

NEIGHBOURHOOD SERVICES SCRUTINY FORUM AGENDA



Tuesday, 16 March 2010

at 4.00 pm

in Committee Room B, Civic Centre, Hartlepool

MEMBERS: NEIGHBOURHOOD SERVICES SCRUTINY FORUM

Councillors S Akers-Belcher, Barker, R W Cook, Coward, Fleming, J Marshall, Rogan, Worthy and Wright

Resident Representatives: John Cambridge and Brenda Loynes

Also invited to attend:

The Mayor, Stuart Drummond

Councillors Aiken, C Akers-Belcher, Allison, Atkinson, Brash, S Cook, Cranney, Fenwick, Fleet, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, McKenna, Dr Morris, Payne, Plant, Preece, Richardson, Shaw, Simmons, Sutheran, Thompson, Tumilty, Turner, Wallace, Wistow, Young

Resident Representatives: Christine Blakey, Ronald Breward, Liz Carroll, Bob Farrow, Mary Green, Ray Harriman, Ted Jackson, Jean Kennedy, Rose Kennedy, Evelyn Leck, Alan Lloyd, John Lynch, Brian McBean, Mary Power, Julie Rudge, Iris Ryder, Linda Shields, Bob Steel, Joan Steel, Sally Vokes and Maureen Waller

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 1 March 2010 (*to follow*)

4. RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO FINAL REPORTS OF THIS FORUM

No items

5. CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS REFERRED VIA SCRUTINY CO-ORDINATING COMMITTEE

No items

6. CONSIDERATION OF PROGRESS REPORTS/BUDGET AND POLICY FRAMEWORK DOCUMENTS

No items

7. ITEMS FOR DISCUSSION

Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas

7.1 Evidence from key groups:-

- (a) Covering Report – *Scrutiny Support Officer*; and
- (b) Evidence from:-
 - (i) Van Dalen;
 - (ii) PD Ports;
 - (iii) Heerema; and
 - (iv) the Regeneration and Neighbourhoods Department

7.2 Feedback from the site visit held on 19th February 2010, the observations of ships from the Town Wall, the visits to properties on the Headland and the Focus Group held on 23rd February 2010:-

- (a) Covering Report – *Scrutiny Support Officer*

(b) Verbal Feedback from the:-

- (i) site visit held on 19th February 2010;
- (ii) observations of ships from the Town Wall;
- (iii) visits to properties on the Headland; and
- (iv) Focus Group held on 23rd February 2010

8. ISSUES IDENTIFIED FROM FORWARD PLAN

**9. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT
ITEMS FOR INFORMATION**

**Date of Next Meeting:- Tuesday, 23 March 2010 at 2.00 pm in the Council
Chamber, Civic Centre, Hartlepool**

Compliance Assessment Report (CAR1) form

Report ID:

I/090715/100226

Name of site	Van Dalen UK Ltd	Operator/ Permit holder	Van Dalen U K Ltd	Permit ref no:	100226
Officer	Claire Himsworth, Alison Martin	Date	15/07/2009	Area/office	N'th East (D) - Thornaby
Activity	Metal non ELV	Time in/out	14:10 / 15:30	Event type	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident response <input type="checkbox"/> Other
Assessment type:	<input checked="" type="checkbox"/> Site inspection <input 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?	See Below				

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

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

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

At present we do not intend to prosecute you for the above offences however you are warned that this may change if further information comes to light. **THIS IS A SITE WARNING**

We will now consider what Enforcement action is appropriate.

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 20/07/2009

Site found to be tidy, all areas inspected were found to be compliant at the time of the inspection.

Recipient's name or position within company

John Winship - TCM

CCS record number

Notes to the recipient

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- 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
1	A non-compliance which has a potentially major environmental effect
2	A non-compliance which has a potentially significant environmental effect
3	A non-compliance which has a potentially minor environmental effect
4	A non-compliance which has no potential environmental effect

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
- We may require you to take specific actions, by letter or by issuing a notice
- We may require you to review your procedures or management systems
- We may change some of the conditions of your permit
- We may decide to undertake a full review of your permit

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

- We may serve a warning on site or by letter. The officer may complete the site warning declaration on this form. A warning is our minimum enforcement response, however, it does not preclude us taking additional enforcement action including the issue of a formal caution, taking a prosecution and/or the service of a notice.
- Depending on the offence, the penalties imposed by a Court on prosecution can include substantial fines and even imprisonment.

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

Environment Protection Operator and Pollution Risk Appraisal (EP OPRA)

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

Data protection notice

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- 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 0845 015 4033.

Compliance Assessment Report (CAR1) form

Report ID:

I/090925/100226

Name of site	Van Dalen UK Ltd	Operator / Permit holder	Van Dalen UK Ltd	Permit ref no.	100226
Officer	Claire Himsworth	Date	25/09/2009	Area / office	N'th East (D) - Thornaby
Activity	Metal non ELV	Time Inbut	11:10 / 12:15	Event type:	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident response <input type="checkbox"/> Other
Assessment type:	<input checked="" type="checkbox"/> Site inspection <input 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?	See Below				

Compliance assessment summary

Key to completion: A = Assessed/Assessed in part (no evidence of non-compliance)
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N = Not assessed

Conditions breached

a) Permitted activities	1	A									
b) Infrastructure	1	C3	2	NA	3	N	4	A	5	A	2.1.1;
c) General management	1	N	2	N	3	N	4	A			
d) Incident management	1	A	2	N							
e) Emissions	1	A	2	A	3	A	4	A	5	A	
f) Amenity	1	A	2	A	3	A	4	A	5	A	
g) Monitoring, records and reporting	1	N	2	C4	3	N	4	N			4.1.1;
h) Resources efficiency	1	NA	2	N							

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

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

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☒

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

10/10/2009

Condition 2.1.1 compliance with table 2.1 requires that "All furnace ready scrap metal waste that may contain or be contaminated with potential polluting material shall be stored on an impermeable surface with sealed drainage." Currently any run off from the stored scrap metal will run off into the dock. A plan of works to reach compliance should be put forward to the Environment Agency by 31st November 2009. This score will be suspended pending submission of a plan of works.

Condition 4.1.1 The site diary was not up to date and some relevant information had been omitted. The diary must be completed as soon as reasonably practicable and information relating to dust suppression included.

Although no emissions were observed during the site visit a reasonably practicable method to help reduce the dust emissions would be to use a road sweeper to lift the residual dust in the storage bay immediately after loading a ship when stored waste would be at its minimum.

A sand like material was observed in areas on the site which looked to be equivalent to rutile sand.

Recipient's name or position within company

John Winship - TCM

CCS record number

137351

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	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
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Compliance Assessment Report (CAR1) form

Report ID:

I/091019/100226

Name of site	Van Dalen UK Ltd	Operator / Permit holder	Van Dalen UK Ltd	Permit ref no.	100226
Officer	Claire Himsworth	Date	19/10/2009	Area / office	N'th East (D) - Thornaby
Activity	Metal non ELV	Time In/out	14:45 / 15:50	Event type:	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident response <input type="checkbox"/> Other
Assessment type:	<input checked="" type="checkbox"/> Site inspection <input 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?	See Below				

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Conditions breached

a) Permitted activities	1	A									
b) Infrastructure	1	C3	2	NA	3	N	4	A	5	N	2.1.1;
c) General management	1	N	2	N	3	N	4	A			
d) Incident management	1	A	2	N							
e) Emissions	1	A	2	A	3	A	4	A	5	A	
f) Amenity	1	A	2	A	3	A	4	A	5	A	
g) Monitoring, records and reporting	1	N	2	N	3	N	4	N			
h) Resources efficiency	1	NA	2	N							

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☐ NA

Report delivery method:

☐

copy left on site

☒

posted

☐

emailed

☐

faxed

Date

27/10/2009

Site was visited primarily to observe ship loading taking place. Pellets were being loaded at the time of the visit and there was a wind blowing towards the headland.

Photographs and videos were taken and no dust emissions were observed during the inspection.

Condition 2.1.1 site drainage, as per report ID I/090925/100226, this score will be suspended pending submission of a plan of works.

Recipient's name or position within company

John Winship - TCM

CCS record number

138047

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e) Emissions	1	A	2	A	3	A	4	A	5	A	
f) Amenity	1	A	2	A	3	A	4	A	5	A	
g) Monitoring, records and reporting	1	N	2	N	3	N	4	N			
h) Resources efficiency	1	NA	2	N							

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

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

At present we do not intend to prosecute you for the above offences however you are warned that this may change if further information comes to light. **THIS IS A SITE WARNING**

☐

We will now consider what Enforcement action is appropriate.

☒

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

04/11/2009

Site was visited primarily to observe ship loading taking place. No 1 and 2 steel were being loaded at the time of the visit.

Videos were taken of the ship being loaded. As scrap from the base of the pile was being moved the level of dust did increase, at this point the operator started to apply water to the scrap which successfully suppressed any further dust emissions

Condition 2.1.1 site drainage, as per report ID I/090925/100226, this score will be suspended pending submission of a plan of works.

Recipient's name or position within company

John Winship - TCM

CCS record number

138491

Notes to the recipient

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- 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

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3	A non-compliance which has a potentially minor environmental effect
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Corrective action

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- We may advise on corrective actions, verbally or in writing
- We may require you to take specific actions, by letter or by issuing a notice
- We may require you to review your procedures or management systems
- We may change some of the conditions of your permit
- We may decide to undertake a full review of your permit
- Any breach of a permit is an offence, and we may take legal action:
- We may serve a warning on site or by letter. The officer may complete the site warning declaration on this form. A warning is our minimum enforcement response, however, it does not preclude us taking additional enforcement action including the issue of a formal caution, taking a prosecution and/or the service of a notice.
- Depending on the offence, the penalties imposed by a Court on prosecution can include substantial fines and even imprisonment.

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

Environment Protection Operator and Pollution Risk Appraisal (EPOPRA)

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

Data protection notice

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- 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.

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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 0845 015 4033.

Compliance Assessment Report (CAR1) form

Report ID:

I/1001 26/1002 26

Name of site	Van Dalen UK Ltd	Operator / Permit holder	Van Dalen UK Ltd	Permit ref no.	100226
Officer	Claire Himsworth, Lee Walker	Date	26/01/2010	Area / office	N'th East (D) - Thornaby
Activity	Metal non ELV	Time In/out	11:15 / 11:45	Event type:	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident response <input type="checkbox"/> Other
Assessment type:	<input checked="" type="checkbox"/> Site inspection <input 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?	See Below				

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	C3	2	NA	3	N	4	A	5	N	2.1.1;
c) General management	1	N	2	N	3	N	4	A			
d) Incident management	1	A	2	N							
e) Emissions	1	A	2	A	3	A	4	N	5	N	
f) Amenity	1	A	2	A	3	A	4	A	5	A	
g) Monitoring, records and reporting	1	N	2	N	3	N	4	N			
h) Resources efficiency	1	NA	2	N							

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

At present we do not intend to prosecute you for the above offences however you are warned that this may change if further information comes to light. **THIS IS A SITE WARNING**

We will now consider what Enforcement action is appropriate.

☒ X

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

☐ N

Report delivery method:

☐ copy left on site

☒ posted

☐ emailed

☐ faxed

Date

01/02/2010

Condition 2.1.1 site drainage as per report ID I/090925/100226, we will suspend this score pending completion of works by the 19/04/10 on the new bund system to prevent emissions to the dock water, work is currently under way.

There were no operations on site at the time of the visit. The site was clean and tidy.

Recipient's name or position within company

John Winslip

CCS record number

142659

Notes to the recipient

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- 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).

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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
- We may require you to take specific actions, by letter or by issuing a notice
- We may require you to review your procedures or management systems
- We may change some of the conditions of your permit
- We may decide to undertake a full review of your permit
- Any breach of a permit is an offence, and we may take legal action:
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Compliance assessment findings may affect your EP OPRA score. This score determines your charge and affects the allocation of our resources to check your compliance with the permit.

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- investigating possible breaches of environmental law and taking any resulting action
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Compliance Assessment Report (CAR1) form

Report ID:

I/100308/100226

Name of site	Van Dalen UK Ltd	Operator / Permit holder	Van Dalen UK Ltd	Permit ref no.	100226
Officer	Claire Himsworth	Date	08/03/2010	Area / office	N'th East (D) - Thornaby
Activity	Metal non ELV	Time in/out	12:00 / 13:10	Event type:	<input type="checkbox"/> Routine <input checked="" type="checkbox"/> Incident response <input type="checkbox"/> Other
Assessment type:	<input checked="" type="checkbox"/> Site inspection <input 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?	See Below				

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	C3	2	NA	3	N
c) General management	1	N	2	N	3	N
d) Incident management	1	A	2	N	3	N
e) Emissions	1	A	2	A	3	A
f) Amenity	1	A	2	A	3	A
g) Monitoring, records and reporting	1	N	2	N	3	N
h) Resources efficiency	1	NA	2	N	3	N

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

At present we do not intend to prosecute you for the above offences however you are warned that this may change if further information comes to light. **THIS IS A SITE WARNING**

We will now consider what Enforcement action is appropriate.

X

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

N

Report delivery method:

☐ copy left on site

☒ posted

☐ emailed

☐ faxed

Date

11/03/2010

The site was visited in response to a report of scrap metal dust all over the harbour. Samples were taken from the dock near the Van Dalen site boundary. There was no visible dust emissions leaving the site at the time of inspection. There were no visible contaminants in the water samples taken.

Condition 2.1.1 site drainage as per report ID I/090925/100226, we will suspend this score pending completion of works by the 19/04/10 on the new bund system to prevent emissions to the dock water. Work is currently on hold as all accessible sections have been completed, the site is now waiting for ships to remove the number 1 scrap to allow access. Approximately 34 sections have been completed out of a total 57.

There was a significant quantity of rutile sand on the ground surrounding the Van Dalen permitted area. Dave Ashby said a lot of this was due to the rutile sand wagons driving passed and then was hosing down near the Van Dalen area. Photographs were taken.

There were no operations ongoing at the time of the inspection but the site was generally clean and tidy.

Recipient's name or position within company

John Winslip

CCS record number

144763

Notes to the recipient

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Understanding the Compliance Assessment Summary

a) Permitted activities	1	Specified by permit
b) Infrastructure	1	Engineering for prevention and control of emissions
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	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
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h) Resource efficiency	1	Efficient use of raw materials
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Audit Findings Report Form

Part One – Audit Reference Information

Permit Number	EAWML100226	Site Name	Van Dalen UK Limited
Date(s) of audit	28 July 2009	CAR ID No.	
Lead Auditor	Alison Martin	Other Auditors	Claire Himswoorth

Part Two – Objectives and Scope of the Audit

Objectives of Audit

- To drive improvements at the site to meet best practice
- To secure compliance with the waste management licence/legislation
- To review the adequacy of the licence and working plan
- To provide the licence holder with a clear understanding of our expectations
- To inform Process Management for review of Agency procedures and policies.

Scope

- Licence (all conditions checked)
- Environmental Management System
- All areas of waste acceptance, storage and disposal procedures
- Compliance with directly applicable legislation

Location Of Audit

Van Dalen, Irvins Quay, Hartlepool Export Terminal, Hartlepool, Cleveland, TS24 0UZ

Other Persons Present

Nigel Boothby, John Winship, Dave Ashby

Notes on Summary audit findings

- Licence conditions bracketed where appropriate. Licence conditions split where inappropriate to bracket.
- Some licence conditions (mainly planning based) have been found to be not fit for purpose. However no further action is deemed necessary. These are highlighted in blue.
- Non compliance's are highlighted in red.
- Where licence conditions have been found to fit into various CAR heading sections they have been mapped into the most appropriate heading unless there is clear justification to enter them into both sections.

Title	Audit findings report form				
No.	525_06_SD06	Status:	Version 1	Issue Date:	31/07/06
					Page 1 of 5

Part Three - Summary of Audit Findings

CAR headings and sub-criteria		Permit condition number(s)	Are permit conditions fit for purpose?	Site compliant? ("A" for yes or CCS score)	Further action required? (Y or N)
Key to Completion: N/A = not assessed or N/P = none in Permit, (in Permit Condition No. column) Compliant = "A"; if non-compliant, record CCS Score If further action is required, complete the Audit Findings sections in Part 5 and 6 below.					
a) Permitted Activities					
1	Specified by permit	1.1.1, 2.1.1	y	A	Y
b) Infrastructure					
1	Engineering for prevention and control of emissions	1.1.1, 2.1.1	Y	A	
2	Closure & decommissioning	1.1.1	Y	A	
3	Site drainage engineering (clean and foul)	1.1.1, 2.1.1	Y	A	Y
4	Containment of stored materials	2.1.1	Y	A	
5	Plant and equipment	1.1.1	Y	A	
c) General Management					
1	Staff competency and training	1.1.1, 4.3.5	Y	A	
2	Management Systems and operating procedures	1.1.1	Y	A	
3	Materials acceptance	2.2.1	Y	A	
4	Storage and handling, labelling and segregation	2.1.1	Y	A	
d) Incident Management					
1	Site Security	1.3.1	Y	A	
2	Accident, Emergency and Incident Planning	1.1.1, 1.2.1	Y	A	
e) Emissions					
1	Air	3.1, 3.3.1, 3.3.2	Y	A	
2	Land and groundwater	3.1, 3.3.1, 3.3.2	Y	A	
3	Surface water	3.3.4	Y	A	
4	Sewer				
5	Waste				

f) Amenity					
1	Odour	3.4.1	Y	A	

Title	Audit findings report form				
No.	525_06_SD06	Status:	Version 1	Issue Date:	31/07/06
		Page 2 of 5			

2	Noise	3.5.1	Y	A	Y
3	Dust/fibres/particulates & litter	3.3.1	Y	A	
4	Pests/Birds & Scavengers	3.6.1	Y	A	
5	Deposits on Road	3.3.3	Y	A	
g) Monitoring & Reporting, Records and Notifications					
1	Monitoring of Emissions and Environment	3.7.1	Y	A	
2	Records of activity/Site Diary/Journal/Events	1.1.1	Y	A	
3	Maintenance Records	1.1.1	Y	A	
4	Reporting and Notifications to the Environment agency	4.3.1- 4.3.9	Y	A	
h) Resource Efficiency					
1	Efficient use of Raw Materials		Y	A	
2	Energy Efficiency		y	A	

Part Four: Record of Audit

Site Operator

Van Dalen UK Ltd

Actions

John Winship needs to enrol with either CIWM or WAMITAB to gain the appropriate technical competence qualification before January 2011. Van Dalen should consider whether a second technically competent person is required to cover any periods of leave.

Update management system as discussed to ensure that no non essential work is undertaken before 8am that has the potential to cause noise pollution, ie the use of the front loading shovel should be restricted till after 8am. Any essential work undertaken should be recorded and reasons given for the requirement to work before 8 am.

Van Dalen currently do not record any complaints received and actions taken, the management system needs updating to include this.

Records should be kept of vehicle/plant maintenance checks and actions, in addition to service records.

Weather records should be kept in the site diary

A risk assessment should be undertaken to assess the pollution potential of rust/dust from Van Dalen's operations entering the Dock through site surface run off.

A procedure should be produced for the assessment and handling of radioactive waste and included in the management system.

Post Audit Meeting

All the above should be actioned by 4 September 2009 . Claire will be in contact within the next few weeks to arrange a post audit meeting to discuss the above.

Title	Audit findings report form				
No.	525_06_SD06	Status:	Version 1	Issue Date:	31/07/06
					Page 4 of 5

Part Five: Record of CCS non-compliance or other issues identified

Not applicable

Title	Audit findings report form				
No.	525_06_SD06	Status:	Version 1	Issue Date:	31/07/06
					Page 5 of 5

MIDAS: Sample Details Report

Sampling Point Details

Point Code:	45500133	AD HOC SAMPLES IN AREA 255
Type:	FZ	FRESHWATER - UNSPECIFIED
Area:	X	NORTH EAST - NORTH EAST AREA
Sub Area:	C	COUNTY DURHAM
Country:	England	
Political Codes:		

Sample Details

Status:	Archived	
Source:	5	LEEDS LABORATORY (NLS)
Reference:	237614	
Taken:	26-Jan-2010 11:30	
Material:	2IZZ	SEA WATER
Purpose:	UI	UNPLANNED REACTIVE MONITORING (POLLUTION INCIDENTS)
Mechanism:	S	SPOT
Sampler:	2199	LEE WALKER
Received at Lab:	27-Jan-2010 07:04	Last Updated: 04-Feb-2010 08:25:45
Analysis Complete:	03-Feb-2010 09:27	Transfer to Archive: 16-Feb-2010 07:00:49
Sample Held?	No	
Reason For Change:		

Pre-Sampling Details

System Id:	04	Run Id:	Project Code:
Officer:		Run Date:	Run No:
Sample Id:	90061150		
ARG Codes:			

Comments

Sampler's Comments:
SURFACE SAMPLE HARTLEPPOL DOCK

Analyst's Comments:

Confirmation Comments:
PRN - 90061150

Sample Address:

AD HOC SAMPLES IN AREA 255

Material: 21ZZ

[illegible]

enhancing... improving... cleaning... restoring...
changing... tackling... protecting... reducing...
creating a better place... influencing...
inspiring... advising... managing... adapting...

Report On Environment Agency Regulation Of Operations Within Hartlepool Docks

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline the regulatory roles of the Environment Agency in relation to operations at Hartlepool Docks, and its investigations and findings relating to concerns over environmental impacts of such operations on the Headland.

2. BACKGROUND INFORMATION

- 2.1 The Environment Agency is the statutory authority for applying and enforcing waste management and water pollution control legislation in England and Wales.
- 2.2 The Waste Management Licensing Regulations and more recently the Environmental Permitting Regulations require that waste management operations involving the storage, treatment or disposal of waste usually requires an environmental permit, issued by the Environment Agency. Certain low risk activities involving the beneficial use of waste are exempt from the need for a permit.
- 2.3 Throughout the 1990's and early 2000's a legal dispute existed between the metal recycling industry and regulators over whether furnace ready scrap could in fact be called waste, and therefore needed permitting. During this dispute sites handling furnace-ready scrap were not required to hold a permit. The Courts subsequently ruled that such material was waste and its management and storage did require a permit. Operators of a number of such sites, including Van Dalen, therefore applied and received permits to continue such operations.
- 2.4 Van Dalen is the only premises within Hartlepool Docks which operate a waste management operation under an environmental permit issued by the Environment Agency.
- 2.5 The Environment Agency has no powers to deal with air quality issues such as airborne dust arising from the wider dock operations at Hartlepool. Such issues are a matter for Hartlepool Borough Council. We ensure that we liaise closely with Hartlepool Borough Council on such matters.
- 2.6 The Water Resources Act makes it an offence for any person to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters without the benefit of a consent, issued by the Environment Agency.
- 2.7 There are no consents to discharge applicable to site runoff from any operation in the Hartlepool Docks.

3. VAN DALEN

- 3.1 Van Dalen has operated from a site within Hartlepool Docks since 2001, stockpiling waste metals for export by ship under the furnace-ready scrap position. Following clarification, the site was issued with permit EAWML100226 on 28 January 2009. This permit does not allow any treatment of waste on site.

- 3.2 Permitting acknowledges that it is not always practicable or possible to prevent all emissions from a site. Conditions within the permit reflect this at,

3.3.1 Fugitive emissions of substances (excluding odour and noise) shall not cause pollution. The licence holder shall not be taken to have breached this condition if appropriate measures have been taken to prevent or where that is not practicable, to minimise, those emissions.

4. METHODS OF INVESTIGATION

- 4.1 Concerns over Van Dalen's operations came to the attention of the Environment Agency around 2007. As a result we participated in a series of quarterly meetings through 2007 and 2008, involving local Councillors, PD ports, Van Dalen, the Health Protection Agency and Hartlepool Borough Council.
- 4.2 As a result of these meetings, Van Dalen agreed to commission work to investigate dust arisings from their site, and the potential effects any such emissions may be having.
- 4.3 We are advised by their report which found that personnel exposure to dusts on the Van Dalen site is generally within acceptable limits, although specific personnel in close contact with ship loading should be advised to wear simple particulate face masks as and when necessary. This would support the view that it is highly improbable that there would be exposure above acceptable limits beyond the site boundary.
- 4.4 We are also advised by work undertaken by the local Primary Care Trust, which indicated there was no evidence at that time of any excess ill health in the Headland for conditions relevant to dust exposure, when compared with other areas of Hartlepool.
- 4.5 Following the site obtaining a permit, the Environment Agency inspected the Van Dalen operations, including during ship loading operations. Regulatory visits were carried out on the following dates,
- 15 July 2009 - inspection
 - 28 July 2009 – audit
 - 25 September 2009 – inspection
 - 19 October 2009 – inspection during ship loading
 - 3 November 2009 – inspection during ship loading
 - 5 November 2009 – inspection
 - 26 January 2010 – inspection
- 4.6 Although it was evident that waste movement operations produced a dust plume above the storage area and ship, we have so far not identified a visible plume of dust stretching from the Van Dalen operations to the Headland.
- 4.7 We have also been provided with and reviewed video footage from residents of the Headland. This confirms a dust plume is produced above the waste movement activities, but we are unable to conclude from this footage the distribution and impact that this may be having off site.
- 4.8 Regardless of the presence or absence of evidence of pollution, we have met with Van Dalen in 2009 to discuss what reasonably practicable measures are being, or could be, employed to manage the site to minimise emissions. Their permit requires that,
- 1.1.1 The activities shall be managed and operated:
 - a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non conformances and those drawn to the attention of the licence holder as a result of complaints
- 4.9 Van Dalen has since undertaken actions to minimise emissions from their site. They have updated their management system to more clearly specify roles and responsibilities for measures to prevent pollution, including minimising dust emissions.
- 4.10 Van Dalen have dust suppression arrangements in place on their site and these currently appear adequate to protect the environment. However Van Dalen has agreed to install an impermeable kerb around the base of the scrap storage area. This will minimise direct

runoff from the storage heap, and remove an obstacle that may otherwise have hindered actions to suppress dust. This work is expected to be completed in April 2010.

- 4.11 We have also confirmed to Van Dalen that they can benefit from an exemption to abstract water from Hartlepool Dock for use on their site.
- 4.12 We will continue to work with the operator to identify what reasonably practicable measures could be employed to further minimise emissions from the site. We do not consider that it is reasonably practicable to prevent all dust emissions from ship loading operations from this site.
- 4.13 The Environment Agency has not undertaken any air quality monitoring in or around this area. We have however liaised closely with Hartlepool Borough Council throughout this investigation and believe we have a productive and cooperative professional relationship. We are therefore aware that Hartlepool Borough Council, within their remit for air quality, has undertaken dust monitoring in the Headland area and that to date this monitoring has not identified unacceptable air quality.
- 4.14 Concerns have been expressed that dust and materials from the wider port operations are entering and polluting the waters of Hartlepool Dock. At this time we do not believe that the site operations are having any significant impact on the water environment.
- 4.15 Visual inspections of the dock have been made on each inspection with a view to collecting samples if contamination was visible or a discharge was identified. To date, no such visible contamination or discharge has been noted. A surface and sub surface sample has been collected adjacent to Van Dalen which identified levels of metals that would typically be identified in seawaters in this area, none of which were of concern.
- 4.16 It would be anticipated and is typical that partially enclosed docks can accumulate and concentrate a certain amount of flotsam and surface scum. We will continue to inspect the dock during our visits and investigate any unusual accumulations.

5. CONCLUSIONS

- 5.1 The Environment Agency has record of 5 reports of environmental concerns regarding operations at Hartlepool Docks since the start of 2008. Four of these related to Van Dalen and one related to dust from other dock operations.
- 5.2 We have responded to reports and carried out our own inspections, focusing on times of waste movements, and have to date not identified any unacceptable emissions or impacts on the environment. We will continue to respond to reports received.
- 5.3 We have identified that during waste movements a plume of dust can be produced above the Van Dalen site. We have as yet not identified any significant distribution or impact off site.
- 5.4 Van Dalen has been cooperative in reviewing their management systems and installing additional infrastructure to assist in minimising emissions.
- 5.5 It is not reasonably practicable to prevent all emissions when operating a site such as the Van Dalen operation.
- 5.6 The Environment Agency has no powers to deal with air quality issues that may be caused by wider operations within Hartlepool Docks.

6. FORWARD LOOK

- 6.1 We would encourage anyone to report concerns of environmental harm at any time by ringing us on 0800 807060.
- 6.2 We will continue to react to reports of pollution and take appropriate action should we identify evidence of offences, in line with our enforcement and prosecution policy.
- 6.3 We will continue to work with Van Dalen to review their procedures and practices to minimise emissions from the site.
- 6.4 Together with Hartlepool Borough Council we will meet PD Ports to review their wider operations to assess the potential for water pollution and what measures if any can be put in place to minimise such emissions.
- 6.5 We will continue to be advised by Hartlepool Borough Council, the Primary Care Trust and the Health Protection Agency on matters relating to public health impacts.

incident hotline 0800 80 70 60 (24hrs)
floodline 0845 988 1188