

Compliance Assessment Report

Report ID:
CAR_NRW0034696

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

Site	Caerhun Farm	Permit Ref	NB3634RX			
Operator/Permit holder	Sion Roberts					
Regime	Waste Operations					
Date of assessment	10/12/2018	Time in	10:45	Out	11:00	
Assessment type	Site Inspection					
Parts of the permit assessed	As below					
Lead officer's name	Hughes, Julie					
Accompanied by	Briscoe, Ross					
Recipient's name/position	Sion Roberts/ Operator	Date issued	18/02/2019			

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	2.1
C1 - General Management - Staff competency/training	C3	1.1.4
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.5.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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, unannounced, visit took place on 10th December 2018 by Regulating Officer Julie Hughes and Senior Environment Officer (Waste) Ross Briscoe. The Operator was not present at time of visit.

Weather was dry and cloudy.

All permit conditions were not inspected as the Operator and documentation relating to the permit were not available.

Photographs were taken whilst on site. The inspection commenced at the composting building.

Observation

The doors to the building were open and bio-aerosols/steam could be seen venting from the open doors of the building as shown within the photographs below.





Evidence shows that the doors of the building had not been closed for some time. The closing chain was partially buried under stone (See photograph below). Composting material was spilling out of the building preventing the doors closing fully (See photograph below) and one door and runner appears to be buckled (See photograph below) - although since the last site visit it appears that an attempt has been made to straighten the runner. There is also lack of security on site due to the doors being open and the building being accessible for unauthorised access.





The above observations have resulted in a breach – CAR sub-criteria A1 Specified by permit – Permit Condition 2.1, Schedule 1, Table S1.1 has been recorded as a Category 3 non-compliance.

The permit states that all activities should be carried out within a building, with an impermeable surface and sealed drainage system, biofilter and abatement system.

There is no bio-aerosol filter installed as required by the permit resulting in a build-up of bio-aerosols within the building. No evidence of an electricity supply to the building for the bio-filters & abatement to work therefore the above permit condition can't be adhered to.

Action: Repair doors and ensure that there are no obstructions to enable their closure by 30th April 2019

Observation

Composting material is still being stored outside of the permitted area within the farm yard. Leachate running from the material can be seen running across the yard but not reaching the lagoon - as shown within the photographs below. This is some way outside of the shed and not within the permit boundary.





The above observations has resulted in a breach of CAR sub-criteria A1 Specified by permit – Permit Condition 2.2.1 and has been recorded as a Category 3 non-compliance. This non-compliance has been consolidated with the other breach of CAR subcriteria A1 Specified by permit.

Which states that activities shall not extend beyond the site as shown in green on the map of Schedule 7 of the permit.

Action: Move all green waste and composting material from the yard to within the permitted area by 30th April 2019.

Observation – Advice and Guidance

External to the building there was evidence that an additional structure was being constructed - See photograph below. If this is the area which the bio-filter is to be installed it will not comply with the permit. Schedule 7 of the permit clearly shows the location at which the biofilter should be installed.

The permit was determined on the 25th September 2014 on the information provided by Martin Lake, Consultant as to the location and type of bio-filter to be used following a bio-aerosol risk assessment undertaken by yourselves. Should you now wish to move the location of the bio-filter to the other side of the building a variation to the permit will be required.

You are reminded that your application for a composting permit was supported with details relating to the proposed building, biofilter and ventilation system including confirmation that the ventilation system to be used would provide 3 complete air changes per hour. If anything now proposed is different, any changes will need to be supported by new documentation such as an amended site-specific bio-aerosol risk assessment, odour management plan and details of the bio-filter & ventilation etc. If these proposals are different from the original proposals a variation will be required and will need to be approved by the Permitting Team of NRW.



Observation

To date the required bio-filter and abatement system has not been installed. The lack of bio-aerosol filter means that the monitoring requirements of the permit can't be achieved/completed as per condition 3.5.1, Schedule 3, Table S3.2 which specifies that the bio-aerosol filter should be checked and maintained to ensure temperature and moisture content on a daily/weekly basis.

The above observations has resulted in a breach of CAR sub-criteria G1 Monitoring of Emissions & Environment – Permit Condition 3.5.1, and has been recorded as a Category 3 non-compliance.

Action: Provide details to NRW as to when bio-filter and abatement system is to be installed by 30th April 2019.

Observation

Since the visit, bio-aerosol monitoring data was received by NRW on the 21st January 2019. The data was dated 24th August 2018 and 14th December 2018.

The reporting period for monitoring is set out in Schedule 4 Table 4.1 of the permit. Which states that it should be carried out every 4 months with the period beginning 1 January, 1 May and 1 September.

The concentration of bio-aerosols in report reference number CE-CA-1331-RP02-Final shows that location DW/SR1 significantly exceeds the threshold levels as stipulated within the permit in Schedule 3 table S3.3 for gram negative bacteria, total mesophilic bacteria and aspergillus fumigatus.

It was also found that the concentration levels reported within CE-CA-1331-RP03-Final also exceeded the threshold at the upwind location (Up A, UP B & UP C) for mesophilic bacterial count and one reading at the sensitive receptor location (SR A) for Aspergillus fumigatus.

Report	location	Sample	Gram	Permit	Total	Permit	Aspergillu	Permit
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date		ref	Negative Bacteria	Threshold (CFU/M ³)	mesophilic bacterial count (CFU/M ³)	Threshold (CFU/M ³)	Aspergillus fumigatus count (CFU/M ³)	Threshold (CFU/M ³)
24/8/18	DW/SR 1	CE4	4,583	300	2,500	1000	3,611	500
		CE5	4,583	300	3,333	1000	3,750	500
		CE6	4,167	300	1,520	1000	3,750	500
14/12/18	UP	UP A			8,472	1000		
		UP B			11,250	1000		
		UP C			9,306	1000		
	SR	SR A					694	500

The above has resulted in a breach of CAR sub-criteria G4 Reporting & Notification – Permit Condition 4.2, Schedule 4, Table S3.1 has been recorded as a Category 3 non-compliance.

The permit requires quarterly bio-aerosol monitoring data to be submitted. The report for the period beginning on 1st May covering the period 1st May to August 2018 was not submitted until December 2018.

The reports show that the monitoring results do not comply with the permitted thresholds within the permit. The root cause of the monitoring breach is likely to be due to the lack of bio-aerosol and abatement system in the composting building.

Action: Ensure that all quarterly reports are submitted on time.

Action: Install bio-aerosol filter & abatement system as per requirement of the permit to ensure that nearby sensitive receptors are not being affected by bio-aerosols and for the Operator to take appropriate action if limits are breached. To be actioned immediately.

Observation

An office-based check was carried out on waste returns to discover that returns for the following two periods have not been submitted to NRW – July – September 2018 and October to December 2018.

Reminders regarding the submission of waste returns has been provided on previous CARS forms including report number CAR_NRW0033579.

The above has resulted in a breach of CAR sub-criteria G4 Reporting & Notification – Permit Condition 4.2.2 and has been recorded as a Category 3 non-compliance. This non-compliance has been consolidated with the other G4 Reporting & Notification breach above.

Observation

Continuing Competency – NRW has still not received information relating to the appointment of a suitably qualified person, who will act as the technically competent person to oversee the activities of the permit as required in condition 1.1.4 of the permit. This information was requested in CAR form number CAR_NRW0033579 which was requested to be submitted by 10th August 2018. To date this has not been submitted.

The above has resulted in a breach of CAR sub-criteria C1 Staff Competency & Training – Permit Condition 1.1.4 and has been recorded as a Category 3 non-compliance.

Action: Submit information regarding TCM by 30th April 2019. Information regarding site attendance of

TCM can be found in 'How to comply with your permit' which can be found via the following link:

<https://naturalresourceswales.gov.uk/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

Regulating Officer's contact details:

Julie Hughes CIWM

Environment Officer – Waste Regulation

Natural Resources Wales

Maes y Ffynnon

Penrhosgarnedd

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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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034696**

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

Site	Caerhun Farm	Permit Ref	NB3634RX
Operator/Permit holder	Sion Roberts	Date	10/12/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
C1	C3	Submit information regarding TCM by 30th April 2019.	30/04/2019
G4	C3	Ensure that all quarterly reports are submitted on time. Install bio-aerosol filter & abatement system as per requirement of the permit to ensure that nearby sensitive receptors are not being affected by bio-aerosols and for the Operator to take appropriate action if limits are breached. To be actioned immediately.	30/04/2019
G1	C3	Provide details to NRW as to when bio-filter and abatement system is to be installed by 30th April 2019	30/04/2019
A1	C3	Repair doors and ensure that there are no obstructions to enable their closure by 30th April 2019 - Move all green waste and composting material from yard to within the permitted area by 30th April 2019.	30/04/2019

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.