

Compliance Assessment Report CAR_NRW0036914

Permit being assessed: RP3294FP.

For: Coed Bolyn Mawr, held by Robert Davies & Jennifer Ann Davies

At: Bethel, Caernarfon, Gwynedd, LL55 3AS.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 11/08/2020.

Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant.

Report sent to: R Davies & J A Davies, Operators on 28/09/2020.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Could you please send a copy of the TCM certificate for Robin Davies by the deadline on the right.	12/10/2020
C2	Could you please make the changes to your EMS where you see fit and send us an up to date copy by the deadline on the right	13/11/2020
G4	Please find the attached "DRCodeFlowchart" document to work out which R code is applicable to your site. Please make sure the correct R code is used for all following waste returns submitted.	13/11/2020

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This was a desk-top based inspection carried out on Tuesday 11th August 2020 by Natural Resources Wales officer Daniel Grant (Hazardous Waste Regulation Officer). During this inspection waste returns submitted over the past year, the site's TCM status and EMS were reviewed.

Discussions initially took place over the phone with Robin Davies on Tuesday 7th July 2020.

Waste returns

Waste returns from Quarter 1-4 in 2019 and Quarter 1 2020 were reviewed.

It was mentioned that Quarter 1 2020 waste returns had not been submitted and Mr Davies explained this was because the site was closed during the Covid-19 pandemic. This was rectified as Q1 waste returns were sent soon after our discussions took place. Thank you for your compliance with this requirement.

It was also mentioned that the R codes used to fill in the waste returns were incorrect. In all waste returns reviewed the following R code was used for all types of waste accepted and removed:

- R03.07

This is a code used for recycling activity involving waste paper and board, plastics or wood in order to manufacture new products. Furthermore, your site code (A14) is not applicable with this R code.

Please find the attached "DRCodeFlowchart" document which will help you work out which R code is applicable to your site. Please make sure this is rectified by the next submission of waste returns due this Quarter (Q3, July-September, due to be received by 31 October 2020).

Technical Competent Manager (TCM)

According to the latest waste returns submitted, the current TCM duties for the site are being provided by Robin Davies until the 5th June 2021. Could you please send a copy of this certificate as evidence of your competency by the 12th October 2020.

Environmental Management System (EMS)

Natural Resources Wales received Coed Belyn Mawr's EMS (Version dated as July 2020) and associated documents on the 6th August 2020. This was the document which has been reviewed. The document was reviewed against the standards set out in the current Natural Resources Wales "how to comply with your environmental permit" document dated October 2014 as well as your environmental permit. This piece of Natural Resources Wales guidance sets out what must be and should be included within a site EMS. Findings

and actions from the review are summarised below:

1. Site plans

It is good to see you have clearly displayed a site plan early on in your EMS. Although your plan does not have to be highly technical, it does need to represent accurately all the main features of the site. We suggest you think about implementing the following missing elements into your site plan, where they are relevant to your activity:

- the activities carried out and any discharge points.
- a drainage plan which identifies both surface and foul drains and the final destination of any drain.
- the location of any waste activities such as storage areas for skips (full and empty).
- the location of any oil and chemical storage facilities.
- the location of spill kits.
- important or sensitive local receptors such as neighbours, sensitive wildlife areas, rivers, underlying groundwaters.
- potentially contaminated land on your site.

2. Operations

Table C in your Accident/ Pollution Incident Management plan seems incomplete. Your EMS makes reference to other potentially harmful substances that could harm the environment which should be listed in this Table, for example you might consider the fuels stored on site and more.

3. Maintenance

It is important that you carry out a programme of planned maintenance checks and a checklist should be used to outline how often the performance of plant or infrastructure is inspected. We can see that you have incorporated such a maintenance plan checklist into your EMS (Maintenance checklist QA/08). However, it appears that this section of your EMS also appears incomplete, we advise that you revisit this section and fill in the missing details.

4. Accidents and incidents

As mentioned previously your site plans are missing key elements. Important to note for dealing with accidents/ incidents is that your site plan should include the location of any emergency kits or equipment for fire, spill kits and drain caps. This has not been included in your current site plan, we strongly suggest you consider changing this.

Another key element of the Accident / Incident Management plan of your EMS is including a list of key and emergency contact details. We can see you have included this in Table B at the beginning of Accident/ Incident Management plan which is always good practice. However, this table is incomplete and is missing key contact details at the bottom of the table. This is important, in particular as Table D lower down makes reference to contacting the Utility providers as a response to a possible accident/ incident. We advise that you consider completing this section.

Table D in your Accident/ Incident management plan highlights some potential accidents/ incidents, what

the risks are and what to do in such situations. However, some of these refer to other documents to know what to do in such situations, such as the spill response procedure and fire procedure. There is no reference here to where these documents are kept, although we found the spill response procedure lower down in your EMS (standard operating procedure (SOP 10), we could not locate your fire procedure that is referred to in Table D. We suggest that all documents relevant to the EMS are incorporated and clearly signposted for ease of finding

We also recommend that you test your Accident/ Incident Management plans using regular drills or exercises. A procedure for this is something you might also want to consider for your EMS.

Another important aspect of dealing with accident and incidents is having a site board with contact emergency numbers. You could consider implementing this into your EMS which might include an inspection/ maintenance checklist for the site board.

5. Site security

You must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access. You should be clear about the level of security needed at your site and make a written assessment of your control measures in your EMS.

Table D in your Accident/ Incident Management plan makes reference to how you would reduce the chances of vandalism occurring, however, this does not address what approaches you actually take on site. Furthermore, this Table refers to the spill response procedure as the only procedure for dealing with vandalism. You might also want to consider what to do if any vandalism results in a fire, equipment damage or unauthorised deposit of waste.

6. Non-compliance

Non-compliance or non-conformance refers to any activity on a permitted site that does not meet the relevant permit condition or relevant legislation. You should also consider whether you need to change any operations on site in response to any non-compliances (part of your continuous improvement process), this has been briefly addressed at the end of your spillage procedure (SOP 10). SOP 1 describes the process for dealing with non-conforming wastes and rejecting loads on site, you might want to consider providing further detail on your response to non-compliances for this SOP as well, some responses might include:

- amending the EMS to reflect changes
- make sure staff and managers are aware of changes
- tell NRW about the changes.

7. Closure

We can see that you have attached a site condition report template to your EMS, it is good to see that you are aware of the process of surrendering your permit. This process will involve showing that the state of contamination of the land when you close your site is no worse than when you began your operations. We can see that the site condition report attached to the EMS isn't filled in yet, however, keeping your site condition up to date during the life of your permit will help you demonstrate this.

8. Complaints

SOP 12 outlines your complaints procedure which is also accompanied by your complaints record (QA/05) which is required to be filled in in order to respond to a complaint. Following the theme of continual improvement as referred to in section 6 above (Non-compliance) we suggest that you reflect the outcome of any complaint investigation in your EMS and improved operations, again this might include:

- amending the EMS to reflect changes
- make sure staff and managers are aware of changes

Regarding the complaint record (form QA/05), the end of the form makes reference to contacting the EA office. This should be changed to NRW office.

Lastly, you could add a section to this form (QA/05) to provide feedback to the reporter. Providing feedback once the problem has been resolved will help complainants feel they can report problems directly to you as the operator and get them resolved more efficiently.

9. Records

You must keep records to demonstrate that you are operating and managing the activities in compliance with your EMS. You could incorporate a section in your EMS to explain what records you are going to keep and where they will be held. Then make sure you keep the relevant records up to date.

Particularly, as per your permit, there is a requirement to send waste returns to NRW at the end of each quarter. We found no reference to the procedure for this requirement in your EMS.

10. Other

You need to ensure that the EMS is kept up to date, it must be continually assessed to monitor its effectiveness against your operations, and you should make changes to it if it fails or when you can see ways of improving it. This should help you to achieve and maintain compliance with your environmental permit. Considering this, you might want to consider keeping a log of version changes and dates at the beginning of your EMS. Your Quality procedure revision log (QA/01) and list of procedures (QA/02) does provide this to some extent. These documents provide detail on when most elements have been reviewed or changed along with where each procedure is kept. However, a summarised version at the beginning of the EMS would be beneficial.

Some of the procedures listed in the list of procedures (QA/02) require attention as the procedures were last reviewed in 2017.

Finally, upon reading your whole EMS, it became apparent that many documents, plans and procedures were not signposted clearly enough. We recommend that the EMS becomes more user-friendly as any employee or inspector should be able to pick it up and read and understand the document. In order to achieve this, we strongly advise that you firstly consider numbering the pages and that each section listed in your index is detailed with the corresponding page number in the EMS.

Although we cannot approve your EMS we can recommend that you consider adding or amending the information and procedures mentioned above. Could you please make the changes to your EMS where you

see fit and send us an up to date copy by the 13th November 2020.

Should you wish to discuss any of this information please do not hesitate to contact me.

Thank you for your time.

Regards,

Daniel Grant, Hazardous Waste Regulation Officer

daniel.grant@cyfoethnaturiolcymru.gov.uk

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.