

Compliance Assessment Report

Report ID:
CAR_NRW0035671

This form will report compliance with your permit as determined by an NRW officer

Site	Dyfi Skips	Permit Ref	QP3494FL		
Operator/Permit holder	Jones David & Elwyn				
Regime	Waste Operations				
Date of assessment	11/09/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Waste Returns				
Lead officer's name	Dines, Malcolm				
Accompanied by					
Recipient's name/position	Dai Jones/ Operator	Date issued	13/09/2019		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	6.2.2

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

A review of the last 12 months waste returns was undertaken as part of routine compliance assessment work. The waste returns indicated that the wastes being accepted at the site were all authorised by the permit and the quantities were within the permit limits.

However, the relevant Recovery ("R") and Disposal ("D") codes have not been provided for any of the wastes you have accepted and removed from your site. This information is a requirement of the Waste Duty of Care, it is part of the process that ensures waste is not handled incorrectly or disposed of, or treated, illegally. Please fill in the missing information on the waste returns for the last 12 months and re-submit the forms before 1st November 2019.

The returns also show that very similar tonnages are being accepted at the site each quarter for each waste stream. This is not a usual pattern, especially where an operator accepts mixed wastes for sorting. The Compliance Assessment Report for the last compliance visit to the site in December 2018 (CAR_NRW0034323), detailed that mixed wastes are sorted on site and residual wastes removed to landfill in a 40cubic yard (approximately 30 tonnes) skip. The waste returns don't reflect the on-site activity as if sorting is taking place of mixed construction and demolition skips then there should be a smaller quantity of this waste stream (EWC 17 09 04) leaving site than has been accepted. There should also be an increased quantity of the wastes sorted from the mixed loads (metals, wood etc.) leaving site, whereas the waste returns indicate that over the course of the 12 months almost identical amounts of all waste types were received and removed from the site. This would only be expected if waste was not unloaded at the site but left in the same skips as it arrived. The previous compliance visit shows that this isn't the case.

The previous compliance visit also highlighted that plasterboard was being accepted at the site however the waste returns do not list this waste stream as having been removed from the site.

The waste returns are not adequate and therefore it is not possible to track waste or identify that it is being handled correctly and in line with regulations and the waste duty of care. This is a breach of permit condition 6.2.2 and receives a Compliance Classification System score of 3 under compliance criteria G4.

Please submit the following before 1st November 2019:

- 1) copies of all Waste Transfer notes and Hazardous Waste Consignment Notes for the period 1st July 2018 until 30th June 2019.
- 2) a written explanation of how each waste stream is accepted, handled and removed from site
- 2) a copy of the current working plan
- 3) a copy of the current Continuing Competency certificate for the Technical Competent Manager

EPR Compliance Assessment Report

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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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G4	C3	Submit corrected waste returns and ALL waste transfer notes and hazardous waste consignment notes for the period from 1st July 2018 until 30th June 2019; as well as a written explanation of how ALL waste streams are accepted, handled, and removed from the site; and a copy of the latest Working Plan and copies of the Continuing Competency certificate for the Technically Competent Manager for the site	31/10/2019

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.