

Compliance Assessment Report

Report ID:
CAR_NRW0036496

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

Site	Glasfryn Yard	Permit Ref	UB3697TL		
Operator/Permit holder	Gary Catton Haulage Ltd				
Regime	Waste Operations				
Date of assessment	30/03/2020 - 31/03/2020	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by					
Recipient's name/position	David Evans/ Technically Competent Manager	Date issued	21/04/2020		

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	A	
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	C3	Permit Condition 1.1.1
C3 - General Management - Materials acceptance	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	Permit Conditions 4.2.2 & 4.3.4(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)	8
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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

Due to the ongoing COVID-19 restrictions on movement the scheduled site inspection visit for Gary Catton Haulage Ltd, Glasfryn Yard has been replaced with a desktop audit of the operational documentation for the site. This audit was conducted by Natural Resources Wales (NRW) officer, Paul Challender. As such, a review has taken place of the permit and associated Standard Rules, Environmental Management System (EMS), submitted Waste Returns and company details.

The permit has been in place at the current site since August 2013 and authorises operations under Standard Rules SR2008 No11 – inert and excavation waste transfer station with treatment. SR2008 No11 is currently at Version 6. You should check the version number on the Standard Rules that is made available to site operatives working on your site to ensure that it is the most up to date version. A review of submitted Waste Returns suggests that the authorised throughput of 75,000 tonnes as detailed in Permit Condition 2.2.1(a), Table 2.2, is still suitable for the tonnages accepted by the permitted site.

The EMS which, NRW holds on file for UB3697TL is Version 1.0 and is dated 2013. This document is now several years old. Operational paperwork should be kept under review and the EMS would benefit from a review schedule and version log.

The issued permit authorises SR2008 No11 however, the EMS refers only to SR2010 No12 in the Contents, Section 1.5.2, Section 1.5.5 and Appendix III. This is the incorrect rule set and could lead to the incorrect operation of the site and the performance of unauthorised activities. This will require an update of the EMS to correct this issue. Section 1.3.3 outlines the waste treatment processes to be carried out at the site. The listed treatment processes include blending. Blending is not an authorised activity listed in Permit Condition 2.1.1, Table 2.1 of SR2008 No11 and therefore, should not be conducted at the permitted site. This will require an update of the EMS to correct this issue.

Section 1.8.1 lists specific names of the site's Technically Competent Managers (TCMs). One of the persons no longer performs this duty at the permitted site and their name should be removed from the EMS. This will require an update of the EMS to correct this issue.

The above issues with the EMS represent a breach and are further discussed below.

In addition, with regard to TCMs NRW does not hold an up to date Certificate for Continuing Competency for the current TCM.

Permit Condition 4.2.2 requires the quarterly submission of Waste Returns; when no waste has been accepted or removed in a quarter a nil return is still required to be submitted. A review of Waste Returns shows that Waste Returns have not been submitted for several quarters and that the Standard Rules declared on the Waste Returns is incorrect. Furthermore, no waste is reported as leaving the site – this is concerning due to accepted waste types, the permitted waste types and the operations conducted on the site. The issues represent a breach of permit conditions and are further discussed below.

Permit Condition 4.3.4(a) requires the regulator to be informed of various changes where the operator is a registered company. It has been identified in this audit that some changes to the company have occurred and that NRW has not been notified. This represent a breach of permit conditions and are further discussed below. In addition to the breach of permit conditions these company changes require the operator to apply for a variation.

The following breaches to the permit have been recorded:

(C1) Staff Competency and Training. Permit Condition 1.1.4, Action Only.

NRW does not hold a copy of the current declared TCM's Certificate of Continuing Competency. A TCM listed in the EMS is declared on the most recently submitted Waste Returns document and the qualification is declared as being in date. As such no score has been applied.

As an action only, can you supply a scanned copy of the original Certificate of Continuing Competency via email as per the date in Section 4.

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

There are several issues arising from this desktop audit which, have been consolidated into this score due to the out of date EMS which, contains errors.

The site holds a permit for SR2008 No11 however, the EMS lists the incorrect rule set SR2010 No12 and therefore could lead to the site accepting non-permitted waste types and/or conducting unpermitted activities. Indeed, the EMS lists the permitted activity 'blending' – blending is not a permitted activity in SR2008 No11 and should not be conducted at your operational site. If a non permitted activity were to take place at the operational site; this would generate a separate CCS score under (A1) Specified by permit.

The EMS is over 7 years old. A site's EMS is maintained to ensure compliance with environmental regulations and to limit the potential for pollution which, may impact on the environment and/or human health. EMSs for waste operations should be regularly reviewed and updated to reflect changes in your operational site's procedures. These updates should also accommodate any changes in the regulatory framework and how the sites procedures will adapt to comply. For example, individuals are named as a TCM at the permitted site – it is understood that one of these named individuals no longer performs this function.

The operator is required to review, update and correct the EMS as per the action listed in Section 4.

(G4) Monitoring, Records, Maintenance and Notifications. Permit Condition 4.2.2 & 4.3.4(a). CCS Score 3.

Waste Returns are missing for multiple quarters. NRW has only received one quarter, July to September for 2019. The quarterly Waste Returns for January – March, April – June and October – December 2019 require submitting. Waste Returns should be submitted to NRW even if no waste has been accepted or removed from the permitted site; these 'nil return' should be submitted within the normal timeframe i.e. within one month of the end of each quarter. In addition, it has been identified that a non-permitted waste type (EWC 17 09 04 Demolition Waste) has been declared as being accepted onto the operational site in the submitted Waste Returns for July – September 2019. It is concerning that no waste materials are listed as being removed from site in the Waste Returns. Although it is understood that the operational site processes inert and excavation waste to produce a WRAP aggregate protocol compliant non-waste material it would be expected to find that a small quantity of material removed from the product as contamination during processing would be declared as removed from the site.

Furthermore, the site has declared accepting EWC 17 05 04 Soil & Stone coded waste material onto the permitted site. It is noted however, that no waste soil material is declared as being removed from the site. There is no quality protocol for waste soils and waste soils accepted onto your site remain a waste and therefore should be moved to receiving sites as a waste, under a correctly completed Waste Transfer Note and declared as removed from site in your submitted Waste Returns.

It was noted in a review of Companies House information that a change in ownership has occurred at the permitted site. This change of ownership resulted in a change in registered office address on the 9th April 2019. Permit Condition 4.3.4(a) requires that the operator notifies NRW of certain changes when the operator is a registered company; this includes any change in the operator's trading name, registered name, or registered office address within 14 days. NRW was not notified which, could hinder the regulator's ability to communicate with the operator. A consolidated CCS score has been applied for the above breaches under this compliance sub-criteria. An action has been placed on the site to submit the missing waste returns, provide an explanation as to the acceptance of an unpermitted waste type and to explain the details of the permitted sites processes with regard to waste soils. See Section 4 for compliance dates.

You must also submit to the NRW Permitting Service the application forms for an Administrative Variation to change the operator's Registered Office address. Details for how to apply for a variation are available on the NRW website <https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-for-a-waste-permit/apply-to-vary-change-a-permit-for-waste-operations/?lang=en>

Thank you; I look forward to your responses to the above actions,

Paul Challender

North East Wales Waste Regulation Team

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_NRW0036496**

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

Site	Glasfryn Yard	Permit Ref	UB3697TL
Operator/Permit holder	Gary Catton Haulage Ltd	Date	30/03/2020

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.

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			
C3	X	See (G4)	29/05/2020
G4	C3	Submit missing Waste Returns. Provide an explanation to the acceptance of EWC 17 09 04. Provide an explanation as to why no waste streams are declared as removed from site. Explain processes, procedures, origins and destinations of soils processed through the permitted operation. Submit an application for an Administrative Variation to change the registered address.	29/05/2020
C2	C3	Review, update and issue new EMS. Revision to include periodic review procedure and log, correct the EMS to refer to the correct Standard Rules authorised for the site, remove "blending" as a stated activity and remove names of TCMs no longer active at the site.	12/06/2020
C1	X	Submit to NRW a scanned copy of the declared TCMs WAMITAB certificate.	15/05/2020

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.