

Compliance Assessment Report

Report ID:
CAR_NRW0026507

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

Site	City Skips Transfer Station	Permit Ref	NP3997EE		
Operator/Permit holder	City Skips (N W) Limited				
Regime	Waste Operations				
Date of assessment	02/09/2016	Time in	09:40	Out	10:35
Assessment type	Site Inspection				
Parts of the permit assessed	materials storage, handling, labelling and segregation				
Lead officer's name	White, Steven				
Accompanied by	Briscoe, Ross				
Recipient's name/position	Rhodri Owen Roberts/ Director	Date issued	19/01/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	A9 (4.3.1/4.3.2/4.3.3/4.6.3 of Working Plan)
B4 - Infrastructure - Containment of stored materials	C3	E1, E5
C1 - General Management - Staff competency/training	C3	A8.1
C4 - General Management - Storage, handling labelling and Segregation	C2	A12, B8, D6.1, D6.2, D8.3
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	4	Total compliance score (see section 5 for scoring scheme)	43
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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

This was an inspection at the site following the issuing of a Regulation 36 Enforcement Notice (Environmental Permitting Regulations 2010) on 03/08/2016 stipulating that the site must store waste within the permitted area and to adhere to the permit conditions regarding waste volumes on site. The inspection was carried out by Officers Steven White and Ross Briscoe.

On inspection there was a large quantity of mixed waste present at the rear of the yard which left little room for access and manoeuvrability. A lot of waste was overflowing from bays across the site with little or no gaps between waste streams, there was also waste damaging the site fence adjacent to the A55 and leaving the site boundary onto the A55 road sidings.



Volumes of waste on site from site entrance



Waste damaging the site boundary fence, and leaving the site boundary toward the A55.

There are no gaps between the waste piles on site and waste is piled close to the fence bordering neighbouring businesses, if a fire were to break out then it could spread with ease from one waste pile to the other potentially having a serious effect on the neighbouring businesses, homes and infrastructure. The A55 is a major route in North Wales that runs 30m from the site, the amount of waste on site poses a genuine, severe risk that if it caught fire it could have a major impact on the functionality of the road and the safety of those using it.

There were a lot of flies observed around the piles of household waste indicating that putrescible and biodegradable waste in these piles had begun to break down. Adjacent to City Skips is the St Asaph Livestock Market, there is a risk that notifiable diseases (such as Foot and Mouth) could be passed from the putrescible waste on site to the livestock in the market via vermin (e.g. rats) and potentially over North Wales

Greens Industrial Estate is a small estate where businesses are situated in close proximity to each other, waste from City Skips was encroaching on a neighbouring business and the piles of waste were higher than the perimeter fence.

When questioned the site operatives were unaware of the contents of the site permit and working plan and were unsure of its location on site. Site operatives must be made aware of the site permit and working plan and their application to site operations. The COTC (Rhodri) was not on site at the time of the inspection.

The quantities of waste on site exceeded the volume and retention limits set within condition A12 of the permit: 76m³ of inert waste (31 days); 25m³ biodegradable waste (7 days); 5m³ putrescible waste (1 working day). There was also a substantial amount of wood waste present near the entrance to the site.

From comparing photographs of the visit on 15/02/2016, 07/06/2016 and 02/09/2016 it looked as though very little, if none, waste had been removed as specified in the Enforcement Notice

Skips containing waste were on the ground outside the permitted boundary in an unsecure and accessible area, this issue has been raised in previous inspections and yet skips containing waste are still situated outside the permitted area. From comparing pictures taken on previous inspections one of the skips looks to be the same skip as observed on 15/02/2016 and 07/06/2016 and has not been emptied or moved.



Same skip as seen on inspections on 15/02/16, 07/06/16 and 02/09/16

A review of the waste returns for 2015 and Q1/Q2 of 2016 was carried out, this was found to be compliant.

Breaches:

The following breaches were observed during the site inspection:

A1 Permitted activities, as specified by the permit

Section A:9 of the permit states that the site operations shall be conducted in accordance with the working plan. The following breaches of the Working Plan were noted:

- Skips containing waste were stored outside of the permitted area, this is a breach of condition 1.3.1 of the working plan which outlines the permitted area according to drawing CS/2/1.
- 4.3.1: Non inert waste in Bay A (drawing CS/2/1) is to be cleared by the end of the working day and the waste in the general waste skip is stored for a maximum of 7 days
- 4.3.2: Inert waste in Bay B is stored for a maximum of 31 days. Bay B is to be cleared at the end of the working week
- 4.3.3: If the maximum storage of the site is reached then no further waste is tipped until waste can be removed from the site and taken to a suitably licensed landfill.
- 4.6.3: Putrescible waste stored on site for no longer than 7 days

This breach has been scored as a C3 against the permit

B4 Containment of stored materials

The piles of waste on site had got to the size that the waste had spilled out of the designated bays, there was waste on these piles that could easily be blown off site by wind.

Section E.1 of the permit states that not less frequently than once a week, any loose waste which may be lying on the site shall be gathered and disposed of in such a way as to keep the site tidy.

Section E.5 states that the skips and bay areas shall be kept clear of any loose waste, which shall be collected and disposed of as the skips are emptied. At the end of each working day the site shall be cleared of any loose or discarded waste.

Some waste was observed to have left the site boundary and was encroaching on the A55 embankment

This has been scored as a C3 breach against the permit

C1 Staff Competency and training

During the visit Officers questioned site operatives about their familiarity with the site permit and its location; the operatives on site were unaware of the location of the permit and were not familiar with its contents or application. Section A8.1 of the permit states that a copy of the permit and working plan is to be available to the site managers and supervisors, who are to be familiar with its contents.

This breach has been scored as a C3 breach against the permit

C4 Management - Storage, Handling, Labelling and Segregation

The quantities of waste on site significantly exceeded the volume and retention limits set within condition A12 of the permit: 76m³ of inert waste (31 days); 25m³ biodegradable waste (7 days); 5m³ putrescible waste (1 working day). The amount of waste on site has not decreased since the inspection on 15/02/2016; this has therefore been scored as a C2 breach against the permit due the length of time the waste has been stored, the quantity of waste that has been stored and the lack of action taken to rectify this breach.

There were 9 full skips of waste stored outside the permitted area of the site, one of these skips (pictured above) has been stored outside the site since the inspection on 15/02/16. Section B8 of the permit states that no waste shall be stored at any location outside of the secure compound indicated on drawing CS/2/1. This has been scored as a C2 breach against the permit because of the length of time the waste has been stored outside the permitted boundary and the lack of action taken to rectify this breach from previous inspections.

There was little or no segregation of different waste streams on site and waste was not being stored in the appropriate bays as stipulated by the permit conditions below; these breaches of the permit conditions have been scored as a C3 breach against each permit condition.

Section D6.1 of the permit states that permitted wastes arriving on site shall be deposited immediately in the appropriate skip or bay (C3 breach)

Section D6.2 of the permit states that all putrescible waste with the exception of wood, paper and card shall be removed from the facility within 3 working days (C3 breach)

Section D8. 2. of the permit states that 'no further waste shall be accepted once it is calculated that any of the limits on quantity imposed by condition A2 of this licence have been exceeded (C3 breach)

The breach of conditions A12 and B8 have been brought to the attention of the permit holder in the past two inspections (15/02/16, 07/06/16) and have not been addressed. The above breaches in this section of the CAR form (C4 Management – storage, handling, labelling and segregation) have been consolidated and scored as a CCS breach - C2 against this part of the permit

EPR Compliance Assessment Report

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Site	City Skips Transfer Station	Permit Ref	NP3997EE
Operator/Permit holder	City Skips (N W) Limited	Date	02/09/2016

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	C3	Waste on site must be removed to a suitable waste transfer station/landfill by 10/11/2016	10/11/2016
B4	C3	The amount of waste on site must be reduced in order for the site to come back into compliance	10/11/2016
C1	C3	Site operatives must be made aware of the site permit and working plan and their application to site operations	10/11/2016
C4	C2	All waste must be stored within the site boundary. Waste must be removed from the site as soon as possible to bring the site back into compliance.	10/11/2016

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 reports 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 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.