

Compliance Assessment Report CAR_NRW0040784

Permit being assessed: QP3494FL.

For: Dyfi Skips, held by Jones David & Elwyn

At: Tan Y Ffordd, Derwenlas, Machynlleth, Powys, SY20 8TN.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 06/12/2022 between 10:40 and 12:14.

Parts of permit assessed: to be completed

NRW Lead Officer: Gillian Coates, accompanied by Liz Park.

Report sent to: Josh Jones, SITE MANAGER on 16/02/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
C3 - General Management - Materials acceptance	C4 No impact	1.2.1 Appendix A Permitted Wastes
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	0.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Qualified TCM to be responsible for the site by 1st June 2023	01/06/2023
C3	Remove all tyres from site and take to authorised facility for disposal. Submit waste transfer notes by 31st July 2023 as evidence of removal.	31/07/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Gillian Coates (GC) (Hazardous Waste Regulation Officer) and Liz Park (LP) (Senior Waste Regulation Officer) made an appointment to visit the Dyfi Skips site to inspect the activities taking place under Environmental Permit QP3494FL. The weather conditions were very cold and dry, visibility was good and the site was very quiet during the inspection. Officers were accompanied on site by Josh Jones who assisted with the inspection.

Condition of site

LP commented that improvements had been made and that the site was tidier when compared to her previous visit.



Photos showing areas of clean and scraped site surface

Chipped Stone

Officers asked Josh Jones what he intended to do with the piles of chipped stone being stored onsite. He replied that he would be using them to resurface the vehicle access areas of the site and may want to infill lower areas of the site. He was advised to check if the activities he planned to do met with any waste exemption descriptions and to apply online if one was required. At the time of writing this report there are no exemptions registered at the site. Please check [Natural Resources Wales / Register or renew your waste exemptions](http://www.naturalresourceswales.gov.uk) and [Using waste: waste exemptions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)



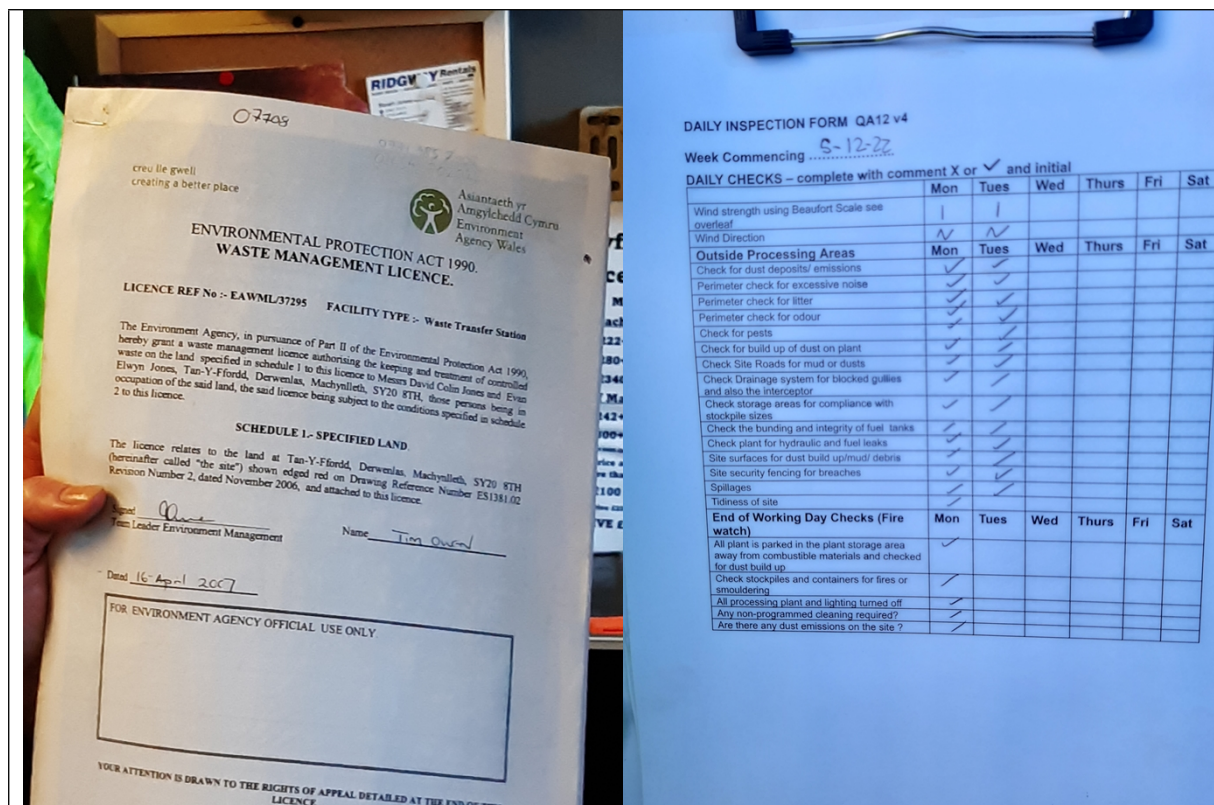
Photo showing stone chippings in piles at periphery of site

Future of business

Josh Jones mentioned that he was thinking of making changes to the business. He was advised that any new waste activities would require a variation to the permit which would mean it would be changed to a modern permit which require a Fire Prevention and Mitigation plan (FPMP) and Environmental Management System (EMS). It was suggested that any future developments being considered should be included in the variation application to futureproof the permit.

Records of Activity, Site Diary/ Journal / Events

Officers asked to see the permit, site diary and inspection sheets all of which were inspected during the visit and found to be in order.



Photos of Site Permit and Checklist

NON CONFORMITIES IDENTIFIED

C3 - Materials Acceptance - Permit condition 1.2.1 Appendix A - CCS Cat 4

A quantity of tyres were observed on site that were contained within skips.



Tyres in skip in the permit area

Your permit does not provide for tyres to be taken on site and the presence of tyres is a breach of your permit. You have been scored a Category 4 for this breach.

Josh Jones informed Officers that once the tyres were removed from the rims they would be taken to a company in Carmarthen for disposal. He was awaiting funds from the former site owner to pay for the cost of the clear up.

ACTION - All tyres to be removed from site, taken to a legitimate disposal site and waste transfer notes evidencing disposal to be submitted by 31st July 2023

C1 - Staff Competency and Training - Environmental Permitting Regulations 2018 Schedule 9 Part 3 (2) - Action only

Your site was visited by Malcolm Dines on 29 September 2021 who agreed that you could operate without a qualified TCM until 1st September 2022. We understand that Josh Jones has passed some of the modules required and that he is in training to pass the remaining modules to become the qualified TCM for the site within the next few months.

Your permit is relatively old and does not have a permit condition requiring you to comply with the an appropriate competency scheme and therefore you are required to meet the requirements of the Environmental Permitting Regulations 2016 as amended by the Environmental Protection (Miscellaneous Amendments) Regulations 2018 Part 3 (2) [The Environmental Protection \(Miscellaneous Amendments\) \(England and Wales\) Regulations 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukmg/2018/12/20/epa-amendments)

This requires you to demonstrate compliance with either CIWM WAMITAB or Energy & Utility Skills Competency Schemes.

NRW understands the reasons why you do not have a TCM at present and, having confirmed with your WAMITAB trainer, we are aware of the progress being made towards your attaining competency. In order to allow you an appropriate length of time to qualify, we will allow you to operate without an appropriately qualified TCM until 1st June 2023.

However, if prior to 1st June 2023, any subsequent compliance visits or incident reports identify that the condition of the site has deteriorated and there are breaches of permit, or that there has been breaches of Environmental Legislation not directly controlled by the site permit, especially any that can be attributed to the lack of a qualified TCM, then NRW will review this position and will consider that you will be required to employ the services of an appropriately qualified TCM.

If you do not attain competency by 1st June 2023 you will be required to employ the services of an appropriately qualified TCM and submit evidence that you have done so.

ACTION - Qualified TCM to be responsible for the site by 1st June 2023

If you have any enquiries with your CAR please email me

gillian.coates@cyfoethnaturiolcymru.gov.uk

Regards,

Gillian Coates

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.