

Name of site	A J Spares	Operator / Permit holder	Cobb Andrew	Permit ref no.	104608
Officer	Kimberley MacPherson	Date	01/02/2013	Area / office	N'th East (R) - Templeborough
Activity		Time in/out	10:00 / 10:00	Event type:	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident <input type="checkbox"/> Other
Assessment type:	<input type="checkbox"/> Site inspection <input checked="" type="checkbox"/> Audit <input type="checkbox"/> Check monitoring/sampling <input type="checkbox"/> Report / data review <input type="checkbox"/> Procedure review				
Site life status:	<input checked="" type="checkbox"/> Operational <input type="checkbox"/> Pre-Operational <input type="checkbox"/> Post-operational				
Which part(s) of the permit were assessed? EMS					

Compliance assessment summary

Key to completion: A = Assessed/Assessed in part (no evidence of non-compliance)
NA = Not Applicable 1, 2, 3, 4 = CCS cat 1-4 breach

ATL = Approach to limit
N = Not assessed

Conditions breached

a) Permitted activities	1	N								
b) infrastructure	1	N	2	N	3	N	4	N	5	N
c) General management	1	N	2	A	3	N	4	N		
d) Incident management	1	N	2	A						
e) Emissions	1	N	2	N	3	N	4	N	5	N
f) Amenity	1	N	2	N	3	N	4	N	5	N
g) Monitoring and records, maintenance and reporting.	1	N	2	N	3	N	4	N		
h) Resources efficiency	1	NA	2	NA						

The breaches indicated above may constitute one or more offences. You should take immediate action to rectify each breach and return to compliance. You should prevent any repetition of the breaches. Breaches of conditions as indicated above can result in criminal prosecutions and/or suspension or revocation of a permit.

NB. IF THERE IS A BREACH, ONLY ONE OF THE FOLLOWING WILL HAVE AN 'X' PLACED IN THE BOX

We will now consider what enforcement action is appropriate.	<input type="checkbox"/>	At present we do not intend to prosecute you for the above offences. However, you are warned that this may change if further relevant information comes to light.	This is a site warning.	<input type="checkbox"/>
			We have given you advice.	<input type="checkbox"/>

Review of Directly Applicable Legislation: Key: A = Assessed, N = Not assessed, NA = Not Applicable, C1, C2, C3, C4 = CCS cat 1-4 breach.

NA

Report delivery method: ☐ copy left on site ☒ posted ☐ emailed ☐ faxed Date 01/02/2013

Comments

Thank you for submitting the initial draft of your Environmental Management System (EMS). The purpose of this inspection form is to provide you with information that will assist you in amending or rewriting your EMS to ensure that it is fit for purpose.

Purpose of an EMS – To provide a structured system from which your business can identify and minimise risks of pollution. As you know this is also a requirement of your permit.

The EMS that you have submitted – This does not adequately address the issues that it should and would not be suitable to support your business. You have indicated that the EMS that you submitted has been adapted from one used at a yard run by a friend. This EMS is missing large amounts of vital information as well as including irrelevant information. Your EMS should be an integral part of your specific operation and cannot be transferred from one business to another.

Actions – You must now adapt the EMS that you have submitted or rewrite your EMS entirely. If our previously agreed deadline of 13 February 2013 is no longer achievable then please get in touch.

Continued...

Officer's Signature

Recipient's name or position within company

Andrew Cobb

Continuation sheet used

Yes

No of Pages

3

CCS record number

Notes to the recipient

This compliance report form may highlight non-compliance with your permit or directly applicable legislation as observed by the Environment Agency officer.

This does not relieve the site operator of their responsibility to ensure that they comply with the permit and to prevent pollution of the environment. You are also reminded that:

- you should comply with the conditions of the permit at all times
- compliance with the permit does not remove your obligation to comply with other legislative provisions which may apply.

Understanding the Compliance Assessment Summary

a) Permitted activities	1	Specified by permit
b) Infrastructure	1	Engineering for prevention and control of emissions
	2	Closure and decommissioning
	3	Site drainage engineering (clean and foul)
	4	Containment of stored materials
	5	Plant and equipment
c) General management	1	Staff competency/training
	2	Management system and operating procedures
	3	Materials acceptance
	4	Storage, handling, labelling and segregation
d) Incident management	1	Site security
	2	Accident, emergency and incident planning
e) Emissions	1	Air
	2	Land and groundwater
	3	Surface water
	4	Sewer
	5	Waste
f) Amenity	1	Odour
	2	Noise
	3	Dust/fibres/particulates and litter
	4	Pests, birds and scavengers
	5	Deposits on road
g) Monitoring and records, maintenance and reporting	1	Monitoring of emissions and environment
	2	Records of activity, site diary/journal/ events
	3	Maintenance records
	4	Reporting and notification to the Environment Agency
h) Resource efficiency	1	Efficient use of raw materials
	2	Energy efficiency

The term 'permit' for the purposes of this form includes: licences, authorisations and consents.

Understanding your non-compliance scores

Non-compliance findings are classified using our published Compliance Classification Scheme, (CCS).

This scheme categorises breaches of permit conditions based on their potential for environmental impact as shown below. 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 CCS scheme, see the Environment Agency's website or contact your local office.

CCS category	Description	Score
1	A non-compliance which has a potentially major environmental effect	60
2	A non-compliance which has a potentially significant environmental effect	31
3	A non-compliance which has a potentially minor environmental effect	4
4	A non-compliance which has no potential environmental effect	1

Corrective action

We have various options to ensure that you correct actual or potential non-compliance. We may

- advise on corrective actions, verbally or in writing and require you to take specific actions, by letter or by issuing a notice.
- require you to review your procedures or management systems
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit is an offence, and we may take legal action:

- We will normally provide advice/guidance to assist operators back into compliance. However, other than for a very minor offence this will normally be in conjunction with another enforcement response.
- Where we have issued a written warning this does not preclude us from taking additional enforcement action if further relevant information comes to light. Such action includes the issue of a formal caution, taking a prosecution and/or the service of a notice.

We have published our Enforcement and Prosecution Policy which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Operational Risk Appraisal (Opra)

Compliance assessment findings may affect your Opra score. This score determines your charge and affects the allocation of our resources to check your compliance with the permit.

Data protection notice

The Environment Agency is responsible for regulating environmental protection, flood defence, water resources and fisheries. It has a duty to discharge its functions to protect and enhance the environment and to promote conservation and recreation. The information provided will be processed by the Environment Agency to fulfill its regulatory and monitoring functions, and to maintain the relevant public register(s). The Environment Agency 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 (e.g. Health and Safety Executive, local authorities, emergency services) 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 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 compliance 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 phone our general enquiry number 08708 506506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@environment-agency.gov.uk. If, after following our Complaints and Commendations procedure, you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0345 015 4033.

Guidance – Our website provides ample guidance about how to write an EMS. The document at the link below details what should be included in your EMS.

<http://publications.environment-agency.gov.uk/pdf/GEHO0410BSHK-e-e.pdf>

You should refer to section 2.2 on page 15. Please find a paper copy enclosed of this section.

You can also find toolkits for writing your own EMS at the link below.

<http://www.environment-agency.gov.uk/business/144678.aspx>

Based on the document that you have provided, you are advised to rewrite and restructure your EMS using the nine subchapters in the enclosed document. This will ensure that it is customized for your business and includes the relevant information to provide you with an efficient management system that will benefit your business the most. Alternatively you could use the toolkit at the link above. Please remember that if you no longer want to write this EMS yourself then you may want to employ an individual / company to do it for you. I have enclosed a leaflet about a new not-for-profit scheme, supported by the Environment Agency, who offers this service.

Please note I have included some specific comments about the EMS that you submitted at the bottom of this report. This might better explain why it would not be accepted as a suitable EMS.

We have agreed a date of 13 February 2013 for this to be submitted. If for any reason that you cannot achieve this date then please get in touch. I look forward to hearing from you.

Kind regards,

Kimberley MacPherson
Environment Officer

Specific Comments

Inaccurate and require attention

1. The date on the report is September 2012 but you submitted this in January 2013.
2. The document should be titled Environmental Management System (not manual).
3. The EMS should be signed by the permit holder.
4. Netregs has been replaced by gov.uk for England and Wales (see link below).
<https://www.gov.uk/browse/business/waste-environment>
5. In section 4.4.2 you have stated that 'the EMS will provide training'. The EMS will not provide the training, it will manage how the training will be provided, to whom, how regularly and will be used as a way of recording training progress.

Unclear and require attention

1. The sections are numbered starting at 4. Are there three other sections that you have forgotten to include?
2. Some references made are not clear e.g. what is The Environmental Charter referred to in section 4.2 and in section 4.5.1 what is PROC?
3. Some sentences are not clear in meaning e.g. the last sentence in 4.2, the last sentence in 4.3.3.
4. In section 4.5.3 you have stated plans for audits in different areas and activities. Are you planning on undertaking your own audits?

Missing information that should be included

1. You have indicated that procedures will be tested / reviewed periodically. You need to specify how they will be tested / reviewed and how often this will take place. The EMS should also facilitate the recording of these tests / reviews.
2. There are several contacts missing – please refer to those recommended in the guidance and EMS toolkit.
3. Your site plan is missing some features – again please refer to the guidance and EMS toolkit.
4. Your fire procedure should include a step to contact the Environment Agency incident line (0800807060).
5. You have included a chemical spill procedure but you should not have any waste chemicals on site. You will require a spill procedure of this nature for the waste oil that you have on site.
6. Your training section should include details of all staff members, their responsibilities and how they are trained. This includes you as a WAMITAB holder. You should have a facility to record training in your EMS.
7. You should have risk assessments for each process / activity / equipment that you have on site. The guidance has a template to do this that you may find useful.
8. You should detail all activities / processes that you are permitted to do on site. Explain what happens from the moment a vehicle arrives on site until the moment it leaves site.
9. Do you have any machinery / equipment on site? This should be documented, along with instructions on how to use it, maintain it and what do to in the event that is malfunctions.
10. You need a step by step action plan for employees to follow in the event of an accident.
11. Under the closure section you should include information about any current contamination of the land.
12. You need a full complaints procedure and a method of recording any complaints that you receive.