Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0034360

This form will report compliance with your permit as determined by an NRW officer					
Site	Dirtbusters	Permit Ref	QP3394FB		
Operator/Permit holder	Philip And Michael Garratt				
Regime	Waste Operations				
Date of assessment	13/12/2018	Time in	11:25	Out	11:43
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by	Brannan, Callum				
Recipient's name/position	Mr Philip Garratt/ Operator	Date issued	08/01/2019		

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	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	C3	Permit conditions 1.4.1, 1.4.2, 1.4.4, 6.3.1
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	A	
E3 - Emissions - Surface water	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	
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	1	**Total compliance score** (see section 5 for scoring scheme)	4

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 routine site inspection to the site by the new Natural Resources Wales (NRW) regulating officer Environment Officer (EO) Paul Challender who was accompanied by EO Callum Brannan. The weather conditions during the inspection were cold, still and partially overcast. During the inspection the NRW officers were escorted by Mr Shane Garrett at all times.

The Dirtbusters permitted site lies within a larger compound operated by a construction company. This company had recently stopped trading but Dirtbusters were still able to operate within their portion of the fenced area and to freely gain access and egress. The compound as a whole benefits from an impermeable surface that is in good condition with sealed drainage and an interceptor. The interceptor lies outside the permitted area is maintained by a third party however, no issues were observed at the time of the inspection.

The site is a typical small waste transfer station for the receipt of skip waste for sorting into various fractions by hand before segregated waste streams are moved on to other waste operators. The inspection took place during a time of year typically quiet for this type of operator and as such quantities of waste stored at the site were compliant with the permit.

During the inspection certain items that had been found during hand sorting and had been put to one side for safe disposal were observed. Mr Shane Garrett explained his concerns regarding these items and explained his processes for disposing of them and similar items via the most appropriate recipient. It was however, evident that these occurrences of finding material that should be quarantined were not being logged in the Site Diary due to the lack of a Site Diary being present at the site. This is a breach of permit conditions and is further discussed below.

The lack of a Site Diary at the site also means that the attendance of the Technically Competent Manager (TCM) cannot be adequately logged as per permit conditions. EO Challender confirmed with Mr Shane Garrett that Mr Philip Garrett is still the site's TCM and that he is still without current, valid certification. This is a breach of permit conditions and is further discussed below.

No site paperwork is kept at the site due to security concerns. All relevant paperwork could have been made available within a short time frame but the inspecting officer did not request this and it was agreed that a paperwork audit would be conducted in a future inspection. The operator however, needs to maintain certain items on the site during operational hours as per permit conditions. This is a breach of permit conditions and is further discussed below.

Prior to the inspection a review of this compliance year's Waste Returns was conducted and all appeared correct. Thank you for your timely submissions of this data.

The following breaches to the permit have been recorded:

C1) Staff competency/training - Permit condition 1.4.1, 1.4.2, 1.4.4, 6.3.1 - Consolidated CCS Score C3.

The permit breaches listed above have been consolidated as the lack of supervision from a suitably trained member of staff and lack of attendance from a qualified TCM are likely to be the root cause behind the non-compliance with permit conditions identified on site.

Permit condition 1.4.1 states that when the site is operating, it shall be supervised by a member of staff who is suitably trained and fully conversant with the requirements of the licence regarding:

- Waste acceptance & control procedures
- Operational controls
- Maintenance
- Record-keeping
- Emergency action plans

- Notifications to the Agency (NRW)

Attendance of such a suitably trained person is recorded as per permit condition 1.4.4, see below.

Permit condition 1.4.2 states the a copy of this site licence shall be kept available on site for reference when required by all site staff carrying out work under the requirements of the licence. Mr Shane Garrett was the only member of staff present on staff that day and did not have access to the site licence. Mr Garret stated that all site paperwork is kept at a local offsite location and offered to have any paperwork requested to be brought to the site immediately. This method of securely storing paperwork is acceptable however, certain documents are required to be available on site under permit conditions. There should always be a copy of the site licence at the permitted site which is accessible to all employees and all employees should know its location should they require to check the details of the licence to conduct their duties.

Permit condition 1.4.4 requires attendance of the technically competent person(s) at the site shall be recorded in the Site Diary on arrival and departure. The TCM for the site is Mr Philip Garratt. However, Mr Garratt has not received his continued competency certificate for several years. There is no other evidence of attendance by a TCM at the site for several years and Mr Shane Garrett confirmed that there is no third party TCM cover in place. You must ensure the site is attended by a TCM on a regular basis and the attendance recorded in the Site Diary as per permit requirement. NRW may take enforcement action against you if you continue to breach this permit condition. If the site TCM is unable to gain continued competency then you will have to consider hiring in a suitably qualified person to provide the TCM cover for the site. A waste site operating without the supervision from a qualified person poses a risk of pollution of the environment and harm to human health.

Permit condition 6.3.1 requires the maintenance of a Site Diary for the recording of pertinent information. Mr Garrett did not know of, or have access to a Site Diary to enter details of quarantined waste materials when improvements to the procedure for dealing with dangerous unpermitted waste types. Site Diaries should be maintained to record the following information:

- construction work
- start and finish of daily waste management activities on the site
- maintenance
- breakdowns
- emergencies
- problems with waste received and actions taken
- site inspections and consequent actions carried out by the operator
- TCM attendance on site: the date and time onto site and the time left site
- despatch of records to the Agency (NRW)
- severe weather conditions
- complaints about site operations and actions taken
- environmental problems and remedial actions

Thank you for your time during this inspection visit.

Paul Challender - Environment Officer (Waste Regulation)

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.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0034360**

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Site	Dirtbusters	Permit Ref	QP3394FB
Operator/Permit holder	Philip And Michael Garratt	Date	13/12/2018

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.

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			
C1	C3	TCM to complete continuing competency training or hire a third party TCM, maintain a Site Diary recording all pertinent information and keep a copy of the permit in an accessible location at the site.	01/04/2019

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.