

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

Site	Ewloe Waste Transfer Station	Permit Ref	BP3797SZ		
Operator/Permit holder	Thornccliffe Building Supplies Ltd				
Regime	Waste Operations				
Date of assessment	02/07/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Waste Returns				
Lead officer's name	Walton, Sarah L.				
Accompanied by					
Recipient's name/position	Daniel Harper/ Site Manager	Date issued	07/07/2020		

## 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.

<b>Permit conditions and compliance summary</b>	<b>CCS Category</b>	<b>Condition(s) breached</b>
C3 - General Management - Materials acceptance	C2	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 and S2.3.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2 Within 1 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.

**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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>31.1</b>
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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

### Waste Return Review

A review of waste returns submissions for permit EPR-BP3797SZ has been completed.

The following breaches to the permit have been recorded:

#### **(C3) Materials Acceptance: Permit condition 2.3.2 Schedule 2, Table S2.1. CCS Score 2.**

Condition 2.3.2 of the site's permit states 'Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1, S2.2 and S2.3'.

Table S2.1 in Schedule 2 of the permit reads 'The maximum quantity for waste to be accepted at the whole site shall not exceed 125,000 tonnes per year'.

The review of Quarters 1, 2 3 & 4 2019 waste returns (January - December 2019), found that the site accepted 170,656 tonnes across the year. This is a significant breach of permit conditions, with the site exceeding the annual waste acceptance tonnage limit by 45,656 tonnes.

Whilst we appreciate you are in the process of applying for a variation which may increase the amount of waste you can accept on site; until that variation is granted, the site must operate within its existing permit conditions.

By contravening this condition, the site is increasing the risk of harm to both the environment and people around it. For example, the site's Fire Prevention Mitigation Plan is a working document and should accurately reflect activities on site. The current plan expects a maximum 125,000 tonnes per year to pass through the facility. It does not account for the extra 45,656 tonnes of waste which could drastically increase the likelihood of a fire on site.

Similarly, the site EMS dated October 2019 makes reference to the waste acceptance limit of 125,000 tonnes. Condition 1.1.1 of your permit states '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...'. Therefore, if the site's EMS does not account for the additional waste throughput, risks cannot be properly identified and mitigated against.

Therefore, this has subsequently been scored as a CCS 2 breach of the permit condition.

#### **(G4) Reporting and notification to Natural Resources Wales: Permit condition 4.2.2. CCS Score 4.**

The review also identified issues with missing data in the waste return forms. Condition 4.2.2 of your permit states 'Within 1 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'.

A number of instances were noted where waste accepted or removed from site was not given an EWC code or a description. For example, in quarter 3, under waste removed tab, row number 20 shows 179.56 tonnes of waste going to Wrexham. However, there is no EWC code or description for this waste.

All waste accepted and removed from site should be accurately coded, described and listed on the waste return forms submitted to 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.

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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.

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	Ensure that in future all Waste Return forms submitted to Natural Resources Wales are filled out accurately and that all waste accepted or removed from site is given an EWC code and description.	22/07/2020
C3	C2	Restore site activities so that tonnage of waste accepted remains within permit conditions of a maximum 125,000 tonnes per year.	22/07/2020

## 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](mailto: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.