

Compliance Assessment Report

Report ID:
CAR_NRW0034244

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

Site	Viv Williams Skips	Permit Ref	GP3094LE			
Operator/Permit holder	Vivian P Williams					
Regime	Waste Operations					
Date of assessment	14/11/2018	Time in	11:40	Out	12:25	
Assessment type	Site Inspection					
Parts of the permit assessed	Sub-criteria listed below					
Lead officer's name	Wilson, Alastair					
Accompanied by						
Recipient's name/position	Vivian Williams/ Site Manager	Date issued	05/12/2018			

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	C3	2.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	1.1.1 (a)
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.1.1 (b), 1.1.2
C2 - General Management - Management system and operating procedures	C3	1.1.3
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
D1 - Incident Management - Site security	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	C4	4.1.2

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	6	Total compliance score (see section 5 for scoring scheme)	20.1
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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

This was a routine unannounced site inspection by Natural Resources Wales (NRW) officer Alastair Wilson (Environment Officer).

Throughout the inspection weather conditions were cool, bright, with no precipitation.

The site was operating with one member of staff. Upon arrival the officer introduced himself to the operator who showed the officer around the site, the site manager was not present but they were informed that I was on site, the technically competent manager was not present. One skip was tipped, and one skip arrived into the holding area whilst the inspection was being carried out.

A walk around of the permitted area was carried out. The site appeared to be quite full, and waste was well segregated into piles of different waste types both inside and outside the main building.

The sign at the entrance to the site has out of date phone numbers and refers to the Environment Agency rather than Natural Resources Wales. Please update your sign to the latest details as stated in the document "How to comply with your environmental permit" on page 36.

- the permit number
- a statement that the site is permitted by Natural Resources Wales
- Natural Resources Wales national number, 0300 0653000 (incident hotline)



Photo 1. Sign at site entrance.

Waste is dropped off inside the main building which has a concrete floor.

In the main site building you have a drainage sump to collect liquid that might drain out of waste.

When waste is accepted onto the site it is emptied within the building and different materials are separated into piles within the building. Waste that is not permitted to be accepted should be quarantined and sent to an authorised site as soon as practicable.

The concrete impermeable surface in the yard is in excellent condition and there was no problem with dust or any material tracking out on to the road.

The site appeared to be secure with security fencing around the perimeter.

Throughout the inspection the following permit breaches were observed.

CAR sub-criteria B1. Permit condition 2.1.1. Compliance Classification Scheme category 3 breach.

There is a section of damaged floor where skips are emptied, which poses a risk that any liquids might soak through into the underlying ground and cause pollution. As specified within condition 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”). Table S1.1 (the “activities”) specify all activities take place on an impermeable surface. You are required to repair the floor to make the surface impermeable. **A category 3 non-compliance has been recorded.**



Photo 2. Looking into the main building, damaged concrete bottom left.

CAR sub-criteria B3. permit condition 1.1.1. Compliance Classification Scheme category 3 breach.

It was indicated by your operator that the access point to this sump is in the back corner of the building. However, this was under a pile of waste and was inaccessible (photo 3). As detailed in your own working plan you need to check this sump level daily to make sure it does not overflow or seep into the ground and cause pollution. As specified within condition 1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system... Section 2, WP/2.210 b) Site Surface Water Management Systems. States you will check the volume of the sump daily. This is not possible as it is under a large pile of waste. You need to ensure you are following your own working plan, and ensure you are checking the volume of your sump daily. Failure to ensure that the drainage system is operating as designed renders it ineffective and gives a higher likelihood of pollution occurring. **A category 3 non-compliance has been recorded.**



Photo 3. Drainage tank inspection hatch somewhere under waste.

CAR sub-criteria C4. Permit condition 2.3.1. Compliance Classification Scheme category 3 breach.

Some waste gas cylinders (photo 4) and tyres are on the site, the tyres have been quarantined correctly, however the gas cylinders have been left outside the door of the main building. Your management plan states that unacceptable wastes will be removed from the site within 7 days. As specified within condition 2.3.1 (a) be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2. Table S1.2 specifies using the document "How to comply with your environmental permit". On page 42 of this document it describes the process of quarantining waste that you are not permitted to accept. Gas cylinders and tyres are not listed as an accepted waste. You are required to quarantine this waste and have it sent to an authorised site. **A category 3 non-compliance has been recorded.**



Photo 4. Gas cylinders and fire extinguishers by the shed entrance.

CAR sub-criteria C2. Permit condition 1.1.3. Compliance Classification Scheme category 3 breach.

There was no accessible permit or working plan available. You need to make sure these documents are made available by the date listed in section 4 of this form under Actions required. As specified within condition 1.1.3 Any persons having duties that are or may be affected by the

matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out. **A category 3 non-compliance has been recorded.**

CAR sub-criteria C1. Permit condition 1.1.1 (b). Compliance Classification Scheme category 3 breach.

Due to the number of breaches observed throughout the inspection it was evident that the site is not being managed and operated using sufficient competent persons and resources. No specific details could be provided detailing the attendance of technically competent personnel at the site. No written evidence was available and no sign in information was available either. **A category 3 non-compliance has been recorded.**

CAR sub-criteria C1. Permit condition 1.1.2. Compliance Classification Scheme category 3 breach (consolidated).

There was no site diary or any other records present to indicate that the management system was being followed, that relevant checks were being made, or that technical competent persons were spending the necessary amount of time on the site. You need to make records to demonstrate you are complying with your management system. As specified within condition 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained. **A category 3 non-compliance has been recorded.**

CAR sub-criteria G2. Permit condition 4.1.2 Compliance Classification Scheme category 4 breach.

All records required to be made under conditions of the permit are to be made available for inspection immediately when requested. However, during the site inspection, despite being requested by officers, the site operative was unable to locate records and documentation (site permit, site management system, site diary) and make them available for inspection. Recording keeping within the site office did not appear very organised. Please ensure that all records required to be kept and made available for inspection are appropriately filed and accessible. **A category 4 non-compliance has been recorded.**

Please ensure that you carry out the actions listed in section 4 of this report, by the date specified.

After the visit the officer phoned Vivian Williams to discuss the issues that were found during the inspection. Mr Williams stated that the gas cylinders had been removed from the site, and that the concrete floor of the building was due to be repaired over the Christmas shut down period. He said that there were copies of the site diary, permit and management plan in the office, but would make sure that these were accessible in future.

Thank you for your time on site. Should you have any questions or queries please do not hesitate to contact me (03000 653660 or alastair.wilson@cyfoethnaturiolcymru.gov.uk)

Kind regards,

Alastair Wilson – Environment Officer – Natural Resources Wales

Ends

EPR Compliance Assessment Report

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Site	Viv Williams Skips	Permit Ref	GP3094LE
Operator/Permit holder	Vivian P Williams	Date	14/11/2018

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			
B3	C3	Maintain access to sump and check level daily as stated in site management plan	02/01/2019
B1	C3	Repair concrete slab to form impermeable surface	29/03/2019
G2	C4	Ensure site diary is available and updated when required or following an occurrence on the site and that all records required to be kept are available on request.	02/01/2019
C4	C3	Quarantine unacceptable waste types and have removed as soon as possible to an authorised site.	02/01/2019
C2	C3	Ensure that a copy of the site permit and management plan are held on site and that all staff are aware of the two documents and the sections relevant to their duties.	02/01/2019
C1	C3	Ensure that a technically competent person spends sufficient time managing the site, that operatives are trained, and that suitable records are maintained evidencing training and attendance.	02/01/2019

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.