

Compliance Assessment Report

Report ID:
CAR_NRW0032091

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

Site	S R 2010 No 4	Permit Ref	HB3436AG			
Operator/Permit holder	Richard Rogers					
Regime	Waste Operations					
Date of assessment	16/08/2017	Time in	11:10	Out	12:15	
Assessment type	Audit					
Parts of the permit assessed	As below					
Lead officer's name	Thomas, Rhys					
Accompanied by						
Recipient's name/position	Richard Rogers/ Permit holder	Date issued	30/08/2017			

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	2.1.4
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	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	4.2.2

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	2	Total compliance score (see section 5 for scoring scheme)	4.1
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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

A review of documentation carried out at Rogers Transport offices by Environment Officer Rhys Thomas. Accompanied by Mr Richard Rogers during the visit.

The company currently have one active deployment registered – **PAN-001243 Cottage Gorse Farm**. The deployment was approved on 03/03/2017 and expires on 02/03/2018. Land spreading activities have already taken place on all registered fields under this deployment except for field 8. It was discussed during the visit that it is unlikely that any further activity will take place under this deployment, although there is some limited allowance remaining. No land spreading activities were taking place at the time of visit, therefore the compliance activity only involved a review of documentation for the above deployment.

All duty of care waste transfer notes for wastes received under this deployment were available to review during the visit. These were organised into the different fields to which they were applied to. Total tonnage sheets for each of the fields, listing all the loads received, were also available in the file.

A sample of the waste transfer notes were reviewed during the audit. These demonstrated compliance with the deployment's waste acceptance criteria. The documents were in good order and were compliant with duty of care requirements. As mentioned during the visit, it would be good practice to note the deployment reference number on the waste transfer note under the details for receiving site. The total tonnage sheets were reviewed and appeared to be compliant with the application rates and totals listed in the approved agricultural benefit statement. For this deployment the company have not mixed any waste streams and have only applied one waste stream per field.

It was noted that the records show that wastes were applied from 14th February 2017, which is 17 days before the deployment was approved. This is a breach of permit conditions as noted below.

Field inspection sheets were available to view during the visit. These recorded daily checks carried out in the areas where spreading was taking place. These records appeared to be in good order and corresponded with the spreading activity listed on the tonnage record sheets.

A copy of the Environment Management System was available for review during the visit. As discussed, please forward a copy of this document to Natural Resources Wales.

Richard Rogers is currently working towards Wamitab certification and this is expected to be achieved imminently. In the meantime the TCM requirement has been covered by Mr Graeme Kennet as described in the deployment documents.

Overall the review demonstrated good record keeping practices and all documentation appeared to be in good order. Please take note of the permit breaches noted below and the actions required.

The following breaches of permit conditions have been noted:

A1 – Specified by Permit. Permit Condition 2.1.4. CCS Score C3.

The review of documentation revealed that wastes were accepted and applied to land under this deployment from the 14/02/2017. The deployment was not approved by Natural Resources Wales until 03/03/2017. This is a breach of permit condition 2.1.4 which states that activities shall not begin at any site until Natural Resources Wales has agreed a deployment form in writing for that particular site. Wastes applied to land without the benefit of an approved deployment are viewed as unauthorised deposits. This also poses a risk to the environment as the appropriate assessment of whether the activity can be carried out without causing harm will not have been completed by Natural Resources Wales.

Action: Ensure waste materials are only applied to land once a deployment has been approved by Natural Resources Wales.

Failure to comply with this permit condition in future may lead to further enforcement action being taken.

G4 – Monitoring and Records, Maintenance and Reporting – Reporting and notification to Natural Resources Wales. Permit condition 4.2.2.

You have previously been advised that several quarterly waste returns submissions are outstanding. These returns have not been received, and more are now due to be submitted. This is a breach of permit condition 4.2.2. The following waste returns need to be submitted to Natural Resources Wales:

- Quarter 3 & 4 2014
- Quarter 1, 2, 3, 4 2015
- Quarter 1, 2, 3, 4 2016
- Quarter 1 & 2 2017

If no waste has been received or removed during any of these quarters you still need to submit a waste

return selecting the null return option.

Action: Submit all outstanding waste returns to Natural Resources Wales (waste.returns@naturalresourceswales.gov.uk) by 29th September 2017. A copy of the waste returns template has been e-mail to you following my visit.

If you would like to discuss anything mentioned in this report please contact Rhys Thomas on 03000 65 3765, rhys.thomas@cyfoethnaturiolcymru.gov.uk

EPR Compliance Assessment Report

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Operator/Permit holder	Richard Rogers	Date	16/08/2017

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	C4	Submit all outstanding waste returns to Natural Resources Wales.	29/09/2017
A1	C3	Ensure waste materials are only applied to land once a deployment has been approved by Natural Resources Wales.	30/08/2017

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.