

Compliance Assessment Report

Report ID:
CAR_NRW0034318

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

Site	J A Bowen & Co, Landfill	Permit Ref	PP3195CR		
Operator/Permit holder	John N Bowen				
Regime	Waste Operations				
Date of assessment	21/11/2018	Time in	14:10	Out	15:05
Assessment type	Site Inspection				
Parts of the permit assessed	Restoration				
Lead officer's name	Park, Liz				
Accompanied by	Starks, Madeleine				
Recipient's name/position	Nigel Bowen/ Operator	Date issued	06/12/2018		

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	K1.1

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
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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

Liz Park and Madeleine Starks arrived onsite to undertake a post -operation site inspection to assess the process to full restoration. At the time of the inspection it was cold and foggy.

A fourth series of photographs were taken from the same points as previously recorded. It is noted that there has been limited progress towards full restoration. A deposit of topsoil was observed.

A closure brief has not been received. Whilst on site Mr Nigel Bowen arrived. He informed Liz and Maddie that he planned to get the tipping face of the landfill fully restored by this time next year. Mr Bowen wants to deposit subsoil, regrade the tipping face and put in benches, and place topsoil on top. Liz Park advised Mr Bowen to consider the stability of the tipping face as this has had issues in the past. There are drainage channels being created by rain which need to be considered in the final restoration. Please submit an updated Site Restoration and Closure Brief detailing how this will be achieved. The final levels must be in accordance with the approved restoration plan as detailed in Permit condition R.1 (Variation Notice 09/02/2016).

Liz Park informed Mr Bowen that she will be requesting a survey of the site as detailed in Section 4.0 of the Closure Report which forms the agreed closure and aftercare management plan. Due to previous issues with site stability, evidence that the fully restored landfill will remain stable, and that there is no slippage in the long term will be required.

Only those wastes listed in EWC version 25 January 2016 provided by Ceri Environmental Consulting can be used for restoration.



Current condition of tipping face - culvert access can be seen on left and water erosion on the right

G4 – Reporting and Notifications to Natural Resources Wales – Permit Condition K1.1 – CCS Cat 3

You were given several non-compliance for not submitting waste returns. You are still required to submit waste returns within one month of each quarter as the site is not fully restored. All missing wastes returns as detailed below (including null returns) must be submitted by 31 January 2019 together with Q4 2018.

Q1 – 2016, Q2 – 2016, Q3 – 2016, Q4 – 2016

Q1 – 2017, Q2 – 2017, Q3 – 2017, Q4 – 2017

Q1 – 2018, Q2 – 2018, Q3 – 2018.

EPR Compliance Assessment Report

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Operator/Permit holder	John N Bowen	Date	21/11/2018

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			
G4	C3	Submit all missing waste returns	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.