Cyfoeth Naturiol Cymru Natural Resources Wales

# Compliance Assessment Report

**Report ID: CAR_NRW0032077**

| This form will report compliance with your permit as determined by an NRW officer | | | | | |
|---|---|---|---|---|---|
| Site | Green Skips Environmental Ltd | Permit Ref | EP3994FB | | |
| Operator/Permit holder | Green Skips ( Environmental ) Ltd | | | | |
| Regime | Waste Operations | | | | |
| Date of assessment | 23/08/2017 | Time in | 11:30 | Out | 11:55 |
| Assessment type | Site Inspection | | | | |
| Parts of the permit assessed | All | | | | |
| Lead officer's name | Challender, Paul | | | | |
| Accompanied by | Hughes, Julie | | | | |
| Recipient's name/position | Kevin Davies/ Operator | Date issued | 11/09/2017 | | |

## 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 |
|---|---|---|
| B1 - Infrastructure - Engineering for prevention and control of emissions | C3 | Permit Condition E.2.1 |
| C1 - General Management - Staff competency/training | C3 | Permit Condition A.11.1 |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events | C3 | Permit Condition B.8.3 |
| | C4 | Permit Condition G.5.1 |

**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 |
|---|---|---|---|

**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

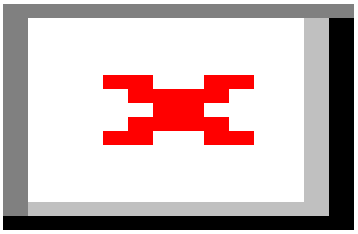
This section contains a report of our findings and will usually include information on:

- 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 an unannounced inspection by Environment Officers (EO) Paul Challender and Julie Hughes. EO Challender is the newly appointed regulating officer for this site; contact details below. The inspecting officers were escorted around site by Mal the General Manager as the Operator and Technically Competent Manager (TCM) Mr Kevin Davies was not present at the site at the time of attendance. During the inspection the weather was settled, warm and overcast.

The General Manager answered all questions regarding operations and infrastructure. The compound itself although containing a number of skips to be processes, a number of skip containing segregated wastes and ongoing tipping a sorting operations was ordered with staff able to conduct their duties of hand sorting wastes in a logical manner. The waste handling area's infrastructure was maintained with good surfaces to the concreted area and the surrounding walls in a maintained condition.

Away from this area however the hard standing was not in a favourable condition. Although areas had obvious signs of recent maintenance with potholes and ruts having been filled and compacted there are still rutted and potholed portions of the hard standing which is allowing water to pool and could allow mud to be deposited on the public highway. This is a breach of permit conditions and is further discussed below.



On inspecting the paperwork for the site it was found that certain documentation that should be readily available to all staff as per permit conditions was locked in the Operators personal office and not in the general Site Office. The Environmental Management System (EMS)/Working Plan, Site Licence and Site Diary should all be accessible to staff to refer to as and when required during operational hours. This is a breach of permit conditions and is further discussed below.

It was highlighted to the Operator earlier in the reporting year that their ability to act as TCM was no longer permitted as their Continuing Competency certificate had expired. This was acknowledged and it was stated that a third party TCM would be employed to conduct this role. Evidence of TCM attendance should be noted in the Site Diary. As the Site Diary was not available to inspect it was not possible to ascertain if suitable TCM cover was in place. The General Manager present at the site was not able to supply a date of when the designated TCM last attended site. This is a breach of permit conditions and is discussed below.

During the visit is was explained that the site is due to undergo some redevelopment including the extension of the concreted area and the possible construction of a transfer building. Developing the site will have obvious operational benefits and lower the risks to the environment. I would encourage you to maintain a dialogue with your consultant due to these changes as various documents such as site plans and the Working Plan will be required to be updated alongside the previous and ongoing discussions regarding a variation to the permit.

**The following breaches to the permit have been recorded:**

(G2) Records of activity, site diary/journal/events - Permit Condition G.5.1. CCS Score C4.

The Site Diary was not available to inspect by regulating officers or available for staff to make pertinent entries. The Site Diary is an important document required by the permit to be maintained and made available to inspecting officers. It should contain details of severe weather conditions, breakdowns, TCM attendance, quarantined non-permitted waste etc...

(G2) Records of activity, site diary/journal/events - Permit Condition B.8.3. CCS Score C3.

The inspecting officers requested to see the Site Licence and Working Plan. This permit condition requires that these documents are kept in the Site Office. As such these documents will be available for all operational staff to refer to if they are required to review procedures for certain operations. The Working Plan and Site Licence were not accessible during the time of the inspection as they were not located in the Site Office and the inspecting officers were informed that they were locked in the Operator's personal office. You should review Permit Condition B.8.3 and ensure that all listed paperwork is readily accessible in the Site Office.

(C1) Staff competency/training - Permit Condition A.11.1. CCS Score C3.

As the Site Diary was not available to inspect it was not possible to ascertain if suitable TCM cover was in place. The General Manager present at the site was not able to supply a date of when the designated TCM last attended site. This is not compliant with the attendance criteria as set out in the document How To Comply With Your Environmental Permit which is available on the Natural Resources Wales website. You should review this document and ensure a suitably qualified TCM attends site for the requisite time; in addition the TCM should document their attendances in the Site Diary. Alternately the Operator should requalify for their own Continuing Competency certificate and submit the certificate to the regulating officer at the earliest opportunity.

(B1) Engineering for prevention and control of emissions - Permit Condition E.2.1. CCS Score C3.

Permit Condition E.2.1 requires the Operator to keep the hardstanding area outwith the concreted waste handling compound to be kept free of mud, stones etc.. The surface of this hardstanding has broken down in some areas and is potholed with standing water. This could allow the deposit of mud, stones or other material to be deposited on the public highway which would be regarded as a pollution and require remedial action as outline in Permit Condition E.2.2. As such this deterioration of the hardstanding could have an environmental effect and it should be repaired in a suitable manner.

Thank you for your time during this inspection.

Regards,

Paul Challender - Environment Officer

| Cyfoeth Naturiol Cymru Natural Resources Wales | **EPR Compliance Assessment Report** | **Report ID: CAR_NRW0032077** |
|---|---|---|

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

| Site | Green Skips Environmental Ltd | Permit Ref | EP3994FB |
|---|---|---|---|
| Operator/Permit holder | Green Skips ( Environmental ) Ltd | Date | 23/08/2017 |

## 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 | | | |
| C1 | C3 | Ensure TCM attends site and records attendance in the Site Diary at the required frequency. | 25/09/2017 |
| B1 | C3 | Repair potholes as per E.2.1 to keep hardstanding free from mud and stones. | 25/09/2017 |
| G2 | C3 | Ensure all relevant documentation as prescribed by Permit Condition B.8.3 is accessible to all staff in the Site Office. | 25/09/2017 |
| G2 | C4 | Ensure a Site Diary is maintained and is available for relevant staff and inspecting officers. | 25/09/2017 |

## 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.