in the permit.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0031411**

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Operator/Permit holder	3Sixty Waste Management Ltd	Date	24/03/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	C2	Bring site back into the regulation limits as specified by the permit	31/03/2017
C2	C2	Remove all asbestos material from outside of the permit boundary.	31/03/2017
C4	C3	Place all asbestos into secure containers	31/03/2017

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.