

Compliance Assessment Report

Report ID:
CAR_NRW0034813

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

Site	Hughes & John Haulage Contractors & Aggregates Recycling	Permit Ref	KB3597TE		
Operator/Permit holder	Mrs Marlene John And Mr David Keith Hughes				
Regime	Waste Operations				
Date of assessment	22/02/2019	Time in	12:30	Out	13:30
Assessment type	Audit				
Parts of the permit assessed	Operational area and management plans				
Lead officer's name	Bacon-Weekes, Liane				
Accompanied by					
Recipient's name/position	Keith Hughes & Marlene John/ Site Owners	Date issued	13/03/2019		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C3	1.1.2
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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 routine inspection was undertaken on the 22nd February 2019 by Liane Bacon-Weekes. It was an unannounced inspection and focussed on Management Plans and the operational area of the site. Mr. Keith Hughes and Mrs Marlene John were present during the inspection.

Notes from previous CAR (CAR ID: CAR_NRW0031114)

- You were required to demonstrate that inert waste is treated to the standard of the Aggregates Quality Protocol (AQP) – Not completed.
- Soil, unless deemed a “non-waste” via CL:AIRE, must be treated and recorded as waste.

Inspection Findings

During the site inspection, the operational area was tidy and well organised, and no issues were identified. Drainage works were being undertaken at the back of the office, which is covered by both an S2 and U1 exemptions. Please be mindful that the S2 exemption is due to expire on the 6th May 2019.

Aggregate Quality Protocol.

As mentioned in the previous Compliance Assessment Reports, you are required to demonstrate that inert waste is treated to the standard of the Aggregates Quality Protocol (AQP) and only by doing this, can aggregates no longer be considered waste. Without the procedural evidence, every receiving site is required to have an appropriate permit or exemption; depositing aggregates to a site without a permit is an offence under the Environmental Permitting Regulations 2016. You currently do much to meet the AQP, but you are required to be able to evidence this through a written management plan.

Under permit condition 1.1.1 you are required to operate activities in accordance to management systems and plans. Within 'How to Comply with your Permit' this includes any applicable Quality Protocols. Permit condition 1.1.2 requires that records demonstrating compliance with condition 1.1.1 be kept. You have been scored a category 3 breach for failing to have an adequate AQP that demonstrates inert wastes are no longer waste.

C2 – Management system and operating procedure – CCS3 - permit condition 1.1.2

ACTION: Submit an AQP management plan to NRW and incorporate it into your existing Environmental Management System by 12th August 2019.

Soil

As previously noted, unlike inert waste, there is no Quality Protocol for waste soils. Once soils become waste, they remain waste and need to be recorded and treated as such. Only by following CL:AIRE can waste soil be deemed a “non-waste” and fall out of regulatory control. Without following this process all soil leaving your site must be deemed waste and only delivered/deposited to adequately permitted facilities.

It is best practice to keep soils, from each location, separate and to maintain evidence of its chemical composition. Soil that has been compiled of wastes from various sources should also be sampled, to identify its chemical composition and to ascertain if it meets any British Soil Standards.

ACTION: You must ensure that, unless it can be demonstrated that it has been assessed using the CL:AIRE code of practice, all waste soil leaving your site is treated and recorded as waste.

WAMITAB – Technical Competence

Further to my telephone conversation on the 13th March 2019, thank you for confirming that Christopher Hughes remains the Technically Competent Manager (TCM) for the site. Our system shows that Mr. Hughes has not completed his Continuing Competency assessment which he is required to do every two years. Please can you ensure this is also completed by the 12th August 2019.

If you have any queries, please do not hesitate to contact me.

EPR Compliance Assessment Report

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Operator/Permit holder	Mrs Marlene John And Mr David Keith Hughes	Date	22/02/2019

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.

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			
C2	C3	Produce and submit to NRW an AQP and incorporate into EMS	12/08/2019

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.