

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

Site	Motorworks	Permit Ref	GP3191SA		
Operator/Permit holder	Gill Waste Recycling Ltd				
Regime	Waste Operations				
Date of assessment	12/05/2020	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	C1. C2. G4.				
Lead officer's name	Lovelock, Elysia				
Accompanied by					
Recipient's name/position	Dean Gill/ Site Manager	Date issued	27/05/2020		

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
C1 - General Management - Staff competency/training	C3	1.1.1 + 1.1.2
C2 - General Management - Management system and operating procedures	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	X	
	C4	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	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

Please note: CAR form amended 27th May 2020 following no receipt of WAMITAB information, score has been unsuspending. You must ensure a course is booked following COVID-19 at the earliest opportunity.

Following a site inspection on 17th December 2019 led by my colleague Senior Regulatory Officer Ffion Thomas, which I, Elysia Lovelock and James Kinkhead attended, you were issued a Compliance Assessment Report CAR (Report ID: CAR_NRW0036110) requiring the following actions:

Please forward a copy of the inspection record confirming maintenance of the interceptor during the summer of 2019, in accordance with condition 1.1.1 (a), 1.1.2 and 4.1.2 of your permit.

Condition 1.1.1 states 'The activities shall be managed and operated:

- (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the licence holder as a result of complaints; and'

Condition 1.1.2 states 'Records demonstrating compliance with condition 1.1.1 shall be maintained'.

Condition 4.1.2 states 'Any records required to be made by this licence shall be supplied to the Agency within 14 days, where the records have been requested in writing by the Agency.'

Please ensure the working plan and permit are stored on site for future reference by staff, in accordance with condition 1.1.3 of your permit.

Condition 1.1.3 states 'Any persons having duties that are or may be affected by the matters set out in this license shall have convenient access to a copy of it kept at or near the place where those duties are carried out.'

ACTION: As we have not received any of the above to date, please provide a copy

of the inspection record and confirmation via email that the working plan and permit are now accessible on site within 14 days.

DUE: 26th May 2020

Advice & Guidance: (G4) Reporting and notification to Natural Resources Wales
(C2) Management system and operating procedures

On this occasion, we wish to remind you that the actions Regulatory Officers specify in the CAR forms are to ensure that you are operating within the conditions of your permit, to avoid any potential breaches by you as the Operator. Therefore, please ensure that all actions requested by a Regulatory Officer are completed.

Waste returns

As discussed during our visit, it was explained that Site Manager Mr Gill was not aware of the requirement to submit waste returns. As agreed during the visit, as this matter had not previously been assessed over the last 5 years, we provided advice and guidance as to how to comply with condition 4.2.2 (as detailed below) of your permit and asked that you provide waste returns going forward with the first being submitted for Quarter 1 period, January to March of 2020 on the understanding that failure to do so would lead to a breach of the permit condition. Following a review of NRW's waste return records, our records show that you have failed to submit a waste return for quarter 1, January-March 2020, within one month of the end of the quarter. Therefore, please see below the required action and subsequent breach:

ACTION: Provide outstanding waste return for Q1 January-March of 2020.

OVERDUE: End of April 2020, as specified in the last CAR form.

Please now submit by 26th May 2020.

BREACH: G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales.

C4 - A category 4 breach with no potential environmental effect has been recorded and scored for breaching condition 4.2.2 of your permit, which states, 'A summary report of the waste types and quantities

accepted and removed from the site shall be made for each quarter and shall be in the format required by the Agency.'

Advice & Guidance: To ensure no further breaches for failing to submit waste returns, please provide us with the outstanding waste return and all subsequent quarterly waste returns moving forward; implementing procedures to ensure that all future returns are completed and submitted on time.

Please be aware that if no waste has been accepted during a quarter you are still required to submit a NIL return. For future reference, the required timescales for submissions are as follows:

Quarterly Returns Period	Return Submission Deadlines
Q1 – 1st January to 31 st March	30 th April
Q2 – 1 st April to 30 th June	31 st July
Q3 – 1 st July to 30 th September	31 st October
Q4 – 1 st October to 31 st December	31 st January

Failure to meet future return deadlines may result in escalation of our scoring category for such a breach and may also result in further action. Please submit waste returns to: waste.returns@naturalresourceswales.gov.uk or via post to: Natural Resources Wales, Customer Care Centre, Ty Cambria, 29 Newport Rd, Cardiff, CF24 0TP

If you require further guidance, please follow the link for further information on 'How to comply with your permit': <https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

Proof of WAMITAB continuing competence

During our visit we discussed that our records show that your WAMITAB certificate provided to NRW was awarded 11th July 2016. Upon a further review of the conditions of your permit due to the date your permit was issued (24th September 2007), concerning the requirement for proof of your WAMITAB continuing competence. I can confirm in order to maintain WAMITAB certification you are required to undertake a continuing competence assessment every 2 years; therefore, an assessment was due 11th July 2018.

Your permit states that the operational requirements are specified in regulations, stating the following:

'Some aspects of the activity are not controlled by the conditions of this license, because the controls are specified in the Waste Management Licensing Regulations (WML) Regulations, or other legislation. These include: Regulation 4 of the WML which describes the qualifications required by a technically competent person at a waste management facility.' As of 6th April 2008, the Waste Management Licensing Regulations were superseded for England and Wales by the Environmental Permitting Regulations. Therefore, to comply with the requirements of the government approved scheme provided by WAMITAB, you need to pass a continuing competence assessment every 2 years.

Given the current circumstances, WAMITAB have implemented temporary operating changes to ensure they adhere to the government measures in place to manage the COVID-19 pandemic, meaning that those requiring certifications were no longer able to book a place on a course as of 16th March 2020. Whilst we appreciate that you will be not be able to book at this time, considering the length of time since your assessment was due, it would not be an unreasonable expectation to assume that an assessment should have been booked since 11th July 2018 by the 16th March 2020.

Therefore, we wish to give you the opportunity to provide proof that your TCM continuing competency course was either booked prior to the temporary operating changes made by WAMITAB or provide certificates for a TCM you will be using in the interim period.

ACTION: Please provide us with proof you are maintaining compliance such as, proof of booking the required continuing competence course or certificates for a TCM you will be using in the interim period.

DUE: 26TH May 2020

BREACH: C1 - General Management - Staff competency/training

C3 - A category 3 breach with a potentially minor environmental effect has been recorded however we have suspended scoring this breach until 26th May 2020, for breaching condition 1.1.2 of your permit, which states: 'Records demonstrating compliance with condition 1.1.1 shall be maintained'. Condition 1.1.1 states, 'The activities shall be managed and operated:', '(b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities'.

Advice & Guidance: Please be advised, the score for this breach has been suspended to allow you time to provide the requested documentation, if we do not receive the above by the 26th May 2020 you will be scored for

this breach.

Following the end of quarter 1 (March 2020), due to the current COVID-19 government measures in place, I was unable to attend site following further reports of concerns regarding increased tonnages. I therefore emailed site gillskiphire@aol.com to ensure that the actions determined by our visit in December 2019 were being actioned and as way of a reminder that we would be expecting receipt of a waste return for quarter 1 of 2020 by the end of April 2020. I followed this contact up with subsequent telephone calls to site asking that the site manager Dean Gill to please get in touch. After receiving no response, please action the requirements as specified in this CAR form **by 26th May 2020**.

If you wish to discuss any of the issues raised please get in touch, either via email to: elysia.lovelock@cyfoethnaturiolcymru.gov.uk or telephone on 07557 859 765.

We appreciate your co-operation and assistance and trust that the issues identified, and actions required will be promptly addressed and look forward to continuing working with you in the future.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	X	Please forward a copy of the inspection record confirming maintenance of the interceptor during the summer of 2019, in accordance with condition 1.1.1 (a), 1.1.2 and 4.1.2 of your permit. On this occasion, we wish to remind you that the actions Regulatory Officers specify in the CAR forms are to ensure that you are operating within the conditions of your permit, to avoid any potential breaches by you as the Operator. Therefore, please ensure that all actions requested by a Regulatory Officer are completed.	26/05/2020
C2	X	Please ensure the working plan and permit are stored on site for future reference by staff, in accordance with condition 1.1.3 of your permit and provide confirmation via email that the working plan and permit are now accessible on site within 14 days.	26/05/2020
G4	C4	Provide outstanding waste return for Q1 January-March of 2020 and all subsequent quarterly waste returns moving forward; implementing procedures to ensure that all future returns are completed and submitted on time.	26/05/2020
C1	C3	Please provide us with proof you are maintaining compliance such as, proof of booking the required continuing competence course or certificates for a TCM you will be using in the interim period.	26/05/2020

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.