

Compliance Assessment Report

Report ID:
CAR_NRW0035716

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

Site	P Dobbins Chester Ltd	Permit Ref	EP3694FR		
Operator/Permit holder	P Dobbins Chester Limited				
Regime	Waste Operations				
Date of assessment	12/09/2019	Time in	13:35	Out	14:15
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 Roger Price & Mr Paul Reynard/ Director & Site Manager	Date issued	27/09/2019		

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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	C3	Permit Condition 1.1.4, EMS 2.3.5 & Permit Condition 1.1.1(b), EMS 2.3.1
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	C3	Permit Condition 2.3.2; Table S2.1, EMS 5.4.1
C4 - General Management - Storage, handling labelling and Segregation	C3	Permit Condition 2.1.1; Table S1.1, EMS Section 5.4.9
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	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	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	C4	Permit Condition 4.2.3; Table S4.1, EMS 6.2.1

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**

4

Total compliance score
(see section 5 for scoring scheme)

12.1

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 the Natural Resources Wales (NRW) regulating officers Paul Challender and Amy Henderson. During the inspection the weather was clear, dry and breezy. The site was open with operatives on site performing their duties. Mr Reynard was not on site at the time of the inspection but Mr Aaron Smith was available to escort and assist the officers during the inspection.

Prior to the inspection a review of the submitted Waste Returns was conducted. Although the operator is still submitting paper returns they have all been submitted to NRW within the required time constraints. There is however, no reference made to Waste Electrical and Electronic Equipment (WEEE) in the Waste Returns. As WEEE was encountered during the inspection, there is further discussion below.

Prior to the inspection a check of NRW files for evidence continuing competence of a suitably qualified Technically Competent Manager (TCM) was conducted and no in date certification was found. On site it was confirmed that Mr Paul Reynard was the designated TCM for the site and that his continuing competence had expired and not been renewed. This is a breach of permit conditions and has attracted a CCS score as outlined below.

On site, during the inspection the operation was quiet. Wastes were organised into stockpiles and there appeared to be a lot of unprocessed metal stored on site at the time with little capacity to accept a significant amount of waste. Please ensure that waste levels are managed in such a way to allow a throughput of waste and the regular 3 monthly inspection of concrete waste storage and treatment areas as required by Permit Condition 2.1.1, Table S1.1.



The situation under shearer appears to be much improved and the procedure to clean down of the oil contaminated fines, store in sealed drums and the subsequent removal of the drums by a hazardous waste contractor appears to have resolved this issue.



Under the shear machinery

Waste lead acid batteries were observed. These were stored in a battery box however; the battery box did not have a lid and had a sizeable gash in the sidewall of the box. This is a breach of permit conditions and is discussed below.

The site is accepting waste drinks cans however, there appears to be no outlet for these cans. Food and drinks cans are an unpermitted waste type. Unlimited retention of wastes at the site is not authorised by the permit. There is also in a separate area, continued storage of waste tyres. The same tyres have remained on site for some time. In addition, a large number of bicycles have been stored indefinitely.

Various items of WEEE were observed in different locations around the yard area. This is an ongoing issue at the site that requires procedural/structural/permitting changes depending on the course of action the operator wishes to implement. Revision of the site's Environmental Management System (EMS) may also be required depending on the change of practice implemented. WEEE is a non-permitted waste type under the terms of the permit and their acceptance and removal is not being reported in Waste Returns. The handling of WEEE has therefore attracted a CCS score.



WEEE stored without sheltering cover

It was stated during the inspection that monitoring of the two boreholes on site had been conducted. There is a permit condition requiring the reporting of results to NRW. This condition is not being fulfilled and constitutes a breach of permit conditions.

The following breaches to the permit have been recorded:

(C1) Staff Competency and Training. Permit Condition 1.1.4, EMS Section 2.3.5 & Permit Condition 1.1.1(b), EMS Section 2.3.1. Consolidated CCS Score 3.

Mr Reynard is the designated Technically Competent Manager for the site. He does not however, have a current, valid Certificate of Technical Competence (WAMITAB). On checking the database, it was found that Mr Reynard's qualification had ran out at the end of February 2014. Requalification in the relevant units for your operation is required immediately. Continuing competence is required for TCMs so that competent managers have an ongoing awareness of changes in legislation and industry practices. These qualifications are required to be renewed every two years.

Alternately, TCM cover could be provided by a suitably qualified third party TCM.

Lack of a TCM and lack general training of staff on site in relation to the conditions of the permit on site has given rise to the operation of the site with little regard for the permit conditions. In turn, the risk of environmental pollution has arisen at the site as evidenced in various breaches reference in this Compliance Assessment Report.

(C3) Materials Acceptance. Permit Condition 2.3.2; Table S2.1, EMS Section 5.4.1. CCS Score 3.

WEEE is not a listed waste type in Table S2.1 therefore acceptance of WEEE at the site is a breach of permit conditions. This is an ongoing issue at the site. WEEE has been observed regularly; it is not stored in accordance with the provisions of the WEEE Directive (see *(C4) Storage, handling, labelling & segregation*), is not subject to a quarantine procedure or stored under a relevant exemption and is not reported as accepted or removed in submitted Waste Returns.

The site has several options to resolve this issue:

- Comply with EMS section 5.4.3 and prevent offloading of WEEE after checking a load.
 - If WEEE is discovered in a deposited load post offloading implement a quarantine procedure, documenting the find in the Site Diary and the actions taken to resolve the issue. Any quarantined WEEE is required to be stored as per the WEEE directive; discussed below. The EMS currently has no quarantine procedure. A quarantine procedure is required as waste acceptance procedures are not proving effective.
- Register an S2 Exemption. An exemption may be registered within a permitted site to facilitate the acceptance of WEEE. The operator has received this advice before and it has not been acted upon. Under an S2 exemption up to 400 cubic metres of WEEE may be stored. The waste must be stored in compliance with the WEEE directive. Exempt operations conducted under exemptions at permitted site must be kept completely separate from permitted operations.
- Vary your permit. You can vary your permit to permit the acceptance of the relevant waste codes for WEEE. The waste must be stored in compliance with the WEEE directive.



Waste drinks cans are being accepted at the site. Waste drinks cans whether they be ferrous or non-ferrous, are a packaging waste and should be most appropriately coded as EWC code 15 01 04 by the producer. This waste code is not permitted by your permit in its current version. The permit will have to be varied if you wish to continue to accept this waste stream at your facility. Furthermore, some have been processed and some have not. There is a pile of rusty crushed cans that appear to have been retained at the site for some time. Waste materials should not be held on site for longer than 1 year if they are destined for recovery. This incoming waste stream is not being reported on submitted Waste Returns. If all cans are treated on the site once correctly permitted to do so it would be appropriate to transfer and report this waste stream as 19 12 02 or 19 12 03 in submitted Waste Returns.



Stored cans - loose and in black plastic bags

(C4) Storage, handling, labelling & segregation. Permit Condition 2.1.1; Table S1.1, EMS Section 5.4.9. CCS Score 3.

Batteries were found to be stored in a damaged battery box without a lid. Table S1.1 requires batteries to be stored in a container with an impermeable, acid resistant base and a lid to prevent the ingress of water; although undamaged boxes were available. The lack of a lid for the box and the laceration of the side wall of the box could permit both the ingress of water and the egress of any acid leaking from the batteries contained within and as such a CCS score of 3 has been applied.



Batteries stored without a lid and damage to sidewall (bottom right of photograph)

A further issue with storage was identified. During this inspection items of WEEE we found on site. The identified WEEE was stored on both the impermeable and hardstanding areas without sheltering cover. Any items of WEEE discovered in deposited loads should be appropriately quarantined and stored in a manner that complies with the requirements of paragraph 1 of Annex VIII of the WEEE directive (2012/19/EU); this means storage on an impermeable surface and with weatherproof covering. As Table S1.1 states that "*All other waste must be stored on an impermeable surface with sealed drainage*" this constitutes a further breach of Permit Condition 2.1.1 however, the root cause of this issue has been identified as waste acceptance procedures and has been scored as detailed in (C3) *Materials Acceptance*.



Large items of WEEE stored without sheltering cover

(G4) Reporting & Notification to NRW. Permit Condition 4.2.3; Table S4.1, EMS 6.2.1. CCS Score 4.

During the site inspection the site operative, Mr Smith confirmed that he believed the monitoring of the two boreholes on site was taking place. He could not however, provide us with any further details or documented results. When the permit was modernised in 2013 a condition to conduct ground water monitoring and a further condition to report the results of this monitoring was applied to mitigate against adverse impacts to the groundwater. The condition to report these results is not being complied with. Due to the lack of submission, NRW can neither ascertain if this monitoring is taking place nor review the data to assess if any adverse impact is being made to the environment by operations on site. You are required to submit this data please send copies of all available monitoring to either WasteReg.NE@cyfoethnaturiolcymru.gov.uk or if you would prefer to post please use the address below:

Waste Regulation Team North East
Natural Resources Wales
Chester Road
Buckley
CH7 3AJ

In addition, Waste Returns do not reflect the waste materials being accepted and removed from the site. As previously mentioned, waste packaging cans and WEEE are being accepted at the site which are not being fully reported in submitted Waste Returns.

Please see *Section 4 - Action(s)* of this form for actions and compliance dates. Ongoing compliance visits will be conducted throughout the coming year and future non-compliances may attract further compliance scores and/or enforcement actions.

Thank you for your time during this inspection,

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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035716**

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

Site	P Dobbins Chester Ltd	Permit Ref	EP3694FR
Operator/Permit holder	P Dobbins Chester Limited	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			
G4	C4	Submit to NRW the results of groundwater monitoring at the site since issue of the modernised permit (issue date: 19/04/13).	16/11/2019
C4	C3	Items of WEEE must be stored on an impermeable surface with sheltering cover.	16/11/2019
C3	C3	Cease accepting non-permitted waste types(WEEE and food & drinks cans) until the permit is varied to allow their acceptance. permit	16/11/2019
C2	X	Amend the Environmental Management System to include a quarantine procedure to be followed by all staff.	16/11/2019
C1	C3	Requalify as a TCM by attaining a Certificate of Continuing Competency or utilise a third party TCM at the site. Upskill site staff in the procedures within the EMS to maintain permit compliance and maintain records of training.	16/11/2019

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.