Compliance Assessment Report

Report ID: CAR_NRW0034275

This form will report compliance with your permit as determined by an NRW officer					
Site	C T Skip Hire	Permit Ref	DB3332RH		
Operator/Permit holder	Carl Thompson				
Regime	Waste Operations				
Date of assessment	09/11/2018	Time in	10:37	Out	11:40
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by	Lombardi, Karl				
Recipient's name/position	Mr Carl Thompson/ Operator	Date issued	27/11/2018		

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C3	Permit Condition 1.1.1, EMS 6.7.3 & Permit Condition 3.4.1, FPMP - relevant sections
C4 - General Management - Storage, handling labelling and Segregation	C3	Permit Condition 1.1.1, EMS 4.4.4
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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

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

This was a pre-arranged inspection visit arranged primarily to audit how the recently updated Fire Prevention & Mitigation Plan (FPMP) was being implemented on site. The weather conditions were cold and wet. Natural Resources Wales (NRW) Environment Officers (EO) Paul Challender and Karl Lombardi were escorted at all times by the operator Mr Carl Thompson.

The inspection was split into two parts with EO Lombardi conducting the pre-arranged FPMP audit and EO Challender conducting the scheduled site inspection. The outcomes of both the audit and inspection are presented in this Compliance Assessment Report.

FPMP Audit

The primary objective of the visit was to audit the site FPMP and to assess if the plan meets minimum guidance standards and appropriate procedures were being followed onsite. A desk review of the FPMP was undertaken by EO Lombardi prior to the site visit, observations and findings of the review were discussed during the visit with Mr Thompson.

FPMP Review

The following FPMP version was reviewed for the audit, *C T Skip Hire Fire Prevention & Mitigation Plan, 4W Environmental Limited, dated 28/08/2018*. The document was assessed against the FPMP guidance document, *Fire Prevention & Mitigation Plan Guidance – Waste Management (Version 2.0), August 2017*. The FPMP guidance document describes what *must* and what *should* be included within an operator's FPMP. *Must* conditions are considered mandatory unless it can be justified what alternative measures are in place that meet or exceed the FPMP guidance standard. *Should* measures are to be followed, unless alternatives are proposed or explain why they don't apply. Observations and findings from the audit are summarised below.

Site Plans

The following site plans were reviewed for the audit:

- Appendix 1, *Schematic Site Layout (rev 1, dated 28/08/18, CTS/003/A)*
- Appendix 2, *C T Skip Hire – Site Receptors within 1km*
- Appendix 3, *Location of Fire Hydrants C T Skip Hire Compound 4, Drone Rd (dated 03/05/18)*
- Appendix 4, *Schematic Fire Access & Assembly (dated 10/05/18, CTS/004/A)*
- Appendix 5, *Drainage Network C T Skip Hire Compound 4, Drone Rd (dated 03/05/18)*

It was discussed during the audit the *Schematic Site Layout Plan* was too small as printed on A4 and the drawings and text were difficult to read. The Emergency Services Pack was observed on the front access gate per the *Schematic Site Layout Plan* and appeared in good order, although the identification label was faded. Fire extinguishers were also observed onsite, although their locations are not indicated on the *Schematic Site Layout Plan*.

Action 1, amend and include the following on the Schematic Site Layout Plan CTS/003/A.

- **Increase the size of the Site Layout Plan from A4 to A3 or similar. Alternatively, reproduce the existing layout plan to be more legible.**
- **Identify the locations of the site fire extinguishers on the layout plan.**

Designated Quarantine Area

Section 22 of the FPMP guidance states a quarantine area should be maintained within the permitted area of the site and used to place and extinguish fire affected waste. A designated quarantine area should be kept clear at all times and adequately described in the FPMP. During the audit, a clear designated quarantine area was observed within the eastern area of the site and is mentioned briefly in the FPMP. To meet the FPMP minimum guidance standard, a more detailed description of the quarantine area(s) and how they will be managed is required.

Action 2, describe the location(s) of the designated quarantine area(s) in your FPMP and state how they will be managed per the FPMP guidance document.

During and After an Incident.

Section 23 of the FPMP guidance describes contingency measures *must* be considered during and after an incident and described in the FPMP. Typically, these include a contingency plan for diverting incoming wastes to alternative sites during a fire and the use of contractors (if applicable) to assist with additional plant/equipment for firefighting and firewater management.

Action 3, describe in your FPMP contingency measures regarding,

- **Diverting incoming wastes to alternate sites during a fire.**
- **Using contractors to assist with plant/equipment for firefighting and firewater management.**

If the above measures are not deemed applicable, you must state in your FPMP why they don't apply or provide justification to what alternative measures are in place that meet or exceed the FPMP guidance standard.

Combustion Products and Emissions

Section 5 of the FPMP guidance states the FPMP *must* include all expected combustion products (to air, land and water) emitted from a fire and the emergency response, including the impact on the local community, critical infrastructure and the environment and how they will be minimised.

The impact to the local community and mitigation methods are adequately described in the FPMP. However, more detail is required regarding potential combustion products that may be emitted to air, land and water. The FPMP must describe potential combustion products that could be emitted from waste stored onsite during a fire. For example, *"……typical combustion products to air resulting from a fire of non-hazardous mixed waste could include, oxides of carbon, sulphur, nitrogen and particulate matter……"*

Action 4, detail in your FPMP potential combustion products that could be emitted to air, land and water from a fire of the waste stored onsite.

Sensitive Environmental Receptors

Section 5 of the FPMP guidance states that sensitive human and environmental receptors within 1km of the site *must* be considered within the FPMP including contact details if applicable. Table 3 of the FPMP summarises the closest site receptors but applicable contact details are not included.

Action 5, include applicable contact details of site receptors to Table 3 of your FPMP.

The groundwater vulnerability status of the site *must* also be considered and described in the FPMP. Section 3.0, Receptors of the FPMP states, *"The site is not believed to lie within a groundwater source zone."* Please note, a significant amount of firewater (up to 476,000 litres) could be generated based on the potential maximum stockpile size of 397m³ stated in the FPMP and therefore could potentially impact groundwater.

Action 6, confirm in your FPMP the groundwater vulnerability status of the site and reference your source of information.

Staff FPMP Training.

Section 24 of the guidance describes measures for reviewing and monitoring the FPMP including the training of staff to enable them to competently carry out the procedures within the FPMP. The importance of staff training of your FPMP was discussed. It is understood as the operation is small, with occasionally employing only one member of staff, that training is documented in a site diary.

Action 7, provide a copy of documented evidence (site diary, check-sheet or similar) that shows staff have been trained to your FPMP. Ensure the training record includes the date they were trained and the topics

that were discussed.

<u>FPMP Site Inspection</u>

A site inspection was carried out during the audit. The site appeared to be operating normally with significant amounts of inert and mixed waste being stored onsite. The site fire extinguishers stated in the FPMP were observed although their locations are not indicated on the site Layout Plan.

The Emergency Services Pack was observed on the front access gate and appeared in good order, although the identification label was faded.

A designated quarantine area in the eastern portion of site was inspected and appeared free and clear of stored materials.

The location of the nearest fire hydrant on the Sunhill Transport property appeared unobstructed and as indicated in the FPMP. A significant amount of mixed waste was observed within the transfer building and appeared to be just below the maximum storage height of 4 metres. The transfer building was in a poor condition and make-shift repairs to the roof support beams and siding were observed during the visit.

Please see the breaches section below for CCS scores and resubmission date.

Thank you for your time and assistance during the audit. Please ensure you review the action items and recommendations in this report. If you would like to discuss anything further as regards to your FPMP, or require further guidance, then please contact Karl Lombardi on 03000 065 4190, karl.lombardi@naturalresourceswales.gov.uk.

<u>Environmental Permitting Regulations Site Inspection</u>

The permitted site was also due it's scheduled site inspection for this reporting quarter which, was conducted by the appointed regulating officer EO Challender.

It was immediately obvious upon entering site that there was reduction in the stockpile of stored waste in the transfer building. The transfer building, although almost full now contained a volume of waste that was sufficiently low to be fully contained within the building. No rats were observed during this inspection. At the time of the inspection a member of staff was sorting through the waste pile to extract the wood fraction. The volume of waste present however, prevents inspection of the impermeable surface which, is a breach of permit conditions and is discussed below.

The construction and demolition waste stockpiles are still present on site however, Mr Thompson had moved some of the material to a different location within the compound to facilitate sorting and removal by a third party. Although the operator is working on this waste stream, volumes are still as high as reported during previous inspections and it is now displaying mixed waste contamination. This is a breach of permit conditions and is discussed below.

Mr Thompson had recently suffered a fire in one of his skip wagons which contained the site paperwork. The fire occurred at his home address and not at the permitted site. As a result of this fire site paperwork has been lost and Mr Thompson is currently re-instating all required paperwork and prior to the inspection has sought advice and guidance from NRW via his consultant regarding the issues this loss of documentation created.

At the end of the audit and inspection, Mr Thompson initiated a discussion regarding the status of the permit at his site and advice and guidance was given in respect of the options available. I will be in contact as discussed to provide further information concerning your queries.

<u>The following breaches to the permit have been recorded:</u>

(C2) Management System and operating procedures. Consolidated CCS Score C3.

Permit Condition 3.4.1, FPMP - relevant sections.

The FPMP that was submitted to NRW addressed many of the comments raised during the last review; thank you for the new document. Please review your FPMP in-line with the current guidance and follow the action items 1 to 7 detailed above in this report and re-submit a revised copy to NRW by the 31st January 2019.

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. **Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.**

Permit Condition 1.1.1, EMS 6.7.3.

EMS Section 6.7 refers to site inspection and maintenance procedures. EMS condition 6.7.3 states areas of hardstanding impermeable pavement, sealed drainage system etc., will be inspected monthly. Since the transfer building has been full of mixed waste for over 12 months, it would not have been possible to carry out a full inspection of the impermeable pavement and sealed drainage system. The volume of mixed waste has reduced since my last inspection and is fully contained within the building. Although the impermeable surface and sealed drainage system that lay outside the boundary of the transfer building are now exposed and available for inspection as required, there is still a quantity of waste within the bulking/deposit area of the building which has been stored at a quantity which prevents the operator from conducting a full inspection by rotation of the waste stockpile or otherwise.

(C4) Storage, handling, labelling and segregation - Permit Condition 1.1.1, EMS 4.4.4. CCS Score C3.

Inert waste is stored in excessive volumes and for excessive periods of time. The inert waste stockpile is essentially a permanent feature of the site. Although it is noted that the operator is now working on multiple areas of the inert stockpile. Frequency of removal of inert waste from the site is not sufficient to comply with the 6-month limit stated in the EMS the frequency of the removal of waste should be increased. The high volumes of both stored inert waste and mixed household waste is causing inert waste to become incorporated into the mixed waste and similarly mixed waste to contaminate the inert waste stockpile. Lower volumes of correctly stored waste streams would mitigate against this cross-contamination of waste streams.

Enforcement action

Prolonged non-compliant activities on site poses a risk of pollution of the environment and harm to human health. It is recognised that Mr Thompson has suffered recently from the arson attack on a skip wagon and that this has impacted the business financially along with other external issues which currently affect his circumstances. There has been a reduction in the volume of waste stored on site however, we will continue to monitor the status of the site and expect to see continuous improvement focusing on the reduction in levels of stored mixed and inert waste over the coming months and may take relevant enforcement as appropriate to ensure compliance with the permit. This may include the service of a notice to reduce volumes of stored waste or a partial suspension of the permit to halt the acceptance of waste material. As such a Site Warning has been issued on this CAR form.

Thank you for your time during this inspection and audit.

EOs Paul Challender & Karl Lombardi

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.

This form will report compliance with your permit as determined by an NRW officer			
Site	C T Skip Hire	Permit Ref	DB3332RH
Operator/Permit holder	Carl Thompson	Date	09/11/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C4	C3	Reduce stored levels of waste to ensure compliance with storage limits and time frames and to mitigate against cross contamination.	31/01/2019
C2	C3	Address the FPMP actions 1 - 7 detailed in the body of this report. Reduce volume of waste to enable the inspection of the impermeable surface within the waste transfer building.	31/01/2019

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.