

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

Site	Dirtbusters	Permit Ref	QP3394FB		
Operator/Permit holder	Philip And Michael Garratt				
Regime	Waste Operations				
Date of assessment	16/01/2020	Time in	10:15	Out	10:55
Assessment type	Unknown				
Parts of the permit assessed	See below				
Lead officer's name	Harper, Philip				
Accompanied by	Wilby, David				
Recipient's name/position	Philip Garratt/ Operator	Date issued	22/01/2020		

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	C4	3.1.3
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.4.1, 1.4.2, 1.4.4, 6.3.1
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	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	2	Total compliance score (see section 5 for scoring scheme)	4.1
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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

NRW Officers Phil Harper and Dave Wilby visited Dirtbusters, Unit 1 Gallaghers Yard, Foryd Bank, Green Avenue, Kinmel Bay, Conwy, LL18 5ET on the 15th January 2020 at 10:15 am. Shortly After arriving on site Mr Garratt arrived to accompany the inspection.

At the time of the visit there was activity at the site.

B1 Engineering for Prevention and Control of Emissions

The site benefits from an impermeable concrete surface throughout which is in good condition.

B4 Containment of Stored Materials

Although a small site, all waste was stored within the appropriate bay which were not overflowing.

D1 Site Security

The site has its own gate which is locked when not in operation. The is also located within a larger compound. Which has other users. A further gate then secures the compound out of hours. Mr Garratt is in possession of a key for the compound gate so has access to the site at all times.

F1 Odour

No odours on site or outside of the site boundary.

F2 Noise

Site was operational during the inspection, no excessive noise.

F3 Dust/fibres/particulates and litter

Ground conditions were damp at the time of the inspection. No dust on site, no litter outside of the site boundary.

F4 Pests/birds and scavengers

No vermin on site.

F5 Deposits on road

No deposits or mud on the road outside the site.

Non- compliance with permit conditions

The following permit breaches have been witnessed during the inspection:

A1 Specified by Permit

The site identification board does not show the information specified by the permit. Making reference to condition 3.1.3 of the permit. The board shall be easily readable form outside the site entrance in daylight and should display

the following information:

a site name and address

b Licence Holder name (company name, not individual name unless justified as necessary)

c Operator name (company name, not individual name unless justified as necessary)

d Licence number

e Emergency contact name and telephone number (for security reasons, personal names and home phone numbers should not be used except where no alternative is practicable);

f Statement that the site is licensed by Natural Resources Wales

g Agency national number, Emergency contact **03000 65 3000**

h Day and hours site is open to receive waste

The is a **Category 4 permit breach** with respect to permit condition **3.1.3**.

C1 Staff Competency/Training

Conditions 1.4.1, 1.4.2, 1.4.4 and 6.3.1.

Permit condition **1.4.1**. States that “Whenever the site is open to receive or dispatch wastes, or is carrying out any of the specified waste management operations, it shall be supervised by at least one member of staff who is suitably trained and fully conversant with the requirements of the licence regarding:

a Waste acceptance and control procedures

b Operational Controls

c Maintenance

d Record-keeping

e Emergency action plans

f notifications to Natural Resources Wales

Attendance of a suitably trained person is described in permit condition **1.4.4.** shown below.

Permit condition **1.4.2.** States that “A copy of this licence shall be kept available on site for reference by all staff carrying out work under the requirements of the licence.

At the time of the inspection a copy of the licence was not on site. A copy of the permit should always be available on site for reference if required by the staff.

Permit condition **1.4.4.** States that the “attendance of the technically competent person(s) at the site shall be recorded in the site diary on arrival and departure.

Mr Garratt is currently named as site TCM. Mr Garratt has not received his continued competency certificate for several years and no third party TCM cover is in place.

The company must ensure that the site is attended by a suitably qualified TCM on a regular basis and that the attendance is recorded in the site diary.

Any person employed by Dirtbusters can be named as the site TCM provided that they have attained the correct WAMITAB qualification. TCM cover can also be provided by a suitably qualified third party. A waste site operating without the supervision of a qualified person poses a risk of pollution of the environment and harm to human health.

Permit condition **6.3.1.** States that “A site diary shall be kept secure and shall be available for inspection

At the time of the inspection there was no site diary. Site diaries should be maintained to record the following information:

a Construction work

b Start and finish of daily waste management activities on site

c Maintenance

d Breakdowns

e Emergencies

f Problems with waste received and action taken

g Site inspections and consequent actions carried out by the operator

h Technically competent management attendance on site: the date and the time onto the site and the time left site

i Dispatch of records to Natural Resources Wales

j Severe weather conditions

k Complaints about site operations and actions taken

l Environmental problems and remedial actions

Non-compliances with **C1 Staff Competency/ Training** have been consolidated to give a single **Category 3** score for permit breaches.

Actions:

The following actions should be taken:

- The site identification board must be updated to show all the required information by noon on the 1st April 2020.
- A qualified TCM must be in in position by noon on the 31st January 2020.
- A site diary, copy of the permit and the EMS/working plan must be put on site by noon on the 7th February 2020.
- Send a copy of the site EMS/ working plan to Natural Resources Wales for review by noon on the 7th February 2020.

Please note that advice and guidance has been provided on previous CAR forms which deals with the lack of a qualified TCM and site diary. Failure to comply with this CAR form may result in enforcement action being taken by Natural Resources Wales.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

03000 65 3717

philip.harper@cyfoethnaturaioicymru.gov.uk

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.

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_NRW0036199**

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

Site	Dirtbusters	Permit Ref	QP3394FB
Operator/Permit holder	Philip And Michael Garratt	Date	16/01/2020

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			
A1	C4	See Main text	01/04/2020
C1	C3	See actions in main text	07/02/2020

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.