Compliance Assessment Report

Report ID: CAR_NRW0031175

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	05/06/2017	Time in	12:56	Out	14:05
Assessment type	Site Inspection				
Parts of the permit assessed	1.1, 2.3, 4				
Lead officer's name	Haider, Mefty				
Accompanied by	Briscoe, Ross				
Recipient's name/position	Carl Thompson/ Operator	Date issued	07/07/2017		

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**
C1 - General Management - Staff competency/training	C3	1.1.3
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
D1 - Incident Management - Site security	X	
F4 - Amenity - Pests/birds and scavengers	X	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3	1.1.2, EMS 6.7.3, 6.7.5, 6.7.8, 7.1.2 and 7.1.5 (version 2017)

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)	16

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. At the time of the visit site operator Carl Thompson was present on site. An accompanied site inspection was carried out.

Some minor improvement was noticed on site since the last inspection. Operator has removed some inert waste from the site and the volume of mixed waste was also reduced by a small amount. In addition, it appears the unmade permeable ground benefitted from the deposit of some inert material and was also levelled. There was no standing pools of water or mud at the time of the inspection. We also received an updated version of the EMS (version May 2017).

Some of the deadlines mentioned within section 4 of this report predates the issue date of this inspection form. These were discussed with the operator during the inspection and operator was advised to carry out the actions by the proposed dates.

During the inspection officers witnessed a number of activities, which breached permit conditions.

Non-compliance with permit condition

C1) Staff competency/training - Permit condition 1.1.3. Compliance Classification Scheme Score - C3

Permit condition 1.1.3 states any persons having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.

Operator is unaware of the changes on site EMS (version May 2017) and does not have a copy of the EMS on site. Due to lack of competency and training operator routinely storing mixed waste on site for prolonged period (longer than 12 months). The length of storage of the mixed waste was confirmed by the operator. This is contrary to EMS condition 4.4.4, which states mixed waste will be stored on site for a maximum of 21 working days.

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

C2) Management system and operating procedures - Permit condition 1.1.1. Compliance Classification Scheme Score – C3

Permit condition 1.1.1 (a) briefly states that the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations......

Site management system and operating procedures are both inadequate and not being followed by the operator. Poor management procedures and the lack of implementation of existing procedures are identified as the root cause of all non-compliance witnessed during this inspection and previous inspections.

The EMS was updated in May 2017 but remains to be inadequate as it fails to identify and minimise risks of all pollution risks that may arise from site activities. For example:

- The EMS still lacks information regarding how the unmade ground or hardstanding areas will be constructed and maintained.
- EMS does not contain any information regarding the sealed drainage system and effluent holding tank.
- There is no clear information regarding what waste will be deposited, stored and treated on which parts of the site. Site is routinely in breach of permit condition 2.3.1 (Table 2.3) and it was anticipated the updated version of the EMS will address this routine non-compliance with permit condition, which we believe it has failed to do.
- The maximum storage capacity for both inert and mixed waste appears to be greater than what the site can physically contain. This view was also reflected by the operator himself. Operator continually struggles to treat the waste already stored on site. By increasing the storage amount from the previous 100 tonnes for all wastes types to 200 tonnes of mixed waste and 600 tonnes of inert waste, the situation will likely to worsen rather than improve. Therefore, the latest version of EMS is increasing the risk of pollution of the environment and harm to human health instead of minimising it and continues to be inadequate.

Operator routinely fails to adhere to own written management system (EMS) due to:

- Operator continues to deposit and store mixed waste on permeable ground, contrary to permit condition 2.3.1.

- Operator routinely storing mixed waste on site for greater than 21 days.
- Operator routinely storing inert waste on site for greater than 6 months.
- Operator confirmed both mixed waste and inert waste been on site for greater than 12 months.
- Site does not benefit from a security fencing contrary to EMS condition 2.4.2. Site is insecure and has a high risk of fly-tipping incidents, vandalism and arson. Operator previously experienced break-ins and vandalism on site, which was reported to the police by the operator. Site is approx. 600metres from A494 trunk road. Lack of security and large volume of mixed waste stored on site for a prolonged period poses a risk of fire on site, which will likely to have an impact on the locality and the environment.
- There is a rat infestation on site at present and appears to have been an issue for some weeks. No action taken on site to address pest problem contrary to EMS condition 6.3.1 and 6.3.2. During the inspection a neighbour came on site to complain about the rats.
- Operator does not keep record of waste accepted, removed or rejected as described in EMS conditions 7.1.2, 7.1.4 and 7.1.5. This is because the details for each load accepted or removed lack quantity of the waste, SIC code, origin of the waste, list of waste code etc. As such site records regarding the amount of waste received and removed are not reliable and open to abuse.

Permit condition 2.3.1 (Table 2.3, 1c) briefly states that all waste (except specified waste) shall be stored and treated on impermeable surface with sealed drainage system.

Site is in breach of permit condition 2.3.1 (Table 2.3,1c) as operator continues to deposit and store mixed waste on permeable ground instead of on an impermeable surface with sealed drainage system.

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

D1) Site security – Permit condition 1.1.1, EMS 2.4.2 (version May 2017)

EMS condition 2.4.2 states site benefits from a 6 foot high mesh fencing around the site perimeter. Previous versions of the EMS contained similar statement regarding the site fencing. This fencing was checked during the inspection and found to be non-existent. It appears the site never benefitted from fencing at the rear of the site (behind the inert waste) and has been unsecure and open to unauthorised access to humans or animals. The site is at risk from fly-tipping and arson.

F4) Pests/birds and scavengers – Permit condition 1.1.1, EMS 6.3.1, 6.3.2 (version May 2017)

EMS condition 6.3.1 states that it is unlikely vermin will present a problem because of the waste type handled at the site, however a recognised pest control contractor will be brought in if any problems are encountered. EMS condition 6.3.2 states the site will be inspected as part of the weekly site inspection and the presence of vermin noted in the site diary with a description of the action taken and its effectiveness.

Officers witnessed an infestation of rats on site at the time of the inspection. Multiple adult rats were walking around and foraging for food among the wastes in the transfer building in front of the officers and the operator. It appears rats have been present on site for several weeks as a minimum. Operator stated he has been shooting the rats and was reluctant to put poison down out of fear for his dogs. Operators own site inspection records from 24 April 2017 to 19 May 2017 indicates site was checked for pests and a tick was issued against suggesting there was no issue identified on site. No record of site inspection was available post 19 May 2017 and no other forms or diaries were available for inspection. By failing to take appropriate action as per EMS condition 6.3.1 and 6.3.2 operator is in breach of permit condition 1.1.1.

G2) Records of activity, site diary/journal/event – Permit condition 1.1.2, EMS 6.7.3, 6.7.5, 6.7.8, 7.1.2 and 7.1.5 (version May 2017) Compliance Classification Scheme Score - C3

EMS section 6.7 refers to site inspection and maintenance procedures. EMS condition 6.7.3 states areas of hardstanding, impermeable pavement, sealed drainage system etc., will be inspected monthly. Since the transfer building has been full with mixed waste for a minimum of 12 months, it would not have been possible to carry out inspection of the impermeable pavement and sealed drainage system.

EMS condition 6.7.5 states security fence will be checked each working day. EMS condition 6.7.8 states weekly pest inspection shall be recorded in the site diary. Daily inspection records dated from 24 April 2017 to 19 May 2017 indicates impermeable surface (referred as concrete hardstanding on the inspection sheet) and sealed drainage system, fencing and pests were checked and no issues were identified by both the technically competent manager for the site and the site operator. No other inspection records were available to demonstrate site inspections were carried out post 19 May 2017. Presence of large numbers of adult rats (minimum 12) on site, transfer building being full of mixed waste for a minimum of 12 months preventing any inspection of the impermeable surface with sealed drainage system and the lack of fencing around the perimeter of the site suggest site inspections are not being carried out as suggested on site EMS and recorded accurately. The site inspection records do not correspond with site conditions and appears to be inaccurate and unreliable.

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

<u>General comments</u>

Waste storage

Operator routinely continues to deposit and store mixed waste on permeable ground. Operator is fully aware this is a breach of permit condition but continues to disregard previous advice and guidance including site warnings and other enforcement actions.

Although EMS condition 4.4.4 states no further waste will be tipped on site if maximum storage capacity is reached, this is routinely ignored by the operator.

Large volume of inert waste (more than 100 tonnes) been tipped on site over 12 months previously. Operator has now profiled the waste into a bund and wishes to use this waste bund as a site boundary bund for indefinite period. There is a real danger that such waste will be regarded as part of the site infrastructure in the future and operator will stop considering the waste bund as waste. Operator is already making suggestions that part of the waste bund existed as a bund on site prior the start of the permitted activity.

There is no clear operating procedure regarding deposit, treatment and storage of waste on site. Despite repeated advice and guidance including warnings, operator continues to accept and deposit more waste than he can handle, leading to breach of permit conditions.

Duty of Care

Post inspection on a later date operator provided waste transfer notes for waste received and removed from the site between Jan - Mar 2017. Upon inspection of the transfer notes it appears the notes lack minimum required information such as List of Waste codes, amount of waste, description of waste, time of transfer, address of the origin of the waste etc. As a result, the operator is in breach of Duty of Care regulation, which is an offence under section 34 of the Environmental Protection Act 1990.

Operator was previously notified of non-compliance with Duty of Care and received advice and guidance on how to complete transfer notes accurately in Jan 2017. However, operator has failed to take on-board advice and guidance provided and continues to ignore Duty of Care requirements.

Waste Return

Waste return data submitted for quarter 1 Jan - Mar 2017 (Q1 2017) was reviewed against the transfer notes for the same period provided by the operator. The Waste Return was completed by a consultant on behalf of the operator.

Incoming waste

Mixed Municipal Waste 20 03 01 - 105.51 tonnes

Outgoing waste

Waste metals 20 01 40 - 3.39 tonnes

Mixture of construction and demolition waste 17 01 07 - 959.48 tonnes

Mixed municipal waste 20 03 01 - 67.78 tonnes

It is not clear how the consultant or the operator has obtained the figure of 105.51 tonnes for the incoming waste considering the paperwork associated with this waste type (operators own transfer note) does not contain any information regarding the volume or weight of waste including how full the skips were. The details (weights) of the outgoing waste quoted on the waste return form also do not follow the transfer notes provided by the operator. In addition the site has only been receiving mixed municipal waste under the EWC code 20 03 01 during Q1 2017 and the previous quarters. However, the waste return states operator is treating the mixed waste and producing waste metal, mixed waste and waste rubble. The waste rubble was assigned an EWC code 17 01 07(mixtures of concrete, bricks, tiles and ceramics from construction and demolition waste). This is a misclassification of waste as the site did not receive any waste with EWC code from the chapter 17 of the list of waste.

Data submitted on waste return form are unreliable and inaccurate.

Enforcement action

Prolonged non-compliant activities on site poses a risk of pollution of the environment and harm to human health. Operator was provided a number of opportunities over the years to bring the site back within compliance but nothing much has changed as operator continues to disregard both permit conditions and his own EMS conditions. Operator also is in breach of Duty of Care requirements. We will now consider taking relevant enforcement action to address the on-going non-compliance at the site. Enforcement action may include the serving of relevant enforcement notice.

Should you wish to discuss the findings of this report or any other permit related queries please contact the regulating officer Mefty Haider on 03000 65 3696.

In this document 'Natural Resources Wales' means the Natural Resources Body of Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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			
F4	X	Employ a recognised pest controller to address the rat issue on site.	30/06/2017
D1	X	Ensure site benefits from a perimeter fencing as described in site EMS.	29/09/2017
C4	C3	Ensure all non-specified waste s are stored on impermeable surface with sealed drainage system.	30/06/2017
C1	C3	Ensure copies of both permit and EMS present on site and operator is aware of conditions and operating procedures.	30/06/2017
C2	C3	Ensure site EMS is adequate and adhered to.	31/07/2017
G2	C3	Ensure routine inspection of site infrastructure are carried out, maintained, repaired and the inspection accurately recorded as per relevant EMS conditions.	30/06/2017

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.