

Compliance Assessment Report CAR_NRW0044252

Permit being assessed: DP3494FN.

For: K M Environmental Ltd, **held by:** K M Environmental Ltd

At: Holywell Road, St Asaph, Denbighshire, LL17 0DS.

Type of assessment: Site Inspection,

Reason: Routine.

On: 07/05/2024 between 12:20 and 13:10.

Parts of permit assessed: 1.1.1.

NRW Lead Officer: Ian Thomas2.

Report sent to: Michael Groves, Site Manager, on 20/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C4 No impact	1.5.1 Changes in technically competent Persons
W2A - Waste - Operations - Permitted activities	C3 Minor	1.2.1 - Table 1.1
W2D - Waste - Operations - The site	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	4.1

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
W1A	Formally report to NRW regarding the change in Technically competent persons for the site	30/06/2024
W2A	Reduce volume of waste being stored on site to less than 2,500 tonnes	31/08/2024
W2D	Ensure site identification board is displayed upon entrance to	Already

Criteria	Action needed	Complete by
	the permitted site.	completed

Compliance 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.

At this time, we do not intend to take any further action.

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

On Tuesday the 7th May 2024 Natural Resources Wales carried out a routine unannounced site inspection. The visit was carried out by Waste Regulation Officer Ian Thomas.

On arrival I.Thomas met with Stuart Sanderson, one of the site operatives. He explained that Michael Groves was the site manager, but he was not available as he was operating machinery on the permitted site. I Thomas asked if Mr Terry Parry was available as he was the technically competent manager. Stuart explained that Terry had left the company last year and that Michael Groves had taken over site operations and as Technically Competent Manager (TCM).

Permit Condition 1.5.1: Any changes in technically competent management of the site and the name of any incoming person (together with evidence that such person has the required technical competence) shall be submitted to the Agency in writing within 5 working days of the change in management. Technically competent management and technical competence shall be as defined under section 74 of the Environmental Protection Act 1990 and Regulations 4 and 5 of the 1994 Regulations.

Initial discussions between I.Thomas and Stuart gave light to the fact that former Technically Competent Manager (TCM), Terry Parry, was no longer involved with site operations, and had stepped down and that Michael Groves was now overseeing operations and would be the site's new TCM. NRW was not notified within 5 working days of this change in Technically Competent Persons. Therefore, the site has been scored a C4 for this breach of permit condition. Action: Formally notify Natural Resources Wales of the name of the incoming TCM, along with evidence that such persons has technical competence.

Stuart explained the layout of the site and that there were clearly distinct stockpiles of different inert wastes such as Crushed brick, concrete and soils graded A-C. The site was in a clean and tidy state and organised.

Permit Condition 1.2.1 No wastes other than those, which are categorised below in Table 1.2A shall be accepted at the site: Table 1.1 i) Maximum storage capacity 2,500 tonnes.

Stuart left I. Thomas to walk around site, it was evident visually and through conversations with Stuart, that the site is storing above the maximum permitted storage capacity of 2,500 tonnes. As this is a breach of the above permit condition, the site has been scored a C3 for this contravention. As the permit and Working Plan do not account for the added tonnages of waste being stored and treated on site, this has the potential to have a minor environmental effect. Action: The site should reduce volumes of untreated wastes to less than 2,500 tonnes.

This was noted on the previous CARS form completed.



Untreated storage of Waste

A summary of waste types accepted and removed from the site shall be made for each quarter of the financial year and shall be submitted to the Agency within 1 month following the end of that quarter. Checks prior to the visit showed that Quarter 4 waste returns Jan – March 2024 had not been submitted.

The site has not been scored on this occasion, as Michael Groves emailed NRW to confirm this waste return would be submitted immediately.

Upon arrival to the permitted site, it was noted that the identification board required to be displayed was missing. I advised Stuart that this would need to be completed as an action. On this occasion the site has not been scored as Michael Groves sent in evidence via email to show the site identification board had been replaced after replacement fencing work to the premises had been carried out.

Thank you for completing the actions promptly and for your time during the visit.

Kind regards, Ian Thomas, Waste regulation Officer Please find your new regulating officer's contact details below. Email:

ian.thomas2@cyfoethnaturiolcymru.gov.uk Post:

Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ 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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.