Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	Report ID: 37208/0223982

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

Site	Porthmadog Skip Hire			Permit Ref	37208		
Operator/ Permit holder	J Gaffey, P Gaffey & M Gaffey						
Date	04/11/2014			Time in	09:05	Out	10:35
What parts of the permit were assessed	seed below						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Jayne Sutcliffe TCM						
Officer's name	Julie Hughes, Leon Wiliams			Date issued	26/01/2015		

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**
ermitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	C3	2.1.3
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	C3	Table 1.2.1
	4. Storage handling, labelling, segregation	C2	1.1.1 Table 1
d) Incident management	1. Site security	A	
	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	A	
	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	NA	
	2. Energy	NA	

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	3	**Total compliance score** (see section 5 for scoring scheme)	39

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.

A Site visit was conducted on the 4th November, 2014 with North Wales Fire and Rescue Service. Present Jim Hughes NWFRS, Leon Williams NRW, Jeff Hall NWFRS, Patricia (Tish) Gaffey PSH and Jayne Sutcliffe PSH.

The Fire Service was carrying out a follow up visit to ensure compliance with a Notice of Deficiencies issued on a previous occasion by the Fire Service.
The Site had appointed a consultant to write up a fire plan for the site. Some electrical works had been completed. The Fire Serviced noted that not all of the works had been carried out as per the Notice of Deficiencies. The Jim Hughes and Jeff Hall explained to Tish and Jayne what would happen next in the process relating to works requested by the Fire Service.

Following discussions a site inspection was conducted with all present except Tish who remained in the office to oversee the weighbridge.
It was reiterated to Jayne as the Technically Competent Manager, that the Operators had failed to comply with a Regulation 36 Notice which had expired at 12 noon on the 24th September, 2014. The visit would form part of the investigation and for this reason Jayne would be cautioned by an Officer of NRW.

The Fire Service checked the building used for the de-polluting of end of life vehicles and found that the fire exit route had been blocked externally with metal waste and skips blocking the escape route.

Wood waste stored near to the weighbridge appeared bigger in size than on the previous visit.

There appeared to have been no movement of the inert waste which was being stored on site.

The degradable waste was still being stored outside of the transfer building on permeable ground. Some of the degradable waste appeared to have been moved to the side to provide some access to the back of the site. It didn't appear as if any or very little of the original degradable waste had been removed from site.

The Notice had requested that remedial works be carried out to improve the surface of the site to stop rutting and standing water. A section of the site, approximately 6 yards by 30 yards had been covered by stone product. However the remainder of the site was still muddy with some areas of mud 4 inches deep, there were also numerous pools of standing water.

Access to the rear of the site showed an excessively large wood pile which was extending to the boundary fence next to the public footpath. The wood had been in situ for some time with evidence of the pile degrading at the base and foliage (Buddleia) growing in one section of the wood.

The rear of the site also contained a large store of plastic material.

There was no evidence of flies or seagulls on the degradable waste during this visit.

Jayne was asked how much waste had left site, to which Jayne replied "quite a bit since last quarter's waste returns" Julie Hughes asked if details of waste quantities having left site could be sent to NRW. This was agreed.
Photographs were taken during the inspection with a CODE B notice of powers and rights left with Jayne.

Snowdonia Recycling Limited leases a section at the rear of the site from Porthmadog Skip Hire to temporarily store waste under an S1 and S2 exemption. There was a large amount of tyres, glass bottles and wheelie bins stored in this section by Snowdonia Recycling Limited however it was clear that the company had not been able to access this area for approximately 5 months.

Failure to comply with a Regulation 36 Notice which expired on the 24th September, 2014 resulted in the issuing of a Regulation 37 notice to the Operators of the site. The notice suspended the acceptance of degradable household waste, degradable commercial waste, degradable industrial waste and wood waste. A full detailed list can be found on the Notice. The notice would expire on the 27th February, 2015 or sooner if the site returned to compliance with their permit before that date.

It was explained to Tish and Jayne that the Notice came in to force with immediate effect. Advice was given as to how they could comply with the notice

The Site continues to breach the following permit conditions:

C4 Storage, segregation and labelling - The following has resulted in a CAT 2 breach.
1.1.1 Table 1.1 Physical Treatment – Separation and sorting of waste.
The deposit of waste (excluding scrap vehicles and scrap metals) for separation and sorting shall only take place within the transfer building.

The transfer building was full with unsorted waste was being deposited external of the transfer building on permeable ground.

1.1.1 Table 1.1 Keeping – storage prior to treatment
Stored in transfer building on drawing PS/04 on impermeable pavement or within sheeted skips stored on impermeable pavement with intercepted drainage.

The unsorted waste, which is made up of degradable and other waste, has been sitting outside of the transfer building since June 2014 if not sooner. The waste is sitting on permeable ground. Due to the length of time the waste has been in situ it is likely that it is rotting with leachate seeping into the ground. None of the waste had been place the waste in to covered skips.

1.1.1 Table 1.1 Keeping – storage prior to disposal.
No more than 41 tonnes of degradable waste shall be stored at any one time
No more than 110 tonnes of inert waste shall be stored at any one time
Inert waste shall not be stored longer than 31 days
Non inert waste shall not be stored for longer than 7 days from the day of first entry as mixed waste.

Mixed waste stored on site exceeded the 41 tonne limit stated in the permit. The mixed waste sitting within and external of the transfer building as well as in skips waiting to be sorted was approximately 450 tonnes. The majority of the mixed waste had been on site since June 2014. The waste had a potential to cause odours and litter. If a fire were to occur it is reasonably foreseeable that it could have a significant impact on the local environment, including businesses in the industrial estate, residential properties and the main railway line.
Approximately 4500 tonnes of inert waste was being stored on site the majority of which had been on site on or before June 2014.

C3 Materials acceptance – CAT 3 breach.
Table 1.2.1
No waste other than those categorised in below, and listed in Appendix A of this licence shall be accepted. The quantities of waste accepted shall not exceed those listed below: Combined total of waste brought on to site <5000 tonnes per year.

The site estimated in June that there was approximately:
450 tonnes of general waste
2750 tonnes of wood waste
4500 tonnes of inert waste
115 tonnes of mixed plastics.

Also on site were quantities of tyres, scrap metal, glass, cans, green waste.

Since June there has been some movement of waste onto and from site, but generally more waste has been accepted on site than has been removed increasing the total amount of waste being stored.

B3 Site drainage engineering – The following has resulted in a CAT 3 breach.
2, Site Engineering for pollution prevention and control.
2.1.3 The area of hard standing shall be constructed of granular material (eg crushed aggregate, road planning or other similar material) such that the working surface:

- Shall remain even
- Shall not be subject t settlement or differential settlement
- Shall not be subject to rutting by vehicles even when wet
- Shall have enough durability to allow cleaning for example by scraping
- Shall remain free of standing water

An area approximately 6yards by 30 yards had been repaired with crushed stone. However the remainder of the site had standing water and deep areas of mud, which breached the above permit condition.

Please be advised that all previously suspended permit breaches recorded whilst the Regulation 36 notice was in force will now be applied to your compliance record as you have failed to comply with this notice.

Photographs from the site visit are attached to this form.

You are reminded that the 2nd Regulation 36 Notice to reduce inert waste on the site to bring back into regulatory control expires on the 16th December, 2014

In this document 'Natural Resources Wales' means the Natural Resources Body for Waste established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012

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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			
B3	C3	Comply with Notice	N/A
C3	C3	Comply with Notice	N/A
C4	C2	Comply with Notice	N/A

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 wh 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.

Photographs Taken at Porthmadog Skip Hire on 4th November, 2014



Degradable waste deposited outside of the transfer building with some waste moved to the side of the original pile to provide some access to the back of the site.



Overspill of degradable waste from the transfer building on to permeable ground

Photographs Taken at Porthmadog Skip Hire on 4th November, 2014



Standing water



Area repaired with the use of crushed stone

Photographs Taken at Porthmadog Skip Hire on 4th November, 2014

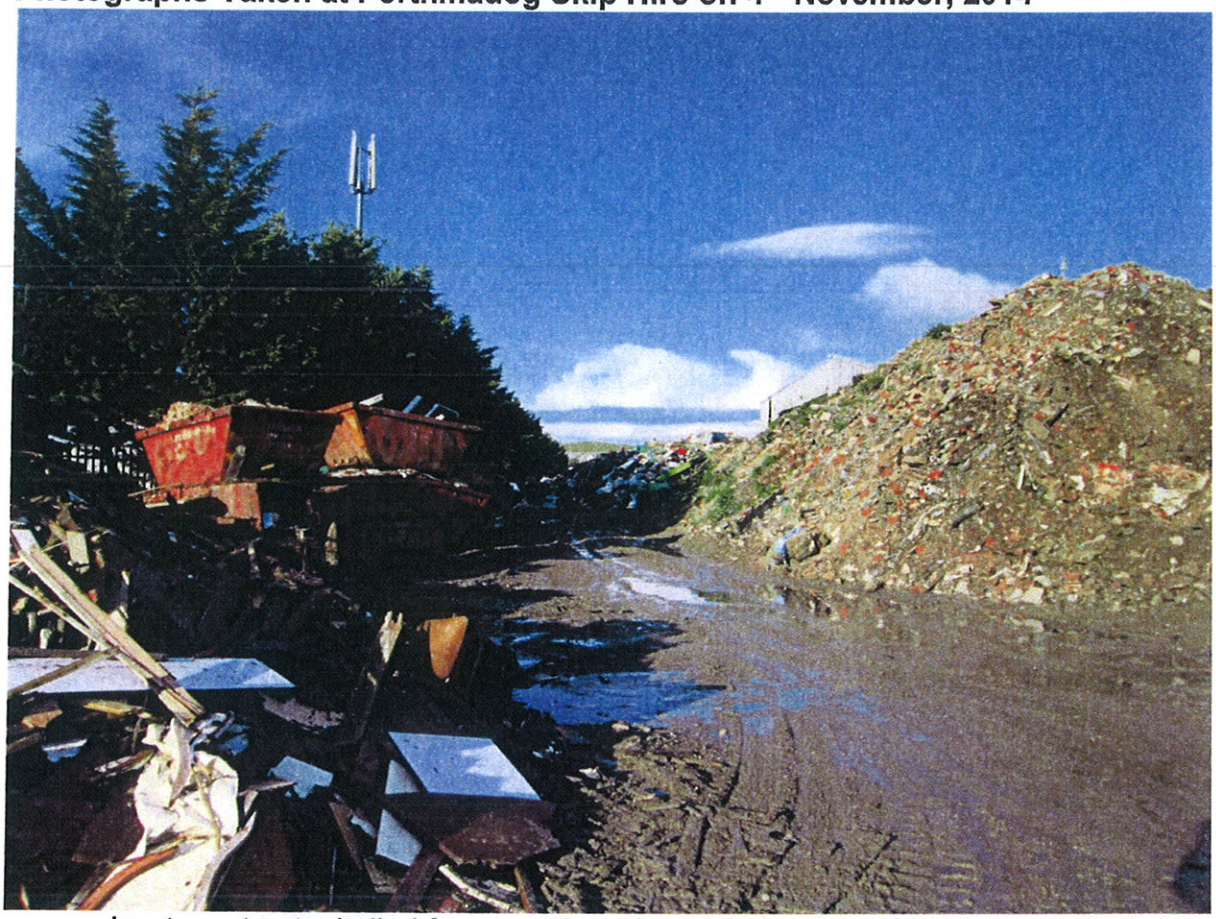


Discolouration of standing water, possibly caused by leachate from rotting wood and degradable waste.



Standing water

Photographs Taken at Porthmadog Skip Hire on 4th November, 2014



Inert waste stockpiled for more than the 31days allowed by the permit



Picture showing a small area of wood stockpile with plastic waste in the far left of picture.