

Compliance Assessment Report (Exemption) form

Report ID:

130214EW/T9S1S2

Name of site	Oakdale Recycling Ltd	Operator	Damian Gill & Ross Hewlett		IR ref no.	EPR/SH0016ZA/A001	
Officer	Ella Williams	Date	11/02/13		Area/office	Rivers House, St Mellons	
Paragraph number (s)	T9, S1, S2	Time in/out	11:30	11:50	Event type:	Routine	☐ Incident ☐ Other ☒

Assessment type: Site inspection ☒ Site life status: Operational ☒ Pre-operational ☐

What part(s) of the site was assessed? Compliance with Section 59 Notice

Following your assessment of the exemption and the operations on site, has the relevant exemption been complied with? Yes ☐ or No ☒. If No, provide details below.

Has a breach of any relevant directly applicable legislation been noted? Yes ☐ or No ☒. If yes please list breaches below.

Has the breach of the exemption caused an incident? Yes ☒ or No ☐. If yes, place CICS environmental impact classification, Cat1, Cat2, Cat3 or Cat4 in this box. **Cat 3** (see overleaf for information on the CICS)

Not to comply with the terms of the exemption, directly applicable legislation or the objectives of Article 13 may constitute one or more offence(s). Article 13 requirements state that waste must be recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without:

- risk to water, air, soil, plants or animals
- causing nuisance through noise or odours
- adversely affecting the countryside or places of special interest.

Following your assessment of the exemption and the operations on site, have the Article 13 objectives (as indicated above) been complied with? Yes ☐ or No ☒. If no provide details below.

Risk of pollution to land and groundwater with waste stored on permeable ground

NB. If there is a breach, only one of the following will have an 'X' placed in the box

At present we do not intend to prosecute you for the above offence(s), however you are warned that this may change if further relevant information comes to light. THIS IS A SITE WARNING. ☐	WE WILL NOW CONSIDER WHAT ENFORCEMENT ACTION IS APPROPRIATE ☒
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Visit report/comments.

Visit made by Officer Ella Williams on 11th February 2014 to check compliance with a section 59 notice to remove controlled waste that was served on 6th December 2013.

The notice was found not to be complied with.

Two skips being stored in the car park opposite site during the visit but no waste present in either in compliance with the notice. The concrete pad at the front of the yard was for the majority empty, however waste namely scrap metals and bicycles were being stored on permeable ground not served by the sealed drainage system along front perimeter of site, as shown in photo 1

Photo 1



There was still a large volume of non-compliant waste streams in the storage and treatment areas

- Mixed waste namely plastics, soils, WEEE, fridges, scrap metals were being stored mixed on site not in compliance with exemptions which state waste streams need to be segregated and stored separately. It appeared that the waste in this area had been run through the shearer, and contained small fragments of foam amongst the other waste types mentioned above. As shown in Photos 2&3

Photo 2



Photo 3



- Waste is still being stored in ground that does not have the required infrastructure namely impermeable surface with sealed drainage.

This area also has a large gap in the fencing making the site insecure (**shown in photo 2**). This needs to be repaired and you need to ensure that the outside perimeter of the site is checked daily for waste escaping and clean up as appropriate.

Please read the accompanying letter to this eCAR form.

Report delivery method:	Copy left on site ☐	Posted ☒	Emailed ☐	Faxed ☐	Date
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Officer's signature



Recipient's name or position within company

Damian Gill & Ross Hewlett

Continuation sheet used: Yes ☒ No ☐

Notes to the recipient

This compliance report form may highlight non-compliance with your exempt waste activity or directly applicable legislation as observed by the Natural Resources Wales officer.

This does not relieve you of your responsibility to ensure that you comply with the requirements of the criteria of your relevant exemption and to prevent pollution of the environment. You are reminded that:

- ☐ you should comply with the conditions of the exemption at all times;
- ☐ you should comply with the objectives of Article 13 of the Waste Framework Directive at all times;
- ☐ compliance with the exemption criteria and relevant objectives does not remove your obligation to comply with any other legislative provision which may apply.

The objectives of Article 13 are: The waste must be recovered or disposed of without endangering human health or causing harm to the environment and in particular without:-

- 1. Risk to water, air, soil, plants or animals**
- 2. Causing nuisance through noise or odours**
- 3. Adversely affecting the countryside or places of special interest**

Enforcement action

Any non-compliance of an exemption or of the objectives is an offence, and renders the exemption invalid. As such, the Natural Resources Wales would consider removing the exemption from the register (hence the activity is no longer exempt) and enforcement action is likely to be considered for the offence of operating without a Permit, this could include:-

- Warning: A warning is our minimum enforcement response and this may be escalated should further information come to light.
- Formal Caution/Prosecution. Depending on the offence the penalties imposed by a Court can include substantial fines and even imprisonment.

We have published our Enforcement and sanctions statement and guidance, which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Understanding the Common Incident Classification Scheme (CICS)

This scheme categorises incidents according to their environmental impact. The table below provides the four classifications and their impact on the environment. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CICS scheme, see the Natural Resources Wales website or contact your local office.

CICS category	Description
1	An incident that has a major environmental effect
2	An incident that has a significant environmental effect
3	An incident that has a minor environmental effect
4	An incident that has no environmental effect

If you have any comments on the layout of this form please contact your local NRW officer.

The Data Protection Act 1998

We, the Natural Resources Wales, will process the information you provide so that we can:

- deal with your application;
- make sure you keep to the conditions of the licence, permit or registration;
- process renewals; and
- keep the public registers up to date.

We may also process or release the information to:

- offer you documents or services relating to environmental matters;
- consult the public, public organisations and other organisations (for example, the Environment Agency, the Health and Safety Executive, local authorities, the emergency services, the Department for Environment, Food and Rural Affairs) on environmental issues;
- carry out research and development work on environmental issues;
- provide information from the public register to anyone who asks;
- prevent anyone from breaking environmental law, investigate cases where environmental law may have been broken, and take any action that is needed;
- assess whether customers are satisfied with our service, and to improve our service; and
- respond to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (if the Data Protection Act allows).

We may pass the information on to our agents or representatives *to do these things for us*.

Exemptions and the public register

We will place the following information about your exemption on the public register:

- your name and address or the name and address of your company or organisation;
 - the activity taking place;
 - the location(s) of the activity.
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Disclosure of information

Natural Resources Wales would normally make the compliance report available to the public on request unless the information relates to an individual or non corporate body (please see Data Protection Notice above), or the Natural Resources Wales has accepted that the information is commercially confidential. If you consider that any information contained in this report should not be released on the grounds of commercial confidentiality, you should write to your local area office within twenty working days of receipt of the assessment 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 the exemption assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure. To do this or learn more about it, phone our general enquiry on 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied, following our Complaints and Commendations procedure, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0845 015 4033.