

## Compliance Assessment Report CAR\_NRW0043466

**Permit being assessed:** BB3195ZP.

For: Walters, held by Walters Plant Hire Ltd

At: Hirwaun House, Hirwaun Industrial Estate, Hirwaun, Aberdare, CF44 9UL.

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

On 13/07/2023 between 13:35 and 14:44.

Parts of permit assessed: All

**NRW Lead Officer:** Gareth Morris.

**Report sent to:** Mike Gay, Contracts Manager on 14/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	2.3.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
B3	Infrastructure improvements should be completed to ensure that the hardstanding meets the criteria set out above.	30/04/2024

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.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

Officer Gareth Morris in attendance at Walters Plant Hire Limited, Hirwaun, Rhondda Cynon Taf to undertake a routine compliance inspection on the; 19/07/2023. Weather was wet and mild. Officer Gareth Morris met with contracts manager, Mike Gay (Walters Plant Hire Ltd) on site.

The Permit: **EPR/BB3195ZP** was granted to Walters Plant Hire Limited on the 7<sup>th</sup> March 2019 to operate under the standard ruleset '**Standard Rules No11-Inert and Excavation Waste Transfer Station with Treatment**'

The site inspection consisted of an office meeting to familiarise the operator with the rules of the permit and an initial inspection of the permitted area. All paperwork associated with the permit such as environmental management system (**EMS**), waste transfer notes and WAMITAB certification was also looked at and was all well presented by the operator.

### Compliance

#### Site Activities

During the site inspection there was no operational activity on site and no processing or treatment of waste was taking place. However, there were large amounts of inert waste that were being stored on site from projects that the operator was undertaking off site. The permitted area was primarily being used as a storage yard for plant machinery and large quantity of legacy waste materials. Officer Gareth Morris did discuss with the operator where the inert waste stored on site was coming from and how long it would be stored on the permitted site. Please see Photographs 1.1, 1.2 and 1.3

#### **Photograph 1.1**



**Photograph 1.2**



**Photograph 1.3**



### **Breaches**

#### **B3 – Site infrastructure. Category 3 breach.**

**‘Permit condition 2.3.1 ‘The activities shall be operated using the techniques and in the manner described in Table 2.3 below’**

**‘Waste shall be stored and treated on a hard standing or an impermeable surface with sealed drainage system’**

During the site visit, pooling of water in numerous sites of the permitted site area were witnessed by officer Gareth Morris. Rutting was also found in numerous areas of the permitted area. Many areas of the permitted area were found to be rough ground and not a hard standing or impermeable service. Hardstanding means ground surfaced with a durable material . It must be capable of being kept clear of debris and remaining level and rut free. It must be maintained so that it is permeable and does not cause surface water ponding

These conditions in the permitted area were in breach of the operators permit;

All the above was discussed at length with Mr Mike Gay (Walters Hire Limited) while on site and he agreed that the above permitted condition was not being met. It was agreed by officer Gareth Morris and Mike Gay that a breach would be recorded for the above.

A Category 3 breach was issued in relation to site infrastructure during the site inspection.

Action: Infrastructure improvements should be completed to ensure that the hardstanding meets the

criteria set out above.

Please see Photographs 1.7, 1.8 and 1.9

**Photograph 1.7**



**Photograph 1.8**



**Photograph 1.9**



### Other comments

#### Site Management

Permit Condition 1.1.1 (a) states that **'The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to attention of the operator as a result of complaints.'**

Prior to the site inspection being undertaken a copy of the Environmental Management System (EMS) was provided to Natural Resources Wales. The document contains detailed assessments of the primary risks associated with the site activities, and specific procedures for staff members to follow should and event which poses risk to the environment occur. Please note, this document was not fully reviewed by NRW during this time.

#### Technical Competency

Permit condition 1.1.4 states that **'The operator shall comply with the requirements of an approved competence scheme'**

Walters Plant Hire Ltd has and up to date WAMITAB certification that is held by the technically competent manager, Mr Mike Gay. Prior to the site inspection, certification demonstrating suitable technical competency were provided by Mr Mike Gay. Compliance is therefore confirmed with permit condition 1.1.4 as this time

#### Waste Returns

Permit condition 4.2.2 states that **'Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.'**

Quarter 3 of 2023 waste returns were submitted on time. Please continue to report quarterly waste returns to Natural Resources Wales. It should be noted that when waste(s) are not accepted or removed from the site during a reporting quarter, a null return will still need to be submitted.

### **Summary**

I wish to thank Mr Mike Gay for his time and for showing me around the site and providing all associated paperwork when requested.

If you have any queries regarding this Compliance Assessment Report please contact officer Gareth Morris on; 07966730983, or via email at; [Gareth.morris@naturalresourceswales.gov.uk](mailto:Gareth.morris@naturalresourceswales.gov.uk)

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](mailto: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](mailto: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.