

Compliance Assessment Report

Report ID:
CAR_NRW0033576

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

Site	J Pesci & Sons Ltd	Permit Ref	NP3599FC		
Operator/Permit holder	Pesci J & Sons Ltd				
Regime	Waste Operations				
Date of assessment	22/06/2018	Time in	10:30	Out	11:20
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Lee, Jonathan				
Accompanied by	Falk, Tamarind				
Recipient's name/position	David Pesci/ Technically Competent Manager	Date issued	04/07/2018		

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	2.1.1
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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)	4
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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

Introduction

Officers Jonathan LEE and Tamarind FALK visited J Pesci & Sons Ltd at Wernddu Works, Caerphilly, CF83 3DA on Friday 22nd June 2018 to complete a routine inspection of **EPR-NP3599FC**. It was sunny and dry at the time of the inspection visit. Met and spoke with Mr David Pesci on site.

The site holds a bespoke permit for a metal recycling facility and completes depollution of end of life vehicles (ELVs).

Compliance

A1 – Specified by permit – Permit Condition 2.1.1

Fire Engines

The primary purpose of the permit is for recovery of scrap metal. It states within Table 2.1 (Specified waste management operations) of your permit that residual wastes produced from depollution or further treatment shall be stored for a maximum time of 1 year prior to disposal or 3 years prior to recovery.

There were numerous fire engine ELV's on site which have clearly been stored for longer than 3 years due to the large amounts of overgrown vegetation, and previous compliance breaches.

Vehicle stack height

During the inspection it was noted that depolluted ELV's were stored 5 vehicles high. This is both a safety concern, a breach of your permit and a breach of your Working Plan (2005). It states within Table 2.1 Specified waste management operations of your permit that no wastes shall be stored to a height greater than specified in Section 1.4 of your working plan. It states within section 1.4 of your current Working Plan (2005) that:

'Scrap received for recycling will not be stacked to a height greater than five metres.'

You have been scored a **Category 3 Breach** for failure to ensure that waste is not stored for longer than 3

years prior to recovery and for failure to follow the maximum stack height detailed in your working plan.

Please make efforts to remove ELV's which have been on site for longer than 3 years.

Please ensure that this limit for stack height is adhered to and improve operations so that this limit is not exceeded. You should be mindful that this is also a concern for health and safety at the site, should a vehicle stack fall over.

Update of Working Plan / Environment Management System (EMS)

During the previous compliance visit by officer Alex BOWDER, it was mentioned that the EMS for site was last updated in 2005 and that an updated document needs to be submitted. An updated document has not been received since this previous visit. Whilst it is realised that site operations may not have changed significantly, it is still necessary to regularly update an EMS to accurately reflect activities on site.

Action: Please submit an updated EMS document.

Waste returns

Quarterly waste returns were up to date at the time of the inspection, thank you for submitting these on time.

Other comments

Site diary was inspected, Technically Competent Manager David Pesci noted as present on site on a regular basis. No issues with security observed. Mr David Pesci has recently completed continuing certificate under WAMITAB, next expiry date is not until January 2020.

If you have any issues with this report or have any further queries, please contact Jonathan Lee on 0300 065 3908 or jonathan.lee@cyfoethnaturiolcymru.gov.uk

Thank you for taking the time to show us around the site.

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

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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.

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	X	Update EMS document	01/10/2018
A1	C3	Please adhere to your working plan, and make efforts to remove ELV	01/10/2018

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.