

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	22/09/2017	Time in	13:27	Out	14:15
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Challender, Paul				
Accompanied by	Haider, Mefty, Geraint Hughes (NWFRS)				
Recipient's name/position	Mr Carl Thompson/ Operator	Date issued	06/10/2017		

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	Permit Condition 1.1.3
C4 - General Management - Storage, handling labelling and Segregation	X	
D1 - Incident Management - Site security	C3	Permit Condition 1.1.1, EMS Section 2.4
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3	Permit Condition 1.1.2, EMS 6.7.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	X	

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
------------------------------------	----------	---	-----------

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 prearranged site inspection of the permitted site by Environment Officers (EO) Mefty Haider, Paul Challenger of Natural Resources Wales (NRW) and North Wales Fire and Rescue Service (NWFRS) representative Mr Geraint Hughes. This visit served as a handover visit from EO Haider to EO Challenger and Mr Hughes was present to identify any relevant waste fire issues and provide advice and guidance from a fire risk perspective. The operator Mr Carl Thompson was present on site and accompanied the officers during the visit. At the time of the visit there was intermittent rain.

Significant improvements were apparent on site. Although there are still on-going issues; Mr Thompson should be commended for tackling the issues previously raised by EO Haider. Observed improvements and outstanding issues are discussed below.

General Comments:

Waste storage

As a result of the last inspection visit a requirement was placed upon the operator to *Ensure all non-specified wastes are stored on impermeable surface with sealed drainage system by 30/06/17*. Significant volumes of non-specified mixed municipal waste had been removed from site. It is now possible for all mixed waste to be stored within the transfer building which benefits from an impermeable surface with sealed drainage system and an interceptor. There is now obvious but limited space to sort and treat waste on the impermeable surface. This situation should improve as the volumes of stored mixed waste are lowered.



A large volume of inert waste (more than 100 tonnes) been tipped on site over the preceding 12 months. Operator has now profiled the waste into a bund and wishes to use this waste bund as a site boundary bund for indefinite period. Although some inert waste had left site since the last inspection a significant volume of inert waste remains. As mentioned previously 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.

It is expected that inspecting NRW officers will continue to see a reduction in the levels of wastes stored on site.

Control of pests

During the previous inspection Natural Resources Wales received a complaint regarding rats and there was an obvious rat infestation at the site. An action was placed on the operator to address the rat issue on site by 30/06/17. Mr Thompson had implemented a rat control regime in conjunction with a significant reduction in volume of mixed waste had proved an effective control measure. During the inspection no rats or evidence of rats were witnessed.

Site infrastructure

Areas of hardstanding on which specified inert waste types are permitted to be stored were found to be in an improved condition; having had some ruts and depressions filled and levelled to mitigate against standing water. Further improvements could and should be made and regular maintenance of this surface is required for it to remain compliant.

Paperwork

A new Environmental Management System (EMS) has been written and submitted to NRW which addresses many of the previously identified issues in the management system.

Waste Transfer Notes (WTNs) were made available for inspection by Mr Thompson and a selection were reviewed. There has been a marked improvement in the WTNs produced by C T Skip Hire. The current WTN pro forma utilised conforms with the Duty of Care requirements when it is fully and correctly completed as was observed during the inspection. Although the WTNs could benefit from a unique identifier such as a sequential serial number which would enable traceability of waste transfers.

The previous CAR form outlined issues in relation to information submitted on Waste Returns and these issues are still apparent. Namely that the site has only been receiving mixed municipal waste under the EWC code 20 03 01 during Q2 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 outgoing 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. Outputs post treatment from waste management sites should generally be coded with a Chapter 19 code and assigned an appropriate description. The operator should note that the misclassification of waste is an offence and every effort should be made to classify and describe wastes correctly.

The following breaches to the permit have been recorded:

The improvements at the site are welcomed and obvious effort has gone into addressing the highlighted problems and the previously stipulated actions however, some non-compliances are still apparent and are discussed below.

C1) Staff competency/training - Permit condition 1.1.3. CSS 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.*

The operator is unaware of the changes made by the consultant to the on site EMS (version August 2017) and has neither a copy of the EMS on site nor has he read the updated version. Although it is acknowledged that the EMS has been updated at the request of the EO Haider; this applied revision is ineffective if the operator and his staff do not adhere to its procedures or indeed have access to it on site in the course of their duties.

It should be noted that although recently revised by the designated consultant that it is the view of the operator and the regulating officers that the current storage limits within the EMS have remained at 200 tonnes for mixed waste and 600 tonnes for inert waste are excessive for the site and should be lowered as highlighted in the previous CAR form. The operator has stated that he had no intention to increase the storage limit.

The operator is failing to manage the waste activities in line with his EMS, and this is causing non-compliances with the permit. It is strongly recommended that the operator spend some time reviewing his EMS and ensure there is a copy on site for operatives to refer to.

Current outstanding issues due to not following the EMS:

- operator routinely storing mixed waste on site for greater than 21 days;
- operator routinely storing inert waste on site for greater than 6 months;
 - the operator has confirmed that both waste streams have been on site for greater than 12 months. It has been noted above however, that mixed waste has left site and alleviated other permit breaches.
- site does not yet benefit from security fencing as per EMS Section 2.4.2 and Drawing CTS/003/A and is therefore still at risk from unauthorised entry, arson, fly-tipping, theft and criminal damage.

D1) Site security – Permit condition 1.1.1, EMS Section 2.4 (version August 2017). CCS Score C3.

EMS Section 2.4 states that fencing is specified as per Drawing No. CTS/003/A which in turn states that the north eastern and north western sections are *Fencing To Be Completed*. This fencing is yet to be installed and the lack of proposed fencing at the southern perimeter will still leave the site open to ingress by unauthorised persons and animals and at risk from unauthorised entry, arson, fly-tipping, theft, criminal damage and scavenging. This was highlighted on the last CAR form and an action placed upon the operator to secure the site by 29/09/17. Although materials have started to be acquired for the construction of site fencing no works had commenced at the time of the inspection.

G2) Records of activity, site diary/journal/event – Permit condition 1.1.2, EMS 6.7.3 (version August 2017) CCS 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 a full inspection of the impermeable pavement and sealed drainage system. Although the volume of waste within the transfer building has vastly reduced and the external impermeable surface and sealed drainage system are now exposed and available for inspection as required there is still a quantity of waste within the building which has been stored for longer than 12 months which prevents the operator in conducting a full inspection by rotation of the waste stockpile or otherwise. Site inspection records are still being completed in such a manner to indicate that a full inspection is being carried out at the required interval. As such the site inspection records do not correspond with observed site conditions and appears to be inaccurate and unreliable.

Fire Prevention and Mitigation Plan

During the site inspection we discussed that your Standard Rule permit template was updated in August 2017, which can be found on our website at <https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-for-a-new-standard-permit-for-waste-operations/?lang=en> or please let me know if you would like me to email you a copy. Please take the time to review the new template, to ensure you comply with any changes.

One of the main changes I discussed with you is that by 1st November 2017, you will be required to write a fire prevention plan in accordance with our guidance, and manage and operate your onsite waste activities in accordance with this plan and your permit. This is cited under permit condition 3.4 'Fire' in the new template. The latest version of our Fire Prevention and Mitigation Plan guidance (version 2) is available on our website at <http://naturalresourceswales.gov.uk/media/682525/guidance-note-16-fire-prevention-mitigation-plan-english.pdf> If you would like me to email this guidance to you, then please let me know. I will be in contact on or soon after 1st November to ensure you have a written plan in place and to request a copy of the plan.

Enforcement action

Prolonged non-compliant activities on site poses a risk of pollution of the environment and harm to human health although at a reduced level to the previous inspection. It is recognised that Mr Thompson has vastly improved his operation in regard to Duty of Care requirements and reducing volumes of mixed waste. We will continue to monitor the status of the site and expect to see continuous improvement over the coming months and may take relevant enforcement as appropriate to ensure compliance with the permit.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032199**

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	22/09/2017

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.

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	X	Address EWC code issues utilised for incoming and outgoing wastes as reflected in the submitted Waste Returns.	31/10/2017
C4	X	Continue to reduce volumes of mixed and inert waste stored on site.	31/10/2017
G2	C3	Ensure routine inspection of site infrastructure are carried out, maintained, repaired and the inspection accurately recorded as per relevant EMS conditions.	31/10/2017
D1	C3	Construct fencing as described in EMS and review fencing requirements on southern boundary.	31/10/2017
C1	C3	Obtain a copy of the August 2017 version of the EMS, become familiar with its contents and operate the site in accordance with its procedures.	31/10/2017

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.