

Compliance Assessment Report

Report ID:
CAR_NRW0032361

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

Site	Dirtbusters	Permit Ref	QP3394FB		
Operator/Permit holder	Philip And Michael Garratt				
Regime	Waste Operations				
Date of assessment	29/09/2017	Time in	10:00	Out	10:45
Assessment type	Site Inspection				
Parts of the permit assessed	see below				
Lead officer's name	Hughes, Julie				
Accompanied by					
Recipient's name/position	Philip Garratt/ Operator	Date issued	30/10/2017		

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	1.1.1 schedule2
C1 - General Management - Staff competency/training	C3	1.4.1, 1.4.4
C4 - General Management - Storage, handling labelling and Segregation	C3	4.6.1

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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 routine site visit took place on Friday 29th September, 2017. Present on site was the Regulating Officer Julie Hughes and Phillip Garrett the Operator, also present was Mr Garrett's son.

The role of TCM was not being covered. Mr Garrett had, some time ago, registered for the WAMITAB course, however Mr Garrett had experienced problems due to requiring someone to assist at the test centre, the course had since been cancelled.

The inert waste bay was spilling out onto the yard. This issue had been highlighted by previous officers. It is understood that the bulking up of inert waste was due to cost of removal. However, the quantity of inert waste was resulting in breaches of permit conditions relating to the amount of waste that can be stored – 10 tonnes at any one time.

There was also a full ro-ro skip of mixed waste awaiting collection on site, this contributed to exceedance of the 10-tonne storage limit.

The full permit and working plan were not available at the site office. Most of the office paperwork is kept at the Operators home. However, the permit requires that a copy of the permit/working plan should be kept at the place where the activities are taking place.

An inspection of the waste transfer notes showed that some sections required under Duty of Care were not present on the notes. It is advised that these are updated during the next print which will be done soon and in the meantime, the missing elements will be handwritten on the existing notes – SIC code, waste hierarchy, waste code and description. Guidance on waste transfer notes and duty of care code of practice can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

<https://www.gov.uk/government/publications/duty-of-care-waste-transfer-note-template>

The following permit breaches are recorded from the above observations:

A1 Permitted activities – Specified by permit. Category 3 Breach. Permit condition 1.1.1 Schedule 2

Table 1.1 states that maximum storage capacity 10 tonnes – waste on site exceeded this amount due to the amount of inert waste, metals, and waste awaiting disposal from site.

C1 General Management – Staff Training. Category 3 breach. Permit condition 1.4.1, 1.4.4

Permit condition 1.4.1 staffing and supervision, 1.4.2 availability of licence, 1.4.3 understanding the licence, 1.4.4 attendance of TCM. The Operator nor any staff on site had completed a WAMITAB, or similar course to show their competency and understanding of the requirement of the permit. No replacement TCM had been appointed to oversee the activities on site. The lack of TCM could be identified as the root cause of breaches recorded on site.

C4 Storage and handling – Category 3 breach. Permit condition 4.6.1

Table 4.6 – details of storage requirements. Inert waste was spilling out of the containment bay.

Advice and Guidance

- WAMITAB – Requirement of attendance of TCM. Guidance can be found on page 37 at the following link:

<https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

- Copy of permit and working plan in to be made available at the site office.
- When next printing waste transfer notes include waste hierarchy, Standard Industry Classification (SIC), and space for EWC codes and description of waste.
- A Variation to permit will be required if you wish to increase the tonnages of waste storage on site.
- The working plan had not been review since 2007. The Operator should review and update the working plan at last every two years or following any incident or serious permit breach. Updates should be allocated a version number, signed and dated.

Contact Details of Regulating Officer:

Julie Hughes
Environment Officer – Waste Regulation
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor

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In this document ‘Natural Resources Wales’ means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

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Operator/Permit holder	Philip And Michael Garratt	Date	29/09/2017

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.

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.

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			
C1	C3	ensure the site operations are covered by a certified person	30/11/2017
C4	C3	ensure that all waste is contained as required by permit	30/11/2017
A1	C3	remove excess waste from site	30/11/2017

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.