

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

Site	T J's Skip Hire Ltd			Permit Ref	103384		
Operator/ Permit holder	T J's Skip Hire Ltd						
Date	27/08/2015			Time in	15:05	Out	15:25
What parts of the permit were assessed	All mentioned below						
Assessment	Site Inspection	EPR Activity:	Installation		Waste Op	X	Water Discharge
Recipient's name/position	Brendan Furness						
Officer's name	Rhys Ellis, Louise Peel			Date issued		16/09/2015	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	C3	2.4.1
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	C3	1.1.1
	2. Management system & operating procedures	A	
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	C3	1.1.1 2.3.1
d) Incident management	1. Site security	C3	1.1.1
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	16
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Environment Officer Rhys Ellis and Senior Environment Officer Louise Peel from Natural Resources Wales visited site. We were met on site by site operatives one of which introduced themselves as Phil Roberts. (Brendan Furness contacted Environment Officers prior the visit advising that he would be unable to attend site due to personnel circumstances).

C4 – Storage, Handling, Labelling and segregation.

The purpose of today's visit was to discuss the unprocessed mixed waste stored at the rear of the building on site and the operators progress in complying with the Regulation 36 EPR 2010 notice served on TJ Skip Hire Ltd on the 20th March 2015. The notice stipulated that you must treat and remove from site all unprocessed mixed waste stored at the rear of the building by 10:00 today.

Although it was noted that a small section leading right to the back of the hanger had been moved (with some of this material stored under the digger/ highmac awaiting further processing) it was evident that the majority of the waste required to be treated and removed off site under the notice still remained on site. From our observations on site it was evident that the enforcement notice served under regulation 36 of the Environmental Permitting (England and Wales) Regulations 2010 has not been complied with.

As previously highlighted to the operator failure to comply with an enforcement notice is an offence and will lead to further enforcement action.

Due to the fact that the site is not following the environmental management system due to the amount of time that the mixed waste has been stored on site a breach of condition 1.1.1 of the permit is noted, scored as a category 3 under sub criteria C4.

As the notice has not been complied with, todays score and previous suspended scores applied under this criteria will be unsuspended and will count towards your subsistence fees next year.

CODE B ref 0018 was issued to Phil Roberts during the visit, who was requested to hand this to the operator upon his return to site.

Other observations

A1- Permitted activities

Skips containing waste were stored outside the permitted area.

Permit condition 2.4.1 stipulates that that the activities shall not extend beyond the site, being the land shown edged green on the site plan attached to the permit. Skips containing waste as illustrated in the photographs below where stored outside this site boundary.

This breach has been scored as a Category 3 score under sub-criteria A1. Please note that this issue has been previously raised

C4 – Storage, Handling, Labelling and segregation.

The previously constructed inert bay within the building still appeared full. There was also a substantial pile of residual waste, wood waste and carpet waste stored within the building.

It was noted that skips containing waste were still stored outside. The material stored appeared to be mostly mixed non specified waste.

This is a breach of permit condition 2.3.1 of your permit which stipulates that ‘unless stored or treated as specified waste all bulking, transfer or treatment of waste shall be carried out inside a building and all waste shall be stored in a building or within a secure container’. The mixed waste noted was not specified waste.

This breach has been scored as a Category 3 score under sub-criteria C4. Please note that this issue has been previously raised

D1 Site security

Please note that there is no security fencing around the permitted area. Please also note that condition 2.3.2 of your EMS stipulates that the site is bounded to the specification shown in drawing NO.TJS/002/A. This plan confirms that a fence line should be around the permitted area. Natural Resources Wales have previously requested in CAR forms for the operator to explain why this is not the case and for a response detailing how the operator intent to overcome this issue. Security is of concern particularly as the area experiences fly tipping problems and the site has experienced unauthorised entry to site. Permit condition 1.1.1 of the permit stipulates that The operator shall manage and operate the activities in accordance with a written management system.

This breach has been scored as a Category 3 score under sub-criteria D1.

C1.- Staff competency and Training.

Amongst some of the root cause for today's breaches are that relevant site personnel have not complied and not fully aware of both management system and permit conditions. (Site Security, Skips stored outside permitted area and skips containing non specified waste stored outside.

Permit condition 1.1.1 stipulates that the operator shall manage and operate the activities using sufficient competent persons and resource. It is evident that staff on site are not fully aware of permit conditions, i.e. that storing skips outside the permitted area, storing non specified waste in skips outside and depositing mixed waste outside a building would be a breach of permit condition.

This is therefore considered to be a permit breach of condition 1.1.1, scored as a category 3 for sub-criteria C1



Majority of the unprocessed mixed waste stored at the rear of the building on site that required to be treated and removed under Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2010 still remains on site.

Skips stored outside permitted area



Skips stored outside permitted area



Skips containing mixed waste stored outside the building



Skips containing mixed waste stored outside the building



Skips containing mixed waste stored outside the building



Skips containing mixed waste stored outside the building





Natural Resources Wales' means the Natural Resources Body for Wales established in Article 3 of the Natural Resources Body for Wales (Establishment) order 2012

	EPR Compliance Assessment Report	Report ID: 103384/0247815
This form will report compliance with your permit as determined by an NRW officer		
Site	T J's Skip Hire Ltd	Permit 103384
Operator/ Permit	T J's Skip Hire Ltd	Date 27/08/2015

Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.	
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.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	X

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
A1	C3	Store all waste stored on non permitted area within permitted area in accordance with the permit conditions. Action to be taken immediately	Immediately
C1	C3	All staff to be aware of permit requirements to avoid braches noted today from occurring again. Site to notify Natural Resources Wales of what actions/training was implemented	25/09/2015
C4	C3	All mixed waste stores in skips outside to be stored within the building. Regulation 36 enforcement Notice served on the operator expired today. This stipulates that operator must treat and remove from site all unprocessed mixed waste stored at the rear of the building.	Immediately
D1	C3	Operator to respond detailing why there is no fence line as per drawing NO.TJS/002/A as referred to in EMS. Site to detail how they will become compliant with this issue. Original deadline was 4th September however following correspondence with the operator's consultant this deadline has been extended to 8th September 2015.	08/09/2015

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 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 which 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 fulfill 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 (e.g. 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.