

Compliance Assessment Report

Report ID:
CAR_NRW0033582

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

Site	Llandygai Transfer Station	Permit Ref	NP3494FP		
Operator/Permit holder	Watkin Jones & Son Ltd				
Regime	Waste Operations				
Date of assessment	13/06/2018	Time in	12:15	Out	12:40
Assessment type	Site Inspection				
Parts of the permit assessed	1.1.1, 2.1, 2.2, 2.3, 3.1, 4.1, 4.2				
Lead officer's name	Haider, Mefty				
Accompanied by					
Recipient's name/position	Gari Edwards/ Plant manager	Date issued	09/07/2018		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.3.1 (Table 2.3)
C1 - General Management - Staff competency/training	C3	1.1.1(b), 1.1.4
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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 a routine site inspection carried out by the new regulating officer Mefty Haider. At the time of the visit the site was closed. Regulating officer visited the nearby office and enquired regarding the permitted site. Mr Gari Edwards, Plant Manager stated site staff Mr John Davies, who is also the TCM for the site is on long term sick leave. It was not clear who supervised the site for the last six months.

Regulating officer intended to check site waste movement records and waste transfer notes. However, due to Mr Davies' absence it was not possible to locate the documents at the time. Mr Edwards was helpful and tried to assist as best as he could but was unable to obtain relevant information. On a later date (5th July) via email Mr Edwards provided the outstanding waste returns, a copy of a season waste transfer note for waste accepted on site during Q4 of 2017 period and a copy of the site Quality Management System re: WRAP Aggregates Quality Protocol.

An accompanied site inspection was carried out with Mr Edwards. At the time of the visit the weather was clear, sunny, warm with good visibility. During the inspection and post inspection checking the site EMS in detail the following non-compliance with permit conditions were observed on site:

Non-compliance with permit condition

B1/ Engineering for prevention and control of emissions - Permit condition 2.3.1 (Table 2.3)

Permit condition 2.3.1 (Table 2.3) states waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

There is no information present within the current site EMS to clarify how the ground within the permitted area is constructed. During the site inspection visible parts of the ground were unmade, uneven with signs of rutting. The operator must ensure waste is stored and treated on constructed hard standing areas as a minimum.

The site has received a CCS score category 3 for this non-compliance with permit condition.

C1/ Staff competency/training - Permit condition 1.1.1(b), 1.1.4

Permit condition 1.1.1(b) states the operator shall manage and operate the activities using sufficient competent persons and resources.

Permit condition 1.1.4 states the operator shall comply with the requirements of an approved competence scheme.

Regulating officer believes the site is in breach of these conditions due to lack of evidence of attendance by a TCM. This is because the site TCM Mr Davies is on long term sick leave and no evidence of attendance by any other qualified person available on site. If Mr Davies is unlikely to return in the very near future, you must ensure the site is attended and supervised by another qualified person as per condition 1.1.4. such attendance must be recorded as per condition

1.1.2. Non-attendance by a TCM poses a risk of pollution of the environment and harm to human health.

Site has received a CCS score category 3 for this non-compliance with permit condition.

C2/ Management system and operating procedures - Permit condition 1.1.1

Permit condition 1.1.1(a) in brief states that the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution etc.

Regulating officer believes the current EMS (v1.2) is inadequate as it does not identify all potential risks of pollution. This is because the EMS does not contain any information regarding the following:

- Maximum waste storage capacity on site
- Maximum waste storage height
- Maximum duration for waste stored on site
- How site infrastructure such as hardstanding areas will be constructed and maintained
- No site drainage plan provided

There may be other relevant information that may be missing or not addressed in the current EMS. Please read the document "How to comply with your environmental permit" (copy provided with the inspection report). Part 2 of the document clarifies the information regarding waste storage that must be included within your site EMS. Without the relevant information it is not possible to regulate the site effectively, which poses a risk of pollution of the environment and potential unfair business advantage against other legitimate operators. The site EMS must also contain information regarding site infrastructure such as hardstanding areas, how such infrastructure will be constructed and maintained. At present there is no such information present.

Inadequate EMS and failure to follow the site EMS is likely to be the root cause of non-compliance with permit conditions observed on site.

Site has received a CCS score category 3 for non-compliance with permit conditions.

G4/ Reporting and notification to Natural Resources Wales - Permit condition 4.2.2

Permit condition 4.2.2 briefly states that within one month at the end of each calendar quarter the operator shall submit information relating to waste accepted and removed from the site during the previous quarter.

Site is in breach of this permit condition as Q3 of 2017 and Q1 of 2018 waste returns were outstanding. Since the inspection the operator has submitted the outstanding returns. Please ensure returns are submitted in time in the future.

Site has received a CCS category score 4 for this non-compliance with permit condition.

Breach of directly applicable legislation

Duty of care

Regulating officer received a copy of a waste transfer note for all waste received at the site during Q4 of 2017 period. The transfer note appears to be a season ticket for multiple loads of bricks (EWC 17 01 02, 200 tonnes) received at the site. The transfer note is non-compliant with duty of care as it lacks the minimum required information:

- Time and quantity of individual loads transferred
- Vehicle registration

- Authorisation details of the transferee

In addition, the transfer note has no serial number, therefore there is no assurance the note was created as per the date shown and lacks traceability. The operator must ensure all transfer notes issued or received are duly completed and compliant with duty of care. Failure to do so is a breach of duty of care legislation, which is an offence. NRW may consider taking relevant enforcement action against offenders.

WRAP Aggregates Quality Protocol (QP)

The operator claims inert waste is treated on site to create a product by following the WRAP QP. A copy of the WRAP QP site Quality Management system for the production of aggregates was provided. It is apparent the site Quality Management system is well out of date and not compliant with current WRAP QP. The Quality Management system was produced in Dec 2006, which has not been up dated and does not conform to the current WRAP QP requirement. As a result, any waste treated on site will not meet the end of waste criteria and will remain to be controlled waste. Therefore, any treated waste removed from the site must be carried by a registered waste carrier with duly completed transfer notes and can only be deposited on land, which has relevant authorisation (permit/exemption) to accept such waste. Controlled waste deposited on land without relevant authorisation in place is a breach of either s33 of the Environmental Protection Act 1990 or Regulation 38 of the Environmental Permitting Regulation 2016, which is an offence. NRW may pursue relevant enforcement action against offenders.

During May 2017 a site inspection was carried out by officer Julie Hughes. During that site inspection large volume of waste soil was present on site. During the recent site inspection, the regulating officer noted this waste soil was no longer present on site. Waste returns data from Q3 to Q4 of 2017 states no waste was removed from the site. Please inform NRW when and where this waste soil was removed to and provide the relevant supporting documents (e.g. transfer notes/delivery receipts etc.) Please provide the required information by Fri 13 July 2018.

Should you wish to discuss the findings of this report or require any other information please contact the regulating officer Mefty Haider on 03000653696.

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 2012.

EPR Compliance Assessment Report

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Site	Llandygai Transfer Station	Permit Ref	NP3494FP
Operator/Permit holder	Watkin Jones & Son Ltd	Date	13/06/2018

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			
G4	C4	Ensure waste returns are submitted in time using the correct form.	27/07/2018
C2	C3	Ensure site EMS is adequate and identifies and minimises risks of pollution etc.	27/07/2018
C1	C3	Ensure site is attended by a TCM on a regular basis.	27/07/2018
B1	C3	Ensure site benefits from hardstanding areas for deposit, storage and treatment of waste. Hardstanding areas must be constructed of granular material, must be even with no standing pools of water even when wet.	30/08/2018

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.