Compliance Assessment Report

Report ID: CAR_NRW0000077

This form will report compliance with your permit as determined by an NRW officer					
Site	Nichol Road Maintenance Ltd	Permit Ref	UB3397TY		
Operator/Permit holder	Steve Nichol				
Regime	Waste Operations				
Date of assessment	09/03/2016	Time in	10:10	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	Operational area				
Lead officer's name	Tye, Laoni				
Accompanied by	Moggridge, Lara				
Recipient's name/position	Steve Nichol/ Site manager	Date issued	08/04/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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**
C4 - General Management - Storage, handling labelling, labelling and Segregation	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X**= Action only

Number of breaches recorded	**0**	**Total compliance score** (see section 5 for scoring scheme)	0

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

Environment officers Laoni Tye and Lara Moggridge visited site on the 9th March 2016 and met with Steve Nichol and Joe Gatley. The purpose of the visit was to discuss comments and queries from the previous CAR forms. Please see the areas of discussion below:

WAC test results

We discussed the recent results from the WAC test you conducted in Feb 2016 which all fall below that of the requirements for inert material. However as discussed, although the results show the waste to be of a low risk it does not ultimately change the waste and it should not be classed as inert. The waste is not deemed as hazardous and it can therefore be deposited at a non-hazardous landfill but not an inert landfill.

Action: Please ensure all waste is disposed of correctly in line with the guidance provided on street sweepings. No waste derived from street sweepings should be classed as inert or disposed of at inert landfill unless it undergoes further treatment.

Street sweepings guidance

As previously advised de-watering alone does not change the characteristics of the waste. It would need to go through biological/mechanical/physical treatment which would result in a change of the characteristics i.e would recover various fractions such as grit, stones and sand.

Following the guidance on the recovery of road sweepings and gully emptyings there is a potential that these can be treated by mechanical and/or biological treatment processes to recover various fractions such as grit, sand and stones. The recovered material could potentially fall under EWC code 19 'wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified'. For example 19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing dangerous substances and/or 19 12 09 minerals for example sand and stone, could potentially be used.

If you disagree with this guidance and you wish to discuss it please formulate something in writing outlining your reasoning and any evidence you have to support this. We will pass the information on to the relevant team who will be able to discuss this with you further. **In the meantime this guidance has been accepted as best practice and it will need to be followed.**

Waste coding

You advised us that you do not agree that incoming waste should be coded as 200303 'Street-cleaning residues'. We have discussed this with the relevant teams and have agreed that it is the correct coding for the waste you collect. Although it is collected from construction sites rather than roads/highways there is still the potential for other contaminants to be present such as oils and heavy metals. It is difficult to

guarantee the types of waste that will be swept up which is why it should be classed as ‘street-cleaning residues’
However, it is ultimately the producer’s responsibility to correctly classify the waste with the EWC code and description. If you wish to accept different waste codes you will need to apply to vary your permit as you are currently only permitted to accept waste code 20 03 03 – this applies to all incoming and outgoing waste. You will need to provide us with evidence and justification for any changes or additional waste codes required.

Action: You must ensure waste is correctly coded as 20 03 03 when incoming and outgoing from site. Failure to do so may lead to a permit breach in the future.

Water samples
We took a water sample at the end of the visit. We are still waiting for the results to come back and we will update you at a later date with our findings.

If you have any questions or comments please get in touch.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0000077**

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Operator/Permit holder	Steve Nichol	Date	09/03/2016

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.

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.

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			

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 reports 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 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.