



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

Site	A J Spares	Permit Ref	104608
Operator/ Permit holder	Cobb Andrew		
Date	25/11/2019	Time in	12:00 Out 13:00
What parts of the permit were assessed	permitted area		
Assessment	Site Inspection	EPR Activity:	Installation Waste Op X Water Discharge
Recipient's name/position	Andrew Cobb		
Officer's name	Caron Osborne, Cathy Bedworth	Date issued	12/12/2019

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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**Condition(s) breached**

a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	C3	2.3;
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1;
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	A	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded

2

Total compliance score
(see section 5 for scoring scheme)

35

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This was a routine site inspection to assess site compliance. Myself and colleague Bedworth spoke to Connor Lockwood on site, who introduced himself as the site manager, and had been working on site for approximately 5 years. He explained that Mr Andrew Cobb was not on site today, but that Mr Cobb was usually present, and in charge of site operations.

Prior to attending site I carried out some routine compliance checks, and noted that the site had not been inspected since early 2016. The Environment Agency endeavour to inspect permitted sites at least once per year, but on occasion resources and other priorities prevent this.

This site holds a standard rules 2011 ELV permit, which was issued in November 2012. Your permit consists of a number of conditions, which you are required to comply with.

Condition 1.1.1 a) requires you to operate and manage activities in accordance with a management system. We hold no record of this required Environment Management System (EMS), and I requested a copy from site manager Mr Lockwood. He was unable to locate an EMS, and was unaware of such a document. Operating without an EMS is a serious permit breach, as this system must identify and minimise risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints. This is a breach under C2-Management Systems and operating procedures, category 3.

You are required to provide an EMS in line with permit condition 1.1.1.a) by 15 January 2020.

Please refer to; <https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

Condition 1.1.1 b) requires you to operate using sufficient competent persons and resources. Our records do not show any current Technically Competent Manager (TCM) for the site. The permit application showed a certificate for Mr Cobb, but this competence expired a few years ago. Mr Lockwood was unaware of this requirement, and after inspecting the site Mr Lockwood passed me his phone, and I spoke to Mr Cobb. Mr Cobb stated he was unaware of any requirement of continuing competence, and commented that he was not going to do the training again. You are required to have a TCM presence on your site, whether the operator themselves, or somebody employed that holds the relevant competency. This is a further breach under C2-Management systems and operating procedures., category 3.

You are required to provide evidence of TCM presence on site by 15 January 2020.

Please refer to <https://www.gov.uk/guidance/legal-operator-and-competence-requirements-environmental-permits>.

Please also note within the above link the penalties for non compliance with these two critical conditions.

Our records show that you have failed to submit your waste returns since you obtained your permit in 2012 ie you have been in breach of permit condition 4.2.2. For the past seven years, and have been scored for this every year.

During my inspection I requested to see copies of waste transfer notes for waste leaving site. Mr Lockwood conducted a search of the office, but was unable to locate a single transfer note for any

waste leaving site. All waste accepted onto site, and all waste leaving your site must be recorded appropriately as per your Duty of Care requirements;

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

All hazardous wastes must be consigned off site using consignment notes;

<https://www.gov.uk/guidance/hazardous-waste-consignment-note-supplementary-guidance>

Our records do not show ANY consignments of hazardous waste leaving your site. Any ELV site, depolluting vehicles, will produce hazardous wastes, such as oil, batteries, lubricants and brake fluid to name a few. All hazardous wastes must be consigned to a site that can accept such wastes. Unlawful disposal of hazardous waste is an offence under the hazardous waste regulations, and action will be taken against offenders.

You are required to provide evidence of the destination site of any hazardous wastes produced on site for the time period January 2018 to the present. Provide this by 15 January 2020

Currently, you are not deemed to be a competent operator, as you have failed to demonstrate compliance with your core permit requirements, which includes each point under condition 1.1, General Management, condition 4.2.2, breach of Duty of Care regulations, and of hazardous waste regulations.

It was apparent during my inspection that your site manager and staff were unaware of any operational requirements as specified in your permit, and it appears you are operating with total disregard of your permit requirements.

During my site inspection I was concerned with the amount of oil and oil sheen noted throughout the site. Details of the site drainage were not clear, especially in the depollution area. This area is required to be of impermeable surface and sealed drainage – it was not, and liquids, including oils area not contained, and can freely run-off the concreted pad. Oily components were observed on the ground, allowing oil to permeate the ground. Mr Lockwood was unable to give any details regarding the site drainage.

Table 2.3 of your permit lists the operating techniques for your site, and section 7 states **All wastes shall be treated on an impermeable surface with sealed drainage system.** You are in breach of this condition, and have been scored a category 3 score under B4-Containment of stored materials, and B3-Site drainage. You are required to **take immediate steps** to comply with this condition, and to ensure the depollution area fully contains any oil or other liquids.

You are required to provide a drainage plan for you site, detailing any sumps, outlets of interceptors. Provide this by 15 January 2020

The non compliant infrastructure and storage of wastes, clear lack of training of employees, failure to consign hazardous wastes, failure to submit waste returns, failure to pay subsistence fees, lack of TCM and lack of EMS all point to a root cause of poor management and a lack of competence. I have consolidated your scores to a category 2 (serious risk) under C2-Management systems and operating procedures, to reflect the combined risk from your site non-compliances.


Please ensure that all documents requested are sent by the stated deadlines to;

yorkshirewaste@environment-agency.gov.uk

Regards

Caron Osborne
Environment Management, Doncaster/Rotherham Waste

caron.osborne@environment-agency.gov.uk

 Environment Agency	EPR Compliance Assessment Report	Report ID: 104608/0349015	
This form will report compliance with your permit as determined by an Environment Agency officer			
Site	A J Spares	Permit	104608
Operator/ Permit	Cobb Andrew	Date	25/11/2019

Section 3- Enforcement Response		Only one of the boxes below should be ticked
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.		
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.		
We will now consider what enforcement action is appropriate and notify you, referencing this form.		X

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
B4	C3	As stated in report	15/01/2020
C2	C2	As stated in report	15/01/2020

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 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.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

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 which 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 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) 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 28 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 the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@environment-agency.gov.uk. If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#) phone their helpline on 0345 015 4033.

