

Compliance Assessment Report

Report ID:
CAR_NRW0036129

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

Site	P Dobbins Chester Ltd		Permit Ref	EP3694FR		
Operator/Permit holder	P Dobbins Chester Limited					
Regime	Waste Operations					
Date of assessment	13/12/2019		Time in	14:00	Out	14:45
Assessment type	Site Inspection					
Parts of the permit assessed	Specified by Permit; Staff Competency and training; Management systems and operating procedures;Materials acceptance; Storage, handling, labelling and segregation; Reporting and notification					
Lead officer's name	White, Steven					
Accompanied by	Henderson, Amy					
Recipient's name/position	Roger Price/Paul Reynard/ Director/Site manager		Date issued	03/01/2020		

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	Permit Condition 2.3.1 (a) Schedule 1, Table S1.2
C1 - General Management - Staff competency/training	C2	Permit Condition 1.1.1 (b), 1.1.4; EMS Section 2.3.5, 2.3.1 & 2.5.1
C2 - General Management - Management system and operating procedures	C3	Permit Condition 1.1.1 (a)
C3 - General Management - Materials acceptance	C2	Permit Condition 2.3.2 Table S2.1; EMS Section 5.4.1 & 5.4.3
C4 - General Management - Storage, handling labelling and Segregation	C3	Permit Condition 2.1.1; Table S1.1; EMS Section 5.4.9.
	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	Permit condition 4.2.2

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	6	Total compliance score (see section 5 for scoring scheme)	74.1
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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

This was an unannounced inspection by Senior Environment Officer Steven white and Environment Officer Amy Henderson to follow up on breaches scored against the permit during the previous inspection carried out on 12/09/19. The site was open with operatives on site performing their duties, site manager Paul Reynard was not on site at the time of the inspection but site operative Aaron Smith was available to assist officers during the inspection.

Prior to the inspection a review of the submitted Waste Returns was conducted, P. Dobbins still submits paper returns and they have all been submitted to NRW within the required time constraints. There is however, no reference made to Waste Electrical and Electronic Equipment (WEEE), gas containers/fire extinguishers (16-05-05) or batteries (16-06-01/02/03/04/05) in the Waste Returns. As WEEE was encountered during the inspection, there is further discussion below.

A check of the WAMITAB database for evidence of continuing competence of a suitably qualified Technically Competent Manager (TCM) was conducted and no in-date certification was found. On site it was confirmed that Mr Paul Reynard was the designated TCM for the site and that his continuing competence had expired and not been renewed since being initially notified in 2014. This is a breach of permit conditions and has been scored as outlined below.

Waste lead acid batteries were observed on the ground (see photo below). Officers were informed that there were more stored in a battery box in the outbuilding, but this area was not checked due to health and safety concerns. This is a breach of permit conditions and is discussed below.



Waste batteries observed on site

The site is continuing to accept waste drinks cans (see photos below), there appears to be no outlet for these cans as the amounts observed during this inspection compared to the visit on 12/09/19 have increased. Food and drinks cans are an unpermitted waste type and unlimited retention of wastes at the site is not authorised by the permit; they are also not included on the quarterly waste returns for waste accepted/removed from the site



Waste food and drinks cans observed on site

There is also, in a separate area, continued storage of waste tyres (see photo below) in large skips. The same tyres have remained on site for some time and it is estimated that the amount on site is in excess of the 3 tonnes allowed in the permit. Waste tyres are also not included on the quarterly waste returns for waste accepted/removed from the site.



Waste tyres observed on site

Several gas containers and fire extinguishers were observed stored on site (see photos below); this waste type (16-05-05 Gases in pressure containers) is not on the list of wastes that can be accepted on site. If you wish to keep accepting these wastes you will need to vary your permit in order to do so, otherwise these wastes need to be removed from site immediately.



Fire extinguishers and gas containers observed on site

Waste paint tins were also observed (see photo below), these are also not listed as a waste that can be accepted onto site.



Paint tins observed amongst the waste on site

Various items of Waste Electronic and Electrical Equipment (WEEE) - including washing machines, air-conditioning units, various circuit boards and other electrical items - were observed in different locations around the yard area (see photos below). This is an ongoing issue at the site that requires procedural/structural/permitting changes depending on the course of action the operator wishes to implement. Revision of the site's Environmental Management System (EMS) may also be required depending on the

change of practice implemented. WEEE is a non-permitted waste type under the terms of the permit and their acceptance and removal are not being reported in Waste Returns. The acceptance of this non-permitted waste type has been scored accordingly and is detailed below.



Various items of WEEE observed during the inspection

WEEE, gas containers and paint tins are also not included on the quarterly waste returns for waste accepted/removed from the site.

The following breaches to the permit have been recorded:

(A1) Permitted activities: Permit Condition 2.3.1 (a) Schedule 1, Table S1.2 CCS Score 3

As described in detail in this CAR form there are a large number of permit and EMS breaches that were observed in this inspection and in other inspections dating back to mid-2015. Permit condition 2.3.1 (a) states that "The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2"; (Technical Guidance Note: How To Comply With Your Environmental Permit). From the observations, and breaches scored, during the inspections on 13/12/19, 12/09/19, 25/01/18, 03/11/17, 01/02/17, 07/06/16, 16/11/15 and 10/06/15 it is apparent that this Technical Guidance Note is not being adhered to leading to a significant number of similar breaches of permit and EMS conditions.

This has subsequently been scored as a CCS 3 breach of this permit condition.

(C1) Staff Competency and Training: Permit Condition 1.1.1 (b), 1.1.4; EMS Section 2.3.5, 2.3.1 & 2.5.1. Consolidated CCS Score 2.

Mr Reynard is the designated Technically Competent Manager (TCM) for the site. He does not however, have a current, valid Certificate of Technical Competence (WAMITAB). On checking the WAMITAB database it shows that Mr Reynard's qualification had run out at the end of February 2014. P. Dobbins has therefore not had a suitably qualified person/TCM since that date. Requalification in the relevant units for your operation is required immediately. Continuing competence is required for TCMs so that competent managers have an ongoing awareness of changes in legislation and industry practices -these qualifications are required to be renewed every two years. Alternately, TCM cover could be provided by a suitably qualified third party TCM in the interim until Mr Reynard (or another employee) becomes the suitably qualified TCM for the site.

The lack of a TCM since 2014 and lack of general training of staff on site has led to the operation of the site with little regard for the permit conditions, the site has been continuously reminded that Mr Reynard's qualification has expired and it has not been re-applied for. The absence of a TCM and suitably trained staff has led to breaches of permit conditions and a potential for a significant pollution incident on site. The permit has therefore been scored against accordingly for the breaches observed during this inspection as a CCS 2 breach of this permit condition.

C2 Management System and Operating Procedures: Permit Condition 1.1.1 (a) CCS Score 3

Permit Condition 1.1.1 a states that the "operator shall manage and operate the facilities... in accordance with a written management system that identifies and minimises the risks of pollution, including those arising from site operations, maintenance,

accidents, incidents, non-conformances, closure and those drawn to the attention to the operator as a result of complaints". There is an Environment Management System for the site, however, the number of breaches scored for this inspection and the almost carbon-copy of issues brought up in previous inspections show that this EMS is not being adhered to. This has led to an increased risk of environmental pollution at the site as evidenced in various breaches referenced in this CAR form. The current EMS for the site is dated December 2013, due to the number of permit and EMS breaches over recent inspections it is advised that the site EMS is reviewed and updated.

The repeated non-compliance with the site EMS has been scored as a CCS 3 breach against this permit condition

(C3) Materials Acceptance: Permit Condition 2.3.2 Table S2.1; EMS Section 5.4.1 & 5.4.3 CCS Score 2

It was observed that there were several different waste types that had been accepted onto the site that are not listed in Schedule 2 (Waste Types) of the permit; these are discussed below:

Several gas containers and fire extinguishers were observed stored on site; this waste type (16-05-05 Gases in pressurised containers) is not on the list of wastes that can be accepted on site. If you wish to keep accepting these wastes you will need to vary your permit in order to do so, otherwise these wastes need to be removed from site immediately.

Waste paint tins were also observed, these are also not listed as a waste that can be accepted onto site.

WEEE is not a listed waste type in Table S2.1 therefore acceptance of WEEE at the site is a breach of permit conditions. WEEE has been observed regularly on site in previous inspections; it is not stored in accordance with the provisions of the WEEE Directive (see (C4) Storage, handling, labelling & segregation), is not subject to a quarantine procedure or stored under a relevant exemption and is not reported as accepted or removed in submitted Waste Returns. This is an ongoing issue at the site and has been flagged at every site inspection since mid-2015; advice has been given after each inspection on how the site can become compliant with either the permit, or a relevant exemption, but has not been followed.

The site has several options to resolve the issue of WEEE on site (these have been detailed to site in previous inspections):

- Comply with EMS section 5.4.3 and prevent offloading of WEEE after checking a load.
- If WEEE is discovered in a deposited load post offloading implement a quarantine procedure, documenting the find in the Site Diary and the actions taken to resolve the issue. Any quarantined WEEE is required to be stored as per the WEEE directive; discussed below. The EMS currently has no quarantine procedure. A quarantine procedure is required as waste acceptance procedures are not proving effective.
- Register an S2 Exemption. An exemption may be registered within a permitted site to facilitate the acceptance of WEEE. The operator has received this advice before and it has not been acted upon. Under an S2 exemption up to 400 cubic metres of WEEE may be stored. The waste must be stored in compliance with the WEEE directive. Exempt operations conducted under exemptions at permitted site must be kept completely separate from permitted operations.
- Vary the permit. You can vary your permit to permit the acceptance of the relevant waste codes for WEEE (and other wastes discussed below); the waste must be stored in compliance with the WEEE Directive.

Waste drinks cans are being accepted at the site. Waste drinks cans, whether they be ferrous or non-ferrous, are a packaging waste and should be most appropriately coded as EWC code 15 01 04 by the producer. This waste code is not permitted by your permit in its current version, the permit will have to be varied if you wish to continue to accept this waste stream at your facility. Furthermore, some have been processed and some have not, there is a pile of rusty crushed cans that appear to have been retained at the site for some time. Waste materials should not be held on site for longer than 1 year if they are destined for recovery. This incoming waste stream is not being reported on submitted Waste Returns. If all cans are treated on the site once correctly permitted to do so it would be appropriate to transfer and report this waste stream as 19 12 02 or 19 12 03 in submitted Waste Returns.

Section 5.4 of the site EMS details the waste acceptance and control procedures on site. Section 5.4.1 details the visual inspections to be carried out to comply with the relevant permit conditions describes how if any wastes that are not permitted on site are found during the checks "will result in offloading being prevented whilst some, or all, of the following measures are implemented:

- Referral to the waste producer and return of the waste where it cannot be legally accepted on site
- Referral to NRW for advice
- Redirection of delivery vehicle off-site to a suitably authorised facility"

It appears that none of the above have been done with wastes that cannot be accepted onto site as numerous unpermitted waste types were observed during the inspection; almost all of which were brought to the site's attention during the previous inspection on 12/09/19.

If you are to keep accepting the waste types detailed above then you must vary your permit to include them in Schedule 2; otherwise they must not be accepted on site.

The continued acceptance of non-permitted waste onto the site has been scored as a CCS 2 breach of this permit condition. The wastes detailed above (especially WEEE) have been flagged to the site as non-compliant and advice has been given to the site in every CAR form since mid-2015 for how to get compliant but this has seemingly been ignored. This disregard for the requirement of the site to adhere to the permit has the potential to cause a significant pollution incident and if there is a fire on site this would require considerable attendance from North Wales Fire and Rescue Service. Subsequently the highest score on this CAR form is given in this section.

(C4) Storage, handling, labelling & segregation: Permit Condition 2.1.1; Table S1.1; EMS Section 5.4.9. Action (tyres), CCS Score 3

Under Schedule 1 (table S1.1) of the permit P. Dobbins is permitted to store up to 3 tonnes of intact waste vehicle tyres in

designated areas, during the inspection Officers observed a large number of tyres in areas that were inaccessible to them (and photographs taken were unclear). It is estimated that there are above the amounts of waste tyres allowed on site. Permit condition 2.1.1 states that "The operator is only authorised to carry out the activities specified in Schedule 1 table S1.1". An action has been logged against this permit condition to remove the tyres from site to a suitably authorised facility. Batteries were found to be stored on the ground and not in suitable containers Table S1.1 of the site EMS requires batteries to be stored in a container with an impermeable, acid resistant base and a lid to prevent the ingress of water. There were battery boxes available in the outbuildings but these were not utilised; as such a CCS score of 3 has been applied for this breach. During this inspection items of WEEE were observed on site. The identified WEEE was stored on both the impermeable and hardstanding areas without sheltering cover. Any items of WEEE discovered in deposited loads should be appropriately quarantined and stored in a manner that complies with the requirements of paragraph 1 of Annex VIII of the WEEE directive (2012/19/EU); storage on an impermeable surface and with weatherproof covering. As Table S1.1 states that "All other waste must be stored on an impermeable surface with sealed drainage" this constitutes a further breach of Permit Condition 2.1.1; the root cause of this issue has been identified as waste acceptance procedures and has been scored as detailed in **(C3) Materials Acceptance**.

(G4) Reporting and Notification: Permit condition 4.2.2 CCS Score 4

Prior to the inspection a review of the submitted Waste Returns was conducted, P. Dobbins still submits paper returns and they have all been submitted to NRW within the required time constraints. There is however, no reference made to Waste Electrical and Electronic Equipment (WEEE), gas containers/fire extinguishers (16-05-05) or batteries (16-06-01/02/03/04/05) in the Waste Returns. Permit condition 4.2.2 states that "the operator shall submit... the information relating to the site and the waste accepted and removed from it during the previous quarter". As there is no reference to the non-compliant wastes discussed above in the waste returns for the site - this has subsequently been scored as a CCS 4 breach against this permit condition.

The issues raised in this CAR form with Technical Competence, materials acceptance and storage of wastes (especially WEEE) have been raised consistently during inspections from mid-2015 and were covered in detail from the previous inspection on 12/09/19. There has been little improvement of operations on site with some areas becoming more non-complaint creating an increased risk to the environment. It is disappointing and worrying to see that those issues raised consistently since 2015 have seemingly been ignored. Subsequently (if the timeframes for actions in this CAR form are not adhered to) a Regulation 36 (EPR 2016) Enforcement Notice will be issued to P Dobbins to get the site back in compliance with its permit; non-compliance with this Notice is an offence and enforcement action will be considered should the timeframes for compliance set out in the Notice not be adhered to.

Thank you for your time during the inspection, please find my contact details below.

Regards

Steven White

Senior Environment Officer (Waste Regulation Team)

Email: steven.white@naturalresourceswales.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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036129**

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

Site	P Dobbins Chester Ltd	Permit Ref	EP3694FR
Operator/Permit holder	P Dobbins Chester Limited	Date	13/12/2019

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.

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			
G4	C4	Waste Returns must include all waste accepted and removed from site	31/01/2020
C4	C3	Batteries to be stored in a container with an impermeable, acid resistant base and a lid to prevent the ingress of water. Any items of WEEE discovered in deposited loads should be appropriately quarantined and stored in a manner that complies with the requirements of paragraph 1 of Annex VIII of the WEEE directive (2012/19/EU).	31/01/2020
C4	X	Waste tyres cannot be stored indefinitely and must be removed from the site	31/01/2020
C3	C2	Non-compliant waste must be removed from the site, if you wish to keep accepting these waste types you must apply to vary the site permit to include them in Schedule 2	31/01/2020
C2	C3	The current EMS for the site is dated December 2013, due to the number of permit and EMS breaches over recent inspections it is advised that the site EMS is reviewed and updated.	31/01/2020
C1	C2	Mr Reynard, or another member of staff, to register for the relevant qualification. Or to employ a third-party TCM for the site	31/01/2020
A1	C3	Bring site into compliance with TGN: How to comply with your environmental permit	31/01/2020

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.