

Compliance Assessment Report

Report ID:
CAR_NRW0032716

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

Site	Min Y Clwyd Yard	Permit Ref	BP3794FA			
Operator/Permit holder	I T Williams Company Ltd					
Regime	Waste Operations					
Date of assessment	19/12/2017	Time in	11:45	Out	12:05	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by						
Recipient's name/position	Tudor Williams/ COTC	Date issued	16/01/2018			

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	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1, 2.4.1, 3.2.1 and 3.5.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
E2 - Emissions - Land and groundwater	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	
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	1	Total compliance score (see section 5 for scoring scheme)	4
------------------------------------	----------	---	----------

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

The site inspection was not pre-arranged. Met the Transport Manager Huw Davis. I was informed that Tudor Williams, who holds the COTC for the site, was not on site. Huw Davis therefore accompanied me around site. The site is split into two permitted areas:

BP3794FA is a bespoke Tier 3 permit for a Household, commercial and industrial waste transfer station

LB3135AL is a standard rules permit (SR2012No12) that allows the treatment of waste to produce soil, soil substitutes and aggregate.

This inspection form will encompass the activities undertaken under permit BP3794FA. Another CAR form will cover the activities under LB3135AL.

Discussed where some of the waste accepted onto site is sent to once sorted. The operational area is relatively small. It was observed that there were a significant number of pesticide/herbicide containers on the site. I was informed that these containers are only accepted onto site if they have been cleaned out.

Asked some questions around the drainage on site. Huw Davis was unsure regarding the arrangements. Please ensure all information regarding the site drainage is included within the sites environment management system.

Following the site inspection a review of some of the sites paperwork was completed

Environment Management System (EMS), Odour Management Plan and Fire Prevention and Mitigation Plan (FPMP)

The site's environmental permit was varied and issued on the 30th August 2017. The new varied permit requires a number of documents. These documents will replace the Working Plan dated December 1995 as it is no longer suitable, and much of the information it contains is no longer relevant. Following the issuing of the permit variation a period of time was provided within which the required documentation would need to be completed and submitted to NRW. As none of the required documents have been submitted by the specified deadline the following breach has been applied

C2 - General Management - Management System & Operating Procedures - Conditions 1.1.1, 2.4.1, 3.2.1 & 3.5.1 - CCS Cat 3

Permit Condition 1.1.1 states "The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution.....".

Permit Condition 3.2.1 refers to the need for an odour management plan

Permit condition 3.5.1 refers to the need for a fire prevention and mitigation plan

Permit condition 2.4.1 refers to Table S1.3 which lists a number of requirements. These are

IPC1 - "The operator is required to submit an Environmental Management System that meets the current guidance to Natural Resources Wales for approval"

IPC2 - "The operator is required to submit a Fire Prevention and Mitigation Plan that meets the current guidance to Natural Resources Wales for approval"

IPC3 - "The operator is required to submit an Odour management plan that meets the current guidance to Natural Resources Wales"

All three of these documents needed to be submitted within 3 months of the date the permit was issued (30th November 2017) or otherwise agreed in writing with Natural Resources Wales.

Although 4 conditions have been breached, they have been consolidated on this occasion so that only one CCS Cat 3 score has been applied. **A new deadline of the 28th February 2018 has been set for submission of these documents to NRW.** Should no documents be received we will have to consider further enforcement action to ensure they are received. These documents are considered to be integral to the ongoing management of your site. Some guidance on how to complete these documents is provided in Table S1.2 of your permit. This should all be available on the NRW website.

Waste Returns

The most recent set of waste returns was checked. These returns are for July to September 2017 and were submitted well before the specified deadline. The review of the information revealed no issues. Please be aware that the waste returns for October to December 2017 will be due by the end of January 2018.

I recently took over as regulating officer for your site. Should you have any questions or wish to discuss any of the above then please contact me on either 0300 065 3806 or by email at Andrew.r.sowerby@cyfoethnaturiolcymru.gov.uk

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032716**

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

Site	Min Y Clwyd Yard	Permit Ref	BP3794FA
Operator/Permit holder	I T Williams Company Ltd	Date	19/12/2017

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			
C2	C3	Submit all required documentation by the new deadline	28/02/2018

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.