

Compliance Assessment Report

Report ID:
CAR_NRW0032085

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

Site	Coed Bolyn Mawr	Permit Ref	RP3294FP		
Operator/Permit holder	Robert Davies & Jennifer Ann Davies				
Regime	Waste Operations				
Date of assessment	27/06/2017	Time in	14:00	Out	15:00
Assessment type	Site Inspection				
Parts of the permit assessed	see below				
Lead officer's name	Hughes, Julie				
Accompanied by	Briscoe, Ross				
Recipient's name/position	Robin Davies/ Operator	Date issued	29/08/2017		

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	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.2.1(a) Table 2.2

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 visit took place on 27th June, 2017. Present were Julie Hughes Regulating Officer, Ross Briscoe Senior Environment Officer and Robin Davies Operator who accompanied us throughout the duration of the inspection.

A previous visit had taken place by Julie Hughes on 12th June, 2017 but there was no-one on site to discuss the operations therefore a pre-arranged re-visit was organised with the Operator.

The site operates a standard rules SR2009No6 – Inert and excavation waste transfer station with treatment. The Operator accepts construction and demolition waste and treats these waste streams to produce aggregates.

A large amount of waste was stockpiled on site ready to be screened. Mr Davies explained his processes of producing soil and aggregated from the waste. Mr Davies stated that he produced the aggregates as per the WRAP aggregates quality protocol (AQP). However, Mr Davies did not carry out routine testing of the finished material to show that it was not contaminated and suitable for its intended use, nor did he have any documentation to show compliance with the requirements of the protocol. It should be noted that as there was no documentation showing compliance with the AQP then the material will continue to be waste and when removed from site should therefore comply with duty of care.

Mr Davies was selling soil screened from the waste as top soil. There is no quality protocol for soil therefore this material remains a waste and should be sold/transferred ensuring that the material is accompanied by a waste transfer note. This was not being done and was therefore a breach of Duty of Care

The site boundary was discussed. Mr Davies believed that the boundary extended beyond where the officers believed the boundary to be. Officers showed Mr Davies the marked boundary as submitted with the original permit application. The area of the site was smaller than Operator thought. If the Operator wishes to extend the boundary of the site an application to vary the permit will be required.

Due to the Operators confusion regarding the area covered by the permit it was discovered that the Mr Davies was storing waste outside of the permitted area. The waste consisted of metal and wood waste. It should also be noted that neither of these waste streams are acceptable under of waste in the permit and will be recorded as a breach of permit conditions.

A walk around the fields surrounding the site showed that a large quantity of the waste soil had been deposited on a number of fields. The waste had also been used to create a bund on the land. Mr Davies had not transferred this material in compliance of Duty of Care nor were there any exemptions or permits in place to accept this waste at these locations.

Mr Davies was unable to confirm if there were any exemptions registered at the site or surrounding land. Since the visit it has been discovered that several exemptions were registered in 2007 however these had expired in 2010. On the 13th July, 2017 an U1 exemption was registered to carry out repairs to existing tracks on land surrounding the site. However this did not cover the activities that had taken place.

The Environmental Management System, required by the permit, had not been reviewed since 2007. The EMS is required to be reviewed on a regular basis.

Permit Breaches recorded

A1 – Permitted Activity

Waste was being stored outside of the permitted area. Permitted area is shown in Schedule 4 of permit. A category 3 breach of permit condition 2.4.1 is recorded.

C2 – General Management

The environmental management system had not been updated since June 2007. Some or all written management procedures are inadequate to ensure full compliance with permit conditions. There is evidence that the operator's procedures are not being properly implemented. A category 3 breach of permit condition 1.1.1 is recorded.

C3 – Materials Acceptance

Waste not permitted within the permit (wood & metal) had been accepted and deposited on site. A category 3 breach of permit condition 2.2.1(a) Table 2.2 is recorded.

Advice and Guidance

Please ensure that if producing product under the WRAP aggregates quality protocol that all paperwork is completed and are available for inspection by regulating Officers who may ask to inspect the documentation during site visits. The following is a link to the guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296499/LIT_8709_c60600.pdf

I would draw your attention to the following condition within the protocol as discussed on site:

1.4 When Quality Protocol compliant material may become waste

1.4.1 Producers and users of aggregate should note that, even if the Quality Protocol is complied with, the material will become waste again and subject to waste management

controls at any stage it is discarded or there is an intention or requirement to discard,

for example, if it is: ☐. disposed of; or. stored indefinitely with little prospect of being used.

It should also be noted that the AQP states: If it appears that the material is being stored indefinitely with no certainty of use, the material will revert to being a waste and waste management controls will apply

Please note that an amended EMS has been received by the regulating officer on 23rd August, 2017.

Contact Details of Regulating Officer:

Julie Hughes
Environment Officer – Waste Regulation
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
LL57 2DW

Tel: 03000 653705

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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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Site	Coed Belyn Mawr	Permit Ref	RP3294FP
Operator/Permit holder	Robert Davies & Jennifer Ann Davies	Date	27/06/2017

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			
C3	C3	review and amend procedures and ensure that all staff accepting waste have received adequate training relating to waste streams to be accepted on site.	09/09/2017
C2	C3	produce updated EMS	25/08/2017
A1	C3	remove waste	09/09/2017

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.