

Compliance Assessment Report

Report ID:
CAR_NRW0033717

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

Site	Caerhun Farm	Permit Ref	NB3634RX			
Operator/Permit holder	Sion Roberts					
Regime	Waste Operations					
Date of assessment	07/02/2018	Time in	11:10	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	See below					
Lead officer's name	Hughes, Julie					
Accompanied by	Briscoe, Ross					
Recipient's name/position	Sion Roberts/ Operator	Date issued	06/08/2018			

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
A1 - Specified by permit	C3	2.1 schedule 1 Table S1.1
C1 - General Management - Staff competency/training	C3	1.1.4
E2 - Emissions - Land and groundwater	C3	3
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3, schedule 3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2 schedule 4 table S3.1 & 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	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

A visit took place on 7th February 2018. The purpose of the visit was to check compliance with the Regulation 36 Notice served on 8th September, 2017 requiring the operator to carry out the following steps by 12 noon on the 31st January, 2018.

Condition number	Steps to be taken	By date
2.1 Schedule 1 Table S1.1	Install doors to building, Biofilter and abatement system. Including the installation of electricity to ensure that the building is fully operational.	12 noon 31 st January, 2018
1.1.4	Operator to obtain WAMITAB certification or appoint suitably qualified Technically Competent Person who can attend site for a minimum of 1 hour per week as per 'How to Comply with your Environmental Permit' guidance document	12 noon 31 st January, 2018
4.2 Schedule 4	Carry out bio-aerosol monitoring and submit report to NRW	12 noon 31 st January, 2018

Present were Julie Hughes Regulating Officer and Ross Briscoe Senior Environment Officer (Waste).

The Operator Mr Sion Roberts was not present during the inspection. Enquiries were made with Mr Roberts' Father, who arrived on site soon after our arrival, if Sion was available to attend site. Mr Roberts Snr informed us that Sion wasn't available until late afternoon and was happy for the Officers to continue with the inspection.

Inspection of the composting building showed that roller doors had been installed, however it didn't appear that these were being utilised, compost was spilling out of the doors which would prohibit their full closure. The installation of the bio-filter and abatement system had not been installed. The required Phase 3 electricity supply to ensure that the building was fully operational had not been installed/connected by Scottish Power.

The Operator was not available to provide evidence that he had obtained the WAMITAB qualification or appointed a qualified Technically Competent Person who was available to attend site for a minimum of 1 hour per week.

The Operator had not submitted the required bio-aerosol report to NRW by the specified date in the Regulation 36 Notice.

A letter has been sent to the Operator confirming that NRW consider that the Operator has not complied with the Regulation 36 notice.

It should be noted that the suspended scores on CARS form CAR_NRW0032481 have now been reinstated due to the non-compliance with the Regulation 36 Notice.

The Regulating Officer had carried out checks on the submission of waste returns to NRW. Waste Returns should be submitted on a quarterly basis with details of waste received and removed from site. The Operator has failed to submit any returns since 2015. Dates for the submission of waste returns are shown in the following table.

Quarters	Deadline for return
January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31
October 1 to December 31	January 31

The Following breaches have been recorded:

A1 Specified by permit – Condition 2 .1 Schedule 1 Table S1.1 has been scored as a **Category 3 breach**

The permit states that all activities should be carried out within a building, with an impermeable surface and sealed drainage system, biofilter and abatement system.

The abatement system and bio-aerosol filter has not been fitted to the building.

G1 Monitoring of emissions & environment – Condition 3 - Schedule 3 has been scored as a **Category 3 breach**

The lack of a bio-aerosol filter means that the monitoring requirements of the permit can't be achieved/completed as per schedule 3 table S3.2 which specifies that the bio-aerosol filter should be checked and maintained to ensure appropriate temperature and moisture content daily basis.

Table S3.3 requires that bio-aerosols shall be monitored at the nearest sensitive receptor (as highlighted in schedule 7 – site plan) – upwind of the site and – downwind of the site: in accordance with the industry standard protocol.

G4 Reporting & notification – Condition 4.2 schedule 4 Table S3.1 has been scored as a **Category 3 breach**

Section 4.2 of the permit requires the operator to submit quarterly bio aerosol monitoring data as specified in table S3.1. To date no reports have been submitted to NRW.

G4 Reporting & notification – Condition 4.2.2 breach consolidated with above

Section 4.2.2 within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

Waste returns have not been submitted by the Operator since 2015.

Action: submit all missing waste returns to NRW by 31st August 2018 as stated in the Operators email received 8/2/18.

E2 Emission to land – Condition 3 Emissions and monitoring Category 3 breach

Leachate entering land from under the side door of the building has resulted in breaches of the following permit condition – see above photograph.

3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in Schedule 3 tables S3.1, S3.2 and S3.3

C1 Staff Competency/Training - Condition 1.1.4 The Operator shall comply with the requirements of an approved competence scheme. Category 3 breach

Evidence has not been submitted too NRW that the Operator has completed an approved competency scheme nor appointed a suitably qualified person to act as TCM while he attains the WAMITAB certificate.

NRW will now consider what, if any, enforcement action should be taken regarding permit and enforcement notice breaches. The Operator will be invited to an interview under caution to discuss the above breaches.





Contact Details of Regulating Officer:

Julie Hughes

Environment Officer – Waste Regulation

Natural Resources Wales

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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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033717**

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

Site	Caerhun Farm	Permit Ref	NB3634RX
Operator/Permit holder	Sion Roberts	Date	07/02/2018

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.

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			
C1	C3	complete WAMITAB course or appoint a suitably qualified person to oversee Operations as per requirement of the permit	31/08/2018
E2	C3	ensure that no leachate escapes from the building other than via drainage system	31/08/2018
G4	C3	submit all missing information	31/08/2018
G1	C3	comply with permit	31/08/2018
A1	C3	comply with permit conditions	31/08/2018

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.