

Compliance Assessment Report

Report ID:
CAR_NRW0027082

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

Site	C T Skip Hire	Permit Ref	DB3332RH			
Operator/Permit holder	Carl Thompson					
Regime	Waste Operations					
Date of assessment	30/01/2017	Time in	15:06	Out	15:56	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1, 2.2, 2.3					
Lead officer's name	Haider, Mefty					
Accompanied by	Challender, Paul					
Recipient's name/position	Carl Thompson/ Operator	Date issued	17/02/2017			

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	1.1.1
B4 - Infrastructure - Containment of stored materials	C3	2.3.1
C1 - General Management - Staff competency/training	C3	1.1.1, 2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1, 2.3.1, Table 2.3
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1, 2.3.1, Table 2.3

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	5	Total compliance score (see section 5 for scoring scheme)	20
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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

Purpose of the visit was to carry out a routine site inspection. At the time of the visit site operator Carl Thompson was present on site. An accompanied site inspection was carried out with Mr Thompson. During the previous inspection, which was carried out on 09.01.2017, operator agreed to remove excessive waste (inert and mixed waste) stored on site contrary to both permit and EMS conditions by end of January 2017. In addition operator was required to update the site EMS in order to ensure the EMS was adequate and identify and minimises risk of pollutions arising from site operations etc. During the inspection the following non-compliance with permit conditions were observed on site:

Non-compliance with permit conditions

B3) Site drainage engineering (clean and foul) - Permit condition 1.1.1

Permit condition 1.1.1 briefly states that the operator shall manage and operate the activities in accordance with a written management system (EMS) that identifies and minimises risks of pollution, including those arising from operations, maintenance etc. The site EMS is deemed inadequate as it does not contain any information regarding site surfaces outside of the transfer buildings. At present site surface areas outside of the transfer buildings do not benefit from any engineering, is unmade, permeable, rutted and muddy with standing pools of water. Movement of plant and heavy vehicles mixing in waste with the soil from the ground. There is a risk of contaminated run-off (contaminated with suspended solids, leachate from mixed waste etc.) entering surface waters or ground water or both. You must ensure such areas are at least engineered to hard standing areas, constructed of granular material, even, durable, free from standing pools of water and maintained.

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

B4) Containment of stored materials - Permit condition 2.3.1

Permit condition 2.3.1 states that activities shall be operated using the techniques and in the manner described in Table 2.3. Briefly Table 2.3 states that except specified waste all waste shall be stored and treated on impermeable surface with sealed drainage. Specified waste (e.g. inert waste) shall be stored and treated on hard standing areas. Site is in breach of this permit condition because:

- Mixed waste stored on permeable ground outside of the transfer building.
- Inert waste and waste soil stored and treated on unmade ground and not on hard standing/impermeable surface with sealed drainage.

You must remove the mixed waste stored on permeable ground as there is a risk of leachate produced by such waste contaminating surface water, ground and ground waters. You must also ensure the site benefits from adequate minimum required structures such as hard standing areas. Specified waste such as inert waste can only be stored on hard standing areas or impermeable surface with sealed drainage and not on unmade ground.

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

C1) Staff competency and training - 1.1.1, 2.3.1

Site operator is either not following own site procedure or lacks understanding of permit conditions or both, leading to breach of permit conditions and non-compliant waste management activities on site. There also appears to be insufficient technically competent management at the site. The reason being site operator is:

- Storing excessive amount of waste on site, resulting in mixed waste escaping from the transfer building to permeable ground (in breach of permit condition 2.3.1 and Table 2.3).
- Storing specified waste on unmade permeable ground and not on hard standing areas or impermeable surface with sealed drainage.
- Mixed waste stored on site greater than 7 days, contrary to EMS condition 3.4.3.

- Specified waste deposited, stored and treated on unmade permeable ground and not on hard standing or impermeable surface with sealed drainage.

Mixed waste stored on permeable ground for a prolonged period may risk the production of leachate, which has the potential to contaminate land, ground, surface and ground waters. Specified waste stored on unmade ground also has the potential to contaminate land. You must ensure you understand both the permit and EMS conditions and comply with the conditions when carrying out waste management activities on site.

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

C2) Site management system and operating procedures - Permit condition 1.1.1, 2.3.1, Table 2.3

Site management system and operating procedures both inadequate and not being followed, leading to breach of multiple permit conditions over a prolonged period of time. Lack of management system or not following a management system is likely to be the root cause behind non-compliance with permit conditions observed on site. Such prolonged non-compliance with permit conditions poses a risk of pollution of the environment and harm to human health. There is also the potential for operator to gain from both financially and from unfair business advantage against other legitimate operators.

Site management system (EMS) is inadequate as:

- It does not contain any information regarding site surface areas outside of the transfer buildings (i.e. hard standing areas).
- It does not clarify on what type of surfaces specified waste will be deposited and treated.
- EMS condition 1.8.1 states operator Carl Thompson will provide technical competence for the site, which is not correct. Technical competence is currently provided by an external third party.

Site management system is not being followed due to:

- Site is in breach of EMS condition 3.3.2 as both bays are overfilled with mixed waste, allowing no space for treatment of such waste within the transfer building and storage of the treated waste as described within this EMS condition.
- Operator accepting and depositing waste on site even though all storage space are full, in breach of EMS condition 3.4.2.
- Operator storing mixed waste on site in excess of 7 days, which is in breach of EMS condition 3.4.3.

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

C4) Storing, handling, labelling and segregation - Permit condition 1.1.1, 2.3.1, Table 2.3

Permit condition 1.1.1 requires that operator shall manage and operate site activities in accordance with a written management system or EMS. Permit condition 2.3.1 and Table 2.3 requires that all non-specified waste shall be stored on impermeable surface with sealed drainage and specified waste shall be stored either on hard standing areas or on impermeable surface with sealed drainage. EMS condition 1.5.4 states maximum 200 tonnes of waste will be stored on site. EMS condition 3.3.2 states mixed waste will be stored in one bay and once treated the treated waste will be stored in the second bay. EMS condition 3.4.2 states if maximum storage capacity is reached then no further waste will be accepted on site. EMS condition 3.4.3 states that unsorted mixed waste will be stored on for maximum seven days. Site is in breach of both permit and EMS conditions because:

- Operator storing more than 200 tonnes of waste on site.
- Operator accepted waste on site although maximum storage capacity reached.
- Operator storing mixed waste on permeable ground.
- Operator storing mixed waste on site for greater than seven days.

Such non-compliance with both permit and EMS conditions poses a risk of pollution of the environment and harm to human health. Operator is also likely to be benefiting from unfair business advantage against other legitimate operators and potentially benefitting from financial gain and cost avoidance.

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

General comments

EMS

We advised the operator previously that the current site EMS is inadequate (as explained above) and requires

updating. Operator failed to comply with previous requests to update the site EMS and to ensure the document is adequate.

Technically competent management

Operator has been non-compliant with a number of permit conditions over a prolonged period of time. Conditions on site appears to be deteriorating due to excessive and non-compliant storage of waste on site. It is not clear what technically competent management if any the operator is receiving. Person who is providing the technically competent management for the site must ensure they understand the permit requirements and advises site operatives how to comply with those requirements.

Storage of waste and infrastructure

Site has been storing excessive amount of waste in a manner contrary to both permit and EMS conditions over a prolonged period of time. During the previous inspection carried out on 16 Dec 2016, this issue was discussed with the operator in detail. At that time operator stated that January is a very quiet time for the site due to very little waste arriving on site. Therefore, operator proposed to clear the site of excess waste by end of January 2017. In addition operator also agreed to address the issue with unmade ground on site by creating hard standing areas again by end of January 2017. At the time of the recent visit it was evident that operator had failed to comply with the deadline. No mixed waste appeared to have been removed from the site at all. Only approx. 1/3 of the inert waste removed from the site. Site is still storing waste in excess of 200 tonnes, contrary to EMS condition. Both bays containing mixed waste is full and over flowing on to permeable ground.

Operator now will be accepting further waste on site in order to generate an income. The site is mostly manned by one person, the operator. We are concerned that the situation on site is becoming out of control and operator may not be able to manage the site appropriately and in accordance with permit conditions. Situation is likely to worsen as operator will be accepting further waste on site in order to generate an income.

We recommend that no further waste is accepted on site until excess waste has been removed from the site and adequate storage facility created for incoming waste.

Duty of Care

During the inspection operator produced copies of waste transfer notes for waste removed from the site. Transfer notes issued by a company LWT Contractors Ltd for general waste is deemed to be non-compliant with Duty of Care Code of Practice. The reason being the transfer note lacked the following information which are required:

- EWC code of the waste carried.
- Adequate description of the waste.
- Weight or volume of the waste removed.
- Time of the transfer.
- Address of the site where waste is being transferred to.
- Authorisation of the site where waste is transferred to.

Non-compliance with Duty of Care legislation is an offence under the Environmental Protection Act 1990.

Due to the prolonged non-compliance with permit conditions and Duty of Care Natural Resources Wales may consider taking enforcement action against offenders. Enforcement action may include the serving of relevant enforcement notices.

U1 exemption

Should you wish to use clean, uncontaminated inert waste for repair and maintenance of the hardstanding areas within the permitted site you will need to register a U1 exemption prior to carrying out the works. Below is a link to our website for further information and registration process:

<https://naturalresources.wales/apply-for-a-permit/waste/register-your-waste-exemptions/?lang=en>

I have also attached a hard copy of the U1 exemption guidance for your records. Please ensure you have read the guidance document and understand the exemption criteria before you carryout any activities under the exemption. Failure to comply with an exemption criteria is an offence and NRW may take enforcement action against offenders.

In addition please ensure you keep a record of the type, amount and source of inert waste that you may use as part of your exempted activity including relevant waste transfer notes containing all the required information. Should you need any further information or not sure about anything please get in touch with us before you carryout any waste operations.

Should you wish to discuss the findings of this report please contact the regulating officer Mefty Haider on 03000 653696.

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

**Report ID:
CAR_NRW0027082**

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

Site	C T Skip Hire	Permit Ref	DB3332RH
Operator/Permit holder	Carl Thompson	Date	30/01/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
B4	C3	Operator was advised to remove excess waste from site and store waste appropriately according to both permit and EMS conditions by end of January 2017. Operator failed to carry out adequate action. We will now consider appropriate enforcement action for prolonged non-compliance with permit condition.	17/05/2017
C1	C3	Remove excessive waste stored on site, store waste appropriately and for appropriate length of time.	17/05/2017
B3	C3	Hard standing areas must be engineered appropriately and maintained.	31/03/2017
C4	C3	Remove excess mixed waste from site and store all non-specified waste on impermeable ground with sealed drainage.	17/05/2017
C2	C3	Ensure site EMS is adequate and followed, waste stored appropriately and for limited time as dictated in site EMS, engineer site surface to include hard standing areas where required, remove excess waste stored on site, carry out adequate and routine inspection of site infrastructures i.e. impermeable surfaces with sealed drainage.	17/05/2017

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.