Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0023767

This form will report compliance with your permit as determined by an NRW officer					
Site	Riverside Garage	Permit Ref	EB3433RE		
Operator/Permit holder	Grant Haines				
Regime	Waste Operations				
Date of assessment	14/07/2016	Time in	11:10	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Storage, handling, drainage, TCM attendance and noise management				
Lead officer's name	Powell, William				
Accompanied by					
Recipient's name/position	Grant Haines/ Permit holder	Date issued	31/05/2017		

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	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.2
C1 - General Management - Staff competency/training	X	
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1
D1 - Incident Management - Site security	X	
F2 - Amenity - Noise	C3	1.1.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4	7.1.2 & 7.3.1

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	**4**	**Total compliance score** (see section 5 for scoring scheme)	12.1

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

Site inspection with Natural Resources Wales' officer Will Powell. Officer met permit holder Grant Haines onsite during visit. Weather was warm and dry.

Breaches

B3 - Infrastructure – Site drainage engineering (clean & foul); breach of condition 2.1.2: "The engineered site containment and drainage systems shall be designed, constructed, inspected, validated, and maintained, and shall be fully documented and recorded, to be fit for purpose and, where provided, to meet the standards specified in table 2.1 […]"	Site drains partially blocked with silt and mud. If heavy rains, liquids would be not be contained within the drainage system. Drains need to be inspected and maintained more frequently.

Category 3 breach

C1 - Management – Staff competency/training; breach of condition 1.4.1 & 7.3.1: "Whenever the site is open to receive or despatch waste, or is carrying out any of the specified waste management treatment or disposal operations, it shall be supervised by at least one member of staff who is suitably trained and fully conversant with the requirements of the licence and working plan […]" & "A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency. This shall include a record of the following events, in accordance with the other conditions of this licence […]: g) technically competent management attendance on site: the date and the time onto site and the time left site"	Permit holder using inappropriate methods to move a skip, creating more noise, and increasing pollution risk. No records available to see TCM attendance. Staff onsite unaware of when TCM had last been onsite. Please ensure there is a site diary available for inspection to view TCM attendance.

Category 3 breach

C4 - Management - Storage, Handling, Labelling & Segregation; breach of condition 1.1.1: "No waste management operations shall be authorised by this licence unless: a) specified in and undertaken in accordance with the limitations in the following table [...]"	Waste volumes exceed $80m^3$. Volumes need to be reduced to permitted volumes.
	Category 3 breach
D1 - Incident management – Site security; ACTION ONLY – condition 3.2.1: "Site security systems shall be provided at all times during the subsistence of this licence, the objective of which shall be to prevent access by humans, and livestock, which is not authorised by either the licence holder or under legal powers of entry. These shall be installed, operated and maintained, and shall be fully documented and recorded […]"	Rear site fencing is damaged and leaning out towards the river bank. Fencing needs to be repaired or replaced before it allows access, and waste to fall down the river bank
	ACTION ONLY
F2 - Amenity – Noise; breach of condition 1.1.1: "No waste management operations shall be authorised by this license […] unless they are carried out on the site in accordance with section 1 of the working plan and with the documented information contained in the sections of the working plan referred to in the other conditions of this licence"	Skip handling practices onsite are resulting in excessive noises. Ensure staff are sufficiently trained in techniques that will minimise noise impacts
	Category 3 breach
G2 – Monitoring and records, maintenance and reporting – Records of activity, site diary, journal & events; breach of condition 7.1.2 & 7.3.1: "All records which are required to be made under the condition of this licence and working plan shall be made available for inspection at the place where they are kept immediately when required by an authorised officer" & "A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency. This shall include a record of the following events, in accordance with the other conditions of this licence […]"	Site diary unavailable for inspection.

Category 4 breach

Actions since last CAR form

There were no skips containing waste stored outside of the permitted boundary during this inspection, all wastes were contained onsite. The volume of waste onsite had reduced slightly, however the general waste was still over a metre above the push wall and the rubble and soil was outside of the bay.

Site inspection

Waste storage

The volume of waste onsite had reduced since the last visit; no skips were stored outside of the site, and there was some space onsite for future tipping. However there was still more waste than the permit allows. Condition 1.1.1 limits the volume of waste to 80m^3, as previously discussed if the full footprint of both bays was covered with waste, this limit would only allow waste to a height of ~½ metre. Perhaps another comparison would be 80m^3 is roughly just over two 40 yard ro/ro skips worth. There is more waste than this onsite. The push walls forming the bays are ~3m in height, and the mixed waste bay is currently 1m above the top of the bay. You have been breached for this non-compliance.

Paint tins were stored on a pallet at the top of the yard, in front of the weighbridge. These paint tins could easily be knocked over by moving vehicles, and the pollution would not be contained by your drainage system. The issue was discussed with Grant Haines; ideally these tins should be stored in a plastic box or other container that would contain any spills or leaks. Some of the paint tins contained hazardous markings; your permit does not allow the acceptance of hazardous waste. I have assumed that this material was accepted under your S2 waste exemption – and therefor the breach has been included in the associated eCAR form (160714/WP/T9S2), however please be aware any paints containing solvents or hazardous markings cannot be accepted in a mixed waste load.

Site diary and TCM attendance

There was no site diary available for inspection. Staff onsite at the time of visit did not seem sure of it's location. One of the purposes of a site diary is for employees to log any incidents, accidents, breakdowns, maintenance, site inspections undertaken by the operator, and attendance by your technical competent manager (TCM). If the site diary is not readily available and employees are not aware if it's location then these aspects are not being recorded. You have been breached for this non-compliance.

When discussing with staff onsite, none of them mentioned having seen the TCM in a while. We have not received any notification of a change in TCM, so assume the TCM is still Craig Williams. There were some issues onsite, but these do not seem to have been flagged up by the TCM. As a minimum your TCM needs to be onsite 1 day a week. Please ensure this attendance is recorded in the site diary, and that the diary is readily available for inspection. You have not been breached for this non-compliance, however a required action has been noted in the CAR form

Infrastructure, Site security and Pollution prevention

The slot drain at the front entrance was partially blocked, with mud and silt. Drains need to be maintained so that they run clear, and all drainage is contained within the site. Although half of this drain had been cleared, any blocked part of the drain will allow liquid to flow off site, increasing the risk of pollution.

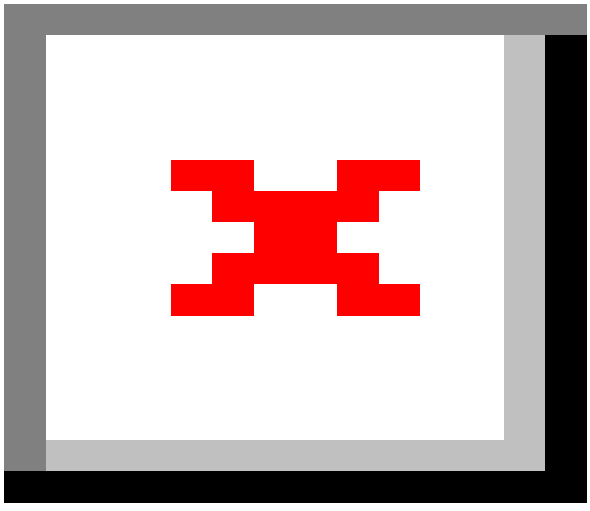
Please ensure drains are regularly inspected and maintained. You have been breached for this non-compliance.

There was a considerable amount of oil seen on the ground around the scrap metal next to the rubble and soils bay. No effort appeared to have been to clear this up. With the site drains partially blocked there would be a risk of pollution running off in heavy rains. Also, this oil could easily contaminate the soils stored within the bay, potentially making this material hazardous waste, and increasing the cost on your operations for it's remediation or disposal.

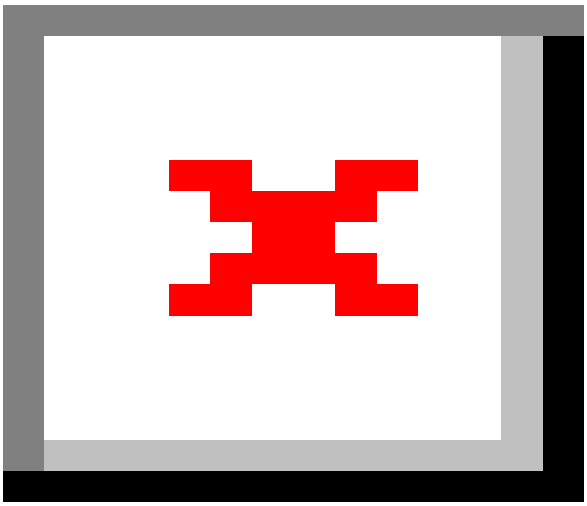
The fencing along the riverside edge of the site is heavily damaged, and needs maintenance or replacement. This presents a security risk to your site, and will also allow waste to escape from your site as scrap metal is leaning up against the fence. Please ensure this is rectified as soon as possible. You have been breached for this non-compliance.

Noise

We have received complaints about noise over the past few months. These complaints relate to noise created from banging and dropping of materials, generally between the hours of 9-5. Some officers have attended these incidents and not observed any particularly loud noises given the operations and the time of day. However during this inspection it was the permit holder was observed pushing a skip around the site with a 360 grab. Techniques such as this are not best practice, and are liable to create banging and scraping noises unnecessarily. As well as increase the noise impact of you site, it increases the pollution risk, as items such as the paint tins on the pallet could easily be knocked over. You have been breached for staff training and noise impact for this non-compliance. Please ensure staff are sufficiently trained in correct handling techniques.



Fence at the rear of the site is damaged, and needs repair



Oil pooling in puddles poses pollution risk

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Operator/Permit holder	Grant Haines	Date	14/07/2016

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G2	C4	Ensure site diary is available, and staff are aware of it	09/08/2016
F2	C3	Improve staff training so that noise emissions are minimised	12/08/2016
D1	X	Rear fence is damaged, and leaning over onto river bank. Ensure effective site security is maintained	26/08/2016
C4	C3	Reduce amount of waste to permitted levels	02/09/2016
C1	X	No records available of TCM attendance - ensure site diary is available for inspection	09/08/2016
B3	C3	Clear drain on mud and silt	09/08/2016

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.