

Compliance Assessment Report

Report ID:
CAR_NRW0035710

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

Site	G Davies Skip Hire	Permit Ref	FP3898FK		
Operator/Permit holder	Glenville Davies				
Regime	Waste Operations				
Date of assessment	12/09/2019	Time in	12:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	A, B, C, D, F				
Lead officer's name	Morgan, David				
Accompanied by					
Recipient's name/position	Mark Davies/ Technical Competent Manager	Date issued	10/10/2019		

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	C3	1.1.3
C2 - General Management - Management system and operating procedures	C3	3.3.2 (a)
	C2	1.1.1

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	3	Total compliance score (see section 5 for scoring scheme)	39
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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 site inspection was undertaken on Thursday 12th September 2019.

At the time of the inspection neither the Technical Competent Manager, Permit Holder or site management were on site. The site itself appeared to be busy with 4 – 5 members of staff in the waste reception area and/or in the vehicle maintenance shed.

The following observations were made:

Environmental Permit & Environment Management System

During a discussion with staff on site it became clear that staff were unaware of their responsibilities under the Environmental Permit and Environment Management System. A copy of the Environmental Permit was available on site, but staff were unable to present a copy of the Environment Management System (which contains site emergency procedures).

Condition 1.1.3 of the permit was breached (Category 3 – Minor) (Ref:A1)

Condition 1.1.3 states that any person having duties under the Environmental Permit should have access to the Environmental Permit and Environment Management System. You must: ensure staff have access to these documents and assist them in understanding how their roles influence matters set out in the permit.

Failure to ensure staff have access to the Environment Management System has the potential to present a significant risk to operations. This has been recorded as Minor and not Significant because it is accepted that the Environment Management System was available on site during previous inspections.

Having reviewed documentation for the site, our records indicate that the most recent copy of the Environment Management System was last updated in 2008.

Condition 1.1.1 of the permit was breached (Category 2 - Significant) (Ref:C2)

The Environment Management System for the site does not reflect operations currently ongoing at site. The Environment Management System, which also contains emergency procedures for the site, is out of date. It does not cover areas of the operation that potentially present a significant risk of pollution (e.g. picking line).

Also, during the inspection, and after having reviewed the current Environment Management System, it is clear other aspects of the operation are not managed in accordance with the Environment Management System. The following issues were not being managed in accordance with the Environment Management System at the time of the inspection:

- 4.4 Employees are trained in understanding the conditions of the licence...
NOT COMPLIANT – Staff were unaware of Environmental Permit Conditions.

- 5.1 ...Drainage arrangements, linked in part to the public sewer will ensure that any surplus surface water is dealt with
NOT COMPLIANT – Large areas of the site were affected by water/mud/sludge. Drainage did not appear to be effective.
- 9 In the event of a spillage, the area affected will be contained and the liquid dealt with by application of absorbant granules.
NOT COMPLIANT – Spillages were observed on site that had not been dealt with.

General housekeeping on site is poor and continues to be so despite it being brought to your attention numerous times. Waste is not clearly segregated, and infrastructure appears to be failing (drainage).

Natural Resources Wales has requested updates be made to the Environment Management System on 18/07/2018 and 07/11/2017. These updates have not been made.

A significant breach of the permit has been recorded.

Noise Management Plan

Following a noise survey in 2015 you were required to submit a Noise Management Plan. Natural Resources Wales officers reviewed a Noise Management Plan (provided by ExCAL Ltd: April 2015) and communicated to G Davies Skip Hire that the plan did not contain sufficient information. This was communicated to you in an Inspection Report (ID: 34157/024175) dated 15/06/2015.

Our records indicate that the Noise Management Plan has not been updated as requested on 15/06/2015.

Condition 3.3.2 (a) of the permit was breached (Category 3 – Minor) (Ref:C2)

Condition 3.3.2 (a) states that you must submit a noise management plan for approval by Natural Resources Wales. The current Noise Management Plan does not contain the required necessary information. I have attached the feedback Natural Resources Wales previously provided to you following the initial review of the plan that is currently in place.

You must submit a noise management plan, for approval.

Additional Notes

Inert material on site appeared to be heavily contaminated with mixed waste. It is likely that a future inspection will focus on this waste stream and officers will assess the site's procedures for recovering this waste, in line with the WRAP Quality Protocol.

Following a review of previous inspection reports and documents for the site, there is a history of non-compliance on site. These non-compliances are similar in nature and despite having been advised to improve operations, you have not done so. It is likely that Natural Resources Wales will now issue you with a Regulation 36 Notice requiring compliance with Environmental Permit conditions.

End of report.

EPR Compliance Assessment Report

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Operator/Permit holder	Glenville Davies	Date	12/09/2019

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.

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			
C2	C3	Submit a revised Noise Management Plan. Consider feedback Natural Resources Wales previously provided.	16/12/2019
C2	C2	The Environment Management System MUST cover all operations and activities currently being undertaken on site	16/12/2019
A1	C3	Ensure staff have access to the Environment Management System	30/10/2019

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.