Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0035700

This form will report compliance with your permit as determined by an NRW officer					
Site	Waste Transfer Station	Permit Ref	WP3994FR		
Operator/Permit holder	Heather Brown				
Regime	Waste Operations				
Date of assessment	12/09/2019	Time in	11:19	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by	Henderson, Amy				
Recipient's name/position	Mr Andrew Brown/ Owner	Date issued	24/09/2019		

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	C3	Permit Condition 1.1.1, Table 1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
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	X	
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	C3	Permit Condition 1.4.4 & 7.3.1
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 routine unannounced inspection of the site by Natural Resources Wales (NRW) officers Paul Challender and Amy Henderson. During the inspection the weather was warm, dry and still. The site was in operation during the inspection with waste being deposited and sorted by site workers. Mr Brown gave an overview of the yard and was available in the site office to provide requested documentation and answer questions regarding the site's operation.

The site was quite full at the time of the inspection however, it did not appear to be breaching any waste storage limits. The site could benefit from better organisation and tidy, contained storage of waste streams. This would benefit segregation of waste types and limit the potential for the cross contamination of wastes.



At the rear of site there was evidence of forced access to the site by unauthorised persons. On discussion, it was identified that this was historic damage from forced entry to attempt to steal metals and other high value waste streams. The damaged wall had not been reinstated but, the hole giving access had been sufficiently remediated to prevent further access.

Waste was identified as being stored outside the permitted area in skips awaiting removal. These skips were stored without the benefit of a permit or relevant registered waste exemption. This is a breach of permit conditions and is discussed below.

During the inspection a selection of paperwork was reviewed including a check of any registered exemptions which were identified as expired. This confirmed a public register check made prior to the inspection.

I was unable to find an in date upper tier waste carriers licence for the business prior to inspection however, Mr Brown was able to supply a copy of the confirmation of the in-date registration CBDU6057.

Mr Brown's WAMITAB Certificate of Continuing Competency qualification was checked prior to the inspection and was found to be correct and in date. Mr Brown is a full-time member of staff and as such is present on site most days to perform his TCM function. TCM attendance is recorded in the Site Diary.

A selection of waste transfer notes was reviewed with no major issues identified.

On checking the Site Diary, it was explained that this was an electronic document and that it had not been completed for a while. The checklist within the document appeared to be appropriate for the site with a range of daily and weekly checks listed. There was active use of the free text boxes to report occurrences such as plant maintenance and stock levels. The Site Diary would benefit from the recording of weather conditions on a daily basis and any significant changes in weather conditions during a 24-hour period and a discussion took place around this matter. Unfortunately, the Site Diary had not been populated since February 2019. This has been recorded as a breach and is discussed below.

The Site Identification Board contains out of date information and is discussed below.

The following breaches to the permit have been recorded:

(A1) Specified by Permit. Permit Condition 1.1.1, Table 1.1. CCS Score C3.

Waste was identified as being stored outside the permitted area in skips awaiting removal. These skips were stored without the benefit of a permit or relevant registered waste exemption. Therefore, you must cease storing waste outside of the permitted area unless it can be appropriately stored under an exemption.

Exemptions may not be used to top up or extend the operations of permitted sites. Activities conducted under exemptions must be conducted as a separate operation to those authorised by your permit. Therefore, storage exemptions should not be registered to facilitate the operation of an offsite holding area for waste accepted, bulked and/or sorted at your permitted operation.



The observed stored waste types were stored in skips in a manner that would prevent their escape from the containers however, as the 40 cubic yard skips are open vessels there is a potential for rain ingress and an associated environmental impact from any leakage or run off from waste.

(C2) Management Systems & Operating Procedures. Permit Condition 1.4.4 & 7.3.1. Consolidated CCS Score 4.

A score has been applied for the failure in maintenance of a populated Site Diary as required by Permit Condition 7.3.1. Site Diaries provide a record of various activities on permitted sites detailing incidents of maintenance, breakdowns, emergencies, TCM attendance, complaints and subsequent actions, severe weather conditions etc.... This can provide a useful record of information to the operator and regulator in the identification and remediation of issues as they arise. During this inspection it was found that the Site Diary had not been utilised since February 2019. This issue needs to be rectified and consistent use of the Site Diary for recording pertinent information needs to be reinstated with daily records being completed within 24 hours of the relevant event.

Permit Condition 1.4.4 details the requirements for TCM attendance and the recording of TCM attendance in the Site Diary. Mr Brown is the qualified TCM for the site and is present on the permitted site most days however, due to the incompleteness of records in the Site Diary this cannot be evidenced in such a manner to satisfy Permit Condition 1.4.4. This is therefore a breach of this condition. As the root cause in this instance is the improper maintenance of the Site Diary; the CCS score for the non-compliance has been consolidated with the breach of Permit Condition 7.3.1. Daily completion of the Site Diary including the recording of TCM attendance will rectify this issue.

(D1) Site Security. Permit Condition 3.1.3. Action only.

It was found during the inspection that the Site Identification Board required updating. References to the "Environment Agency" should be replaced with "Natural Resources Wales" and the contact number "0800 807060" should be replaced with "0300 065 3000".

Thank you for your time during this inspection.

Kind Regards,

Paul Challender

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_NRW0035700**

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Site	Waste Transfer Station	Permit Ref	WP3994FR
Operator/Permit holder	Heather Brown	Date	12/09/2019

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			
D1	X	Update relevant details on Site Identification Board	31/10/2019
G2	C3	Populate the Site Diary on a daily basis recording all pertinent information including TCM attendance.	01/10/2019
A1	C3	Only store waste accepted and sorted on the permitted site within the permitted boundary.	31/10/2019

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.