

Compliance Assessment Report

Report ID:
CAR_NRW0035265

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

Site	Caerwent Training Area	Permit Ref	NB3597TA			
Operator/Permit holder	Simon Stone					
Regime	Waste Operations					
Date of assessment	28/05/2019	Time in	11:00	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Various, detailed within main text.					
Lead officer's name	Perry, James					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Simon Stone/ Director	Date issued	17/07/2019			

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	C2	2.1.1
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C2	1.1.1
C3 - General Management - Materials acceptance	C2	2.3.2 with reference to table 2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	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	5	Total compliance score (see section 5 for scoring scheme)	101
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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

Permit Inspection: Crownhill Topsoils

On 28/05/29, NRW officers James PERRY and Lara MOGGRIDGE attended Crownhill Topsoils at Caerwent Army Training Estate. They were met on site by Mr Peter FOWLER who escorted us to and around the facility. The weather at the time of the visit was overcast but with periodic breaks of sunshine, with little wind and a temperature of approximately 17 degrees Celsius.

Should you have any queries, questions, or concerns with regards to this Compliance Assessment Record, please contact your site officer James PERRY on 0300 065 3473 or james.perry@cyfoethnaturiolcymru.gov.uk.

Details of Inspection

Prior to the visit, a desk-based audit was done of the facility's submission of waste returns. However, to date there have been no submissions to NRW of Crownhill Topsoil's waste return data.

This is a contravention of condition 4.2.2 of the permit. A corresponding breach is highlighted in the *Compliance* section of this form.

During the course of the inspection in which the facility was assessed against its permit, there were several areas of noncompliance that were highlighted. Firstly, amongst the aggregate stored outside the sheltered unit there was what appeared to be pieces of asbestos. When this was highlighted to Mr Fowler, he acknowledged our concern and stated that he would have it swiftly removed and disposed of in a legal manner.

The presence of hazardous waste on site is a contravention of condition 2.3.2 (with reference to table 2.1) of the permit, and a corresponding breach is highlighted in the *Compliance* section of this form.

There is a significant stockpile of waste that has been permanently deposited at the rear of the site, that combined with the other material on site exceeded the facility's permitted tonnage allowance of 40,000 tonnes per year *and is against the purpose of the specified activities within the permit which are for the treatment and transfer of wastes from site for use elsewhere.*

This is a contravention of condition 2.1 of the permit (with reference to table 1.1) of the permit, and a corresponding breach is highlighted in the *Compliance* section of this form.

Whilst on site, officers enquired as to who the technically competent manager (TCM) was at Crownhill Topsoil, as NRW records show that there are no certificates on record that confirms the presence of a TCM. Mr Fowler confirmed that he is working towards a WAMITAB qualification, however this is no current certification in place relating to any member of staff.

This is a contravention of condition 1.1.4 of the permit, and a corresponding breach is highlighted in the *Compliance*

section of this form.

Further to this, upon review of the Environmental Management System it became clear that its content was inadequate in relation to operations on site. Matters such as storage times, treatment infrastructure and operational methods have not been detailed.

This is a contravention of condition 1.1.1 of the permit, and a corresponding breach is highlighted in the *Compliance* section of this form.

Review of Compliance

C2 – Management System and Operating Procedures [CATEGORY 2 BREACH]

Permit Condition 1.1.1 – *“The operator shall manage and operate the activities:*

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints...”

This condition requires you to have a written management system, run your activities according to it, and improve it if you are not compliant. The management system must be in place once your site is operational and available to NRW.

Evidence

The document titled ‘*Environmental Management System: Crownhill Topsoils – Prepared by Julian Gregory 11/04/2012*’ is not fit for purpose as it does not accurately reflect the operations on site. Matters such as storage times, treatment infrastructure and operational methods have not been detailed. This is the root cause for the other compliance breaches detailed within this CAR.

ACTION: An updated EMS document to be submitted to NRW that contains processes and procedures in relation to waste acceptance, waste storage and waste treatment. For reference, use the How to Comply document that will be attached to this CAR for guidance on how to formulate an EMS.

Due: 10/08/19

A1 – Specified activities [CATEGORY 2 BREACH]

Permit Condition 2.1.1 – *“The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).*

This condition specifies that you are authorised to carry out the activities specified in schedule 1, table S1.1, which outlines the details of the permitted activities and the limits of these activities. As previously mentioned, the limits outlined do not allow for the permanent deposition of waste onto the land.

Evidence

As can be seen in the images below, the deposit of waste soil and aggregate can be seen to be over 5 metres in height, and has vegetation growing from it, indicating the period of time that has passed since the material's deposit. In addition, the way in which the waste has been spread and levelled indicates that the waste is intended for a permanent deposit









ACTION: This waste must be removed from site and you must ensure that waste being stored at the facility is within permitted allowance of 40,000 tonnes .
You must also ensure you comply with the limits of activity table within the permit and use the permit for the purpose it is specified.

C3 – Waste Acceptance [CATEGORY 2 BREACH]

Permit Condition 2.3.2 – *‘Waste shall only be accepted if:*

(a) it is of a type and quantity listed in schedule 2 table(s) S2.1, [S2.2 etc]...’

This condition requires you to only accept material detailed within the outlined tables. Hazardous waste (including asbestos) is not present in these tables.

Evidence

Asbestos present among waste pile, which was highlighted and brought to Mr Fowler

ACTION: Remove asbestos from waste stored on site and improve waste acceptance procedures to ensure further hazardous waste does not enter site.

Due: 10/08/19

C1 – Staff Training/Competency [CATEGORY 3 BREACH]

Permit Condition 1.1.4 – *‘The operator shall comply with the requirements of an approved competence scheme.’*

This condition requires the appointment of a Technically Competent Manager (TCM) that holds a recognised competence qualification such as WAMITAB.

Evidence

There are no certificates on NRW records confirms the presence of a TCM.

ACTION: Instate a Technically Competent Officer who holds a recognised competence qualification such as WAMITAB.

Due: 10/08/19

G4 – Reporting and notification to Natural Resources Wales [CATEGORY 3 BREACH]

Permit Condition 4.2.2 – *‘Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.’*

Evidence

Crownhill Topsoil has failed to submit any waste returns regarding its operations.

ACTION: Submit historic returns and ensure in future that all waste returns are submitted in a timely manner in line the above condition . Below are the necessary dates for submission of returns.

Due: 10/08/19

January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31

October 1 to December 31	January 31
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ATTENTION

When on site it was agreed with Mr Fowler that he would submit an action plan in relation to the noncompliances at behalf Crownhill Topsoil, and that reasonable timelines for the rectification works were to be provided. However, to date there no such document has been provided, and therefore NRW request that an action plan be submitted by **5pm on 23rd July 2019**.

Failure to submit this by the specified deadline will result in NRW taking further action to ensure compliance.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035265**

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Site	Caerwent Training Area	Permit Ref	NB3597TA
Operator/Permit holder	Simon Stone	Date	28/05/2019

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	C3	Submission of missing waste returns	31/07/2019
C1	C3	TCM to be appointed with valid certification	31/07/2019
C2	C2	Update to EMS document.	31/07/2019
A1	C2	Removal of unpermitted waste deposit	31/07/2019
C3	C2	Strict waste acceptance procedures to be implemented to avoid presence of unpermitted wastes on site such a haz waste.	31/07/2019

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.