

Compliance Assessment Report CAR_NRW0039167

Permit being assessed: QP3494FL.

For: Dyfi Skips, held by Jones David & Elwyn

At: Tan Y Ffordd, Derwenlas, Machynlleth, Powys, SY20 8TN.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 29/09/2021 between 09:00 and 17:00.

Parts of permit assessed: TCM and EMS

NRW Lead Officer: Malcolm Dines, accompanied by Ffion Quan.

Report sent to: Josh Jones, TCM on 08/02/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C1	Josh Jones to gain his technical competence qualification	31/08/2022
G4	Supply written confirmation of the death of Elwyn Jones	31/03/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This site visit was carried out by Malcolm Dines and Ffion Quan who met with Dai Jones (Permit Holder) and Josh Jones, who has recently started working at the site as the site manager.

This site visit was primarily arranged to discuss with you the current situation relating to the provision of a Technical Competent Manager (TCM) due to the current TCM at the time, John Jones, having untreatable cancer.

Josh Jones has now enrolled with and is working towards his WAMITAB certificate. He is also working with the environmental consultant for the site to update the Environmental Management System (EMS).

It was agreed that due to the unfortunate health circumstances of John Jones and the willingness of Josh Jones and to step in and manage the site to allow you to continue to operate the site without a qualified TCM as long as certain criteria are met. It was clear during the compliance visit that the state of the site has improved since the last compliance visit and also through discussion with Josh Jones about how he wants to manage the site that although he is not a qualified TCM, he understands many of the regulatory requirements of running a waste site and how to comply with the site permit. Your permit is relatively old and does not have a permit condition requiring you to comply with the an appropriate competency scheme and therefore you are required to meet the requirements of the Environmental Permitting Regulations 2018 Schedule 9. Part 3 (2). This requires you to complete the section on the quarterly waste returns for the site stating who the site TCM is, or else to explain why you have not done this.

As it is understood by NRW why you do not have a TCM at present, you are meeting the requirements of these regulations for as long as Josh Jones remains working at the site and working towards qualifying as a TCM. In order to allow Josh Jones an appropriate length of time to qualify, we will allow you to operate without an appropriately qualified TCM until 1st September 2022.

However, if prior to 1st September 2022, any subsequent compliance visits or incident reports identify that the condition of the site has deteriorated and there are breaches of permit, or that there has been breaches of Environmental Legislation not directly controlled by the site permit, especially any that can be attributed to the lack of a qualified TCM, then NRW will review this position and may consider that you will be required to employ the services of an appropriately qualified TCM.

We also discussed that since the death of Elwyn Jones you are now the sole permit holder and whether you would be looking to add anyone else as a permit holder however, this was something that you said would not be happening. I have checked our records and cannot find any correspondence from you documenting the death of Elwyn Jones.

Permit Condition 1.8.1 (i) requires that where the licence holder consists of one or more named individuals, the regulator should be notified of the death of any of those individuals within 5 days. Please will you provide in writing or email, before 1st April 2022, confirmation of the death of Elwyn Jones, including date of his death.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.