

Compliance Assessment Report

Report ID:
CAR_NRW0031785

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	01/06/2017	Time in	11:45	Out	12:15	
Assessment type	Site Inspection					
Parts of the permit assessed	Operational area					
Lead officer's name	Tye, Laoni					
Accompanied by	Dearle, Nessa					
Recipient's name/position	Robert Davies/ Director	Date issued	21/06/2017			

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
A1 - Specified by permit	C3	C17
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	C8
C1 - General Management - Staff competency/training	C3	4
C2 - General Management - Management system and operating procedures	C3	C1
C3 - General Management - Materials acceptance	C3	B1
C4 - General Management - Storage, handling labelling and Segregation	C3	C15

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	6	Total compliance score (see section 5 for scoring scheme)	24
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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 officers Laoni Tye and Nessa Dearle visited site on the 1st June 2017 to conduct a site inspection. The site was in operation at the time of the visit and we met with site owner Robert Davies. The site was busy with vehicles coming in and out delivering waste. We could not walk around the entire site for health and safety reasons as the scrap metal and vehicle stacks were very high. There were breaches recorded which are outlined below along with actions that are required to bring the site back into compliance.

Breaches recorded

A1 – Specified by permit. Category 3 breach.

Condition C17 states that Waste material and other materials segregated for re-sale or reuse shall be loaded, unloaded, sorted, treated and stored only in the designated storage areas indicated in the working plan. No waste materials shall be loaded, unloaded, sorted, treated or stored outside the permit boundary'.

The site have started storing waste, namely un-depolluted ELV's in an area adjacent to the site which is not permitted. This area is not covered by the permit as it is not within the permitted boundary. Discussions have been had in the past about increasing the sites boundary, however, this has never been applied for or approved. The area also does not benefit from an impermeable surface with sealed drainage system, as would be required for the storage of un-depolluted ELV's. This area will need to be cleared of any waste. If you wish to include this area within the permit you would need to make an application to us which could include infrastructure improvements, depending on the activities you would wish to carry out there. As discussed on site, this is something we can look at if you wish and advice and guidance can be provided.

Action: Please remove waste from this area. It must not be stored here without authorisation. If you wish to apply for waste activity in this area please write to us with a proposal and we can provide relevant advice and guidance.

B3 – Site drainage engineering (Clean and foul). Category 3 breach.

Condition C8 states that all impermeable pavements which are out of doors should have an impermeable barrier consisting of raised impermeable kerbs.'

Whilst on site we saw that the crusher has been moved and now sits adjacent to an area of hardstanding/unmade ground behind the weighbridge. The crusher had a large pool of oil around it and due to the way the ground slopes and because there are no kerbs in place has a potential pathway to ground. The root cause of this breach can be seen as insufficient management on site which is outlined

below.

Action: Please ensure impermeable surfaces are connected to the site drainage and interceptor. Kerbs should be put in place to ensure all potential contamination goes through the interceptor. The crusher should be placed somewhere that does not pose a risk to the environment

C1 – Staff competency and training. Category 3 breach.

Condition number 4 states that A license holder must attain fit and proper persons status and will not be treated as fit and proper if it appears to the authority b) that the management of the activities which are to be authorised by the license are not or will not be in the hands of a technically competent person. There is currently no TCM on site and the last record we have of a TCM being on site is February 2014. We were advised on site that Robert Davies had been attempting the continuing competency tests but had kept failing, partly due to taking the incorrect test. This is the same information we have now been advised on numerous visits. Due to the fact that 2 years have passed without a continuing competency you will now have lost 'technical competence' status and in which case you will likely need to do the technical competence test again rather than the 'continuing competency'. Please speak to your course provider (WAMITAB). As you will be aware the site needs to be covered/attended by a TCM at least one hour per week and you may need to contract a TCM on to site in the interim period.

Action: Please ensure the site is attended by a TCM at least one hour per week. Please send us your plan to comply with this condition within 4 weeks of the date of this CAR form.

How to comply with your environmental permit provides further information on this:

<https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

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 a general lack of management procedures on site which can be seen as the root cause of numerous breaches recorded on site. Spills are being seen on site and are not being cleaned up with spill kits. There is waste being stored out of the permitted boundary and unpermitted wastes stored in stockpiles with scrap metal and ELV's. There was WEEE including washing machines, fridges and wires being stored in amongst other waste materials, some on unmade ground. Washing machines were witnessed in the crusher which has led us to believe that these may be getting crushed on site. The treatment and processing of WEEE is not permitted on site and the permit does not authorise this.

Action: Please supply us with your most up to date working plan/EMS for our review. Please post a copy or email it to us no later than 18th July 2017.

C3 - Materials acceptance. Category 3 breach.

Condition B1 states that waste shall only be accepted if: a) it is of a type and quantity listed in appendix A; and b) it conforms to the description in the documentation supplied by the producer and holder.

There are fridges on site, stored in with the scrap metal waste, which are not permitted under your list of waste codes in the permit. There was a fridge seen in with some washing machines that was being

delivered to the site whilst we were there. This waste type cannot be accepted onto site and therefore must be removed and prohibited from being brought on in the future. The EMS/working plan should include procedures for waste acceptance and checks to ensure unpermitted material does not come onto site.

The root cause of this can be seen as a lack of effective management on site.

Action: Please remove unauthorised wastes from site and ensure procedures are in place to prohibit unpermitted wastes coming onto site.

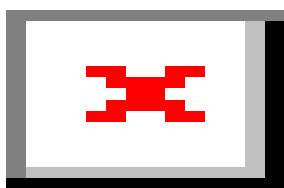
C4 – Storage, handling, labelling and segregation. Category 3 breach.

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

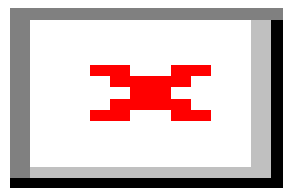
Whilst on site we saw that there was WEEE such as washing machines, fridge/freezers and wires being stored in large stockpiles with scrap metal. Permitted WEEE wastes must be stored separately and must not be treated in any way. Waste acceptance procedures should be included in your working plan/ems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

Action: Ensure waste is stored appropriately, segregated as outlined in the permit. You will need to update your EMS to ensure correct procedures are in place.

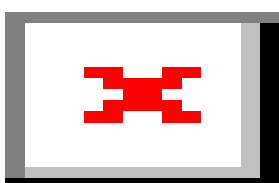
Photographs from visit



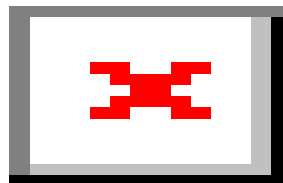
Unpermitted area storing ELV's



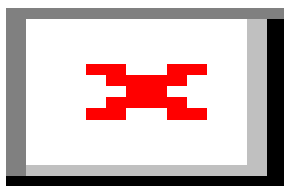
WEEE and scrap including fridge



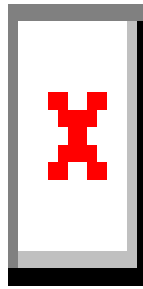
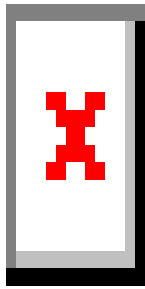
Crusher including washing machine



WEEE stored with car shells and other scrap



Wires on floor next to crusher



Oil from crusher

Adjacent to unmade/hardstanding - no kerb

Please get in touch if you require any clarification on this CAR form or have any comments.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031785**

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Site	Old Barry Sidings	Permit Ref	MP3894VQ
Operator/Permit holder	R R Davies Ltd	Date	01/06/2017

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.

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			
C4	C3	Ensure waste is stored appropriately, segregated as outlined in the permit. You will need to update your EMS to ensure correct procedures are in place.	01/08/2017
C3	C3	Remove unpermitted waste types. Update EMS with waste acceptance procedures.	01/08/2017
C2	C3	EMS to be sent to NRW for review. EMS to be updated to reflect on site activities.	01/08/2017
C1	C3	TCM to attend site at least 1 hour per week until site TCM has been gained	02/07/2017
B3	C3	Please ensure impermeable surfaces are connected to the site drainage and interceptor. Kerbs should be put in place to ensure all potential contamination goes through the interceptor. The crusher should be placed somewhere that does not pose a risk to the environment	01/08/2017
A1	C3	Please remove waste from this area. It must not be stored here without authorisation. If you wish to apply for waste activity in this area please write to us with a proposal and we can provide relevant advice and guidance.	01/08/2017

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.