

Compliance Assessment Report

Report ID:
CAR_NRW0032564

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

Site	Old Barry Sidings	Permit Ref	MP3894VQ		
Operator/Permit holder	R R Davies Ltd				
Regime	Waste Operations				
Date of assessment	15/11/2017	Time in	11:00	Out	11:45
Assessment type	Site Inspection				
Parts of the permit assessed	Operational area				
Lead officer's name	Tye, Laoni				
Accompanied by					
Recipient's name/position	Robert Davies/ Site manager and director	Date issued	07/12/2017		

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	C3 - Suspended	C1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	C15
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	D40

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)	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

Environment officer Laoni Tye visited site on the 15th November 2017 and met with Robert Davies. The purpose of the visit was to check on progress with the improvements set out during the last inspection. There were breaches recorded which were discussed during the visit. We are going to be setting deadlines for improvements to be made which will need to be met. Please see below for details of the visit and breaches.

C2 – Management systems. Category 3 breach.

Condition C1 states that the license holder shall operate the facility in accordance with the working plan as approved by the Waste Regulation Authority...'

There is no working plan or environment management system on site and there are numerous problems and breaches on site that can be attributed to this.

As discussed, an EMS (working plan) is an integral part of the permit and managing the sites operations. The EMS should reflect all the site processes and how they are carried out to minimise any risk to the environment and ensure full compliance with permit conditions and any other directly applicable legislation.

We have suspended the score on this occasion to allow the site an opportunity to get a plan produced. That means that providing you comply with the deadlines, this breach will not count towards your compliance rating. These scores however will be re activated if plans are not produced within the agreed timeline. We sent you some advice and guidance in an email on the 27th November 2017 which included a toolkit for small/medium sized ELV and scrap metal businesses which can be used to help produce the EMS if required.

Action: You must produce a written management system as outlined above by the 19th February 2018.

Washing machines are being crushed which as previously discussed is not permitted. The root cause of this can be attributed to a lack of management especially in relation to storage. The breach for this is outlined below.

C4 – Storage, handling, labelling and segregation. Category 3 breach.

Condition C15 states that the facility shall be suitably organised to provide segregated storage areas for the various wastes.

Whilst on site we saw that there was WEEE such as washing machines being stored in large stockpiles with scrap metal. Permitted WEEE wastes must be stored separately and must not be treated in any way. Waste acceptance procedures should be included in your EMS to ensure these wastes are stored appropriately in line with the regulations.

Action: Ensure waste is stored appropriately, segregated as outlined in the permit. Procedures to do so should form part of your EMS.

D2 – Accident, Emergency and incident planning. Category 3 breach.

Condition D40 states that spillages of oil or other liquids shall be cleaned up immediately. A suitable absorbent material shall be used as necessary to absorb spillages...'

There are oil spillages still evident across the site which have not been cleaned up. There are no spill kits currently in place. This is something that has now been witnessed on numerous occasions and must be rectified.

Action: Historical contamination needs to be cleared up. Sources of oil should be identified and procedures put in place to minimise the number of spills. Spill kits are required on site and should be used to clean up any spills that do occur. These procedures should be documented in the EMS.

Other comments

The waste that was being stored outside of the permitted area had been removed. There are plans for the future to concrete the area for storage of under an exemption. This will be done slowly and exemptions will be applied for nearer the time. There would be no treatment or sorting of waste in this area as any treatment activities would remain within the permitted area.

The area adjacent to the weighbridge has now been concreted which was good to see. This has allowed more space for storage of wastes.

We have been advised that Robert Davies now has TCM for the site but we are yet to receive any confirmation of this. Please send us through the certificates so that we can update our files. Please send this no later than the 18th December 2017. If we do not receive the certificates we must assume that there is no TCM in place and you could be breached during the next inspection.

If you have any questions or you wish to discuss these matters further please get in touch.

Photographs



EPR Compliance Assessment Report

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Operator/Permit holder	R R Davies Ltd	Date	15/11/2017

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	C3	EMS to be produced	18/02/2018
D2	C3	Spill kits are required on site and spills, including historical contamination should be cleared up.	18/02/2018
C4	C3	WEEE must not be treated and should be stored separately from other wastes	08/12/2017

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.