

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

|                              |                            |             |            |     |       |
|------------------------------|----------------------------|-------------|------------|-----|-------|
| Site                         | Plot 8 A                   | Permit Ref  | DB3830AQ   |     |       |
| Operator/Permit holder       | Grays Waste Management Ltd |             |            |     |       |
| Regime                       | Waste Operations           |             |            |     |       |
| Date of assessment           | 19/01/2017                 | Time in     | 13:45      | Out | 14:15 |
| Assessment type              | Site Inspection            |             |            |     |       |
| Parts of the permit assessed | 1.1, 2.2, 2.3, 2.5.2       |             |            |     |       |
| Lead officer's name          | Haider, Mefty              |             |            |     |       |
| Accompanied by               |                            |             |            |     |       |
| Recipient's name/position    | Matthew Davis/ Director    | Date issued | 22/06/2017 |     |       |

### 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           | 1.1.1                          |
| B4 - Infrastructure - Containment of stored materials                     | C3           | 2.3.1, Table 2.3               |
| C1 - General Management - Staff competency/training                       | C3           | 2.2.1, 2.3.1, Table 2.3, 2.5.2 |
| C2 - General Management - Management system and operating procedures      | C3           | 1.1.1, 2.2.1, 2.3.1, 2.5.2     |
| C3 - General Management - Materials acceptance                            | C3           | 2.2.1                          |
| C4 - General Management - Storage, handling labelling and Segregation     | C3           | 2.5.2                          |

**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.

|                                    |          |   |    |
|------------------------------------|----------|---|----|
| <b>Number of breaches recorded</b> | <b>6</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | 24 |
|------------------------------------|----------|---|----|

**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. An accompanied inspection was carried out with the H&S manager Damien Leatherbarrow. Prior to carrying out the inspection regulating officer requested for a copy of the site EMS. Copy of the EMS was not available for inspection. Director Matthew Davis stated the EMS was being up dated and an electronic copy will be forwarded on a later date. An electronic copy of the EMS was received few days after the inspection. The document was reviewed and deemed to be inadequate as it lacked relevant information. In addition during the site inspection a number of non-compliance with permit conditions were observed.

### **Non-compliance with permit conditions**

#### **B1) engineering for prevention and control of emissions – Permit condition 1.1.1**

The site surface areas consists of permeable ground only. At the time of the visit the entire permitted area was very muddy. Large parts of the site surface was rutted due to vehicle movements and contained standing pools of water. There was no evidence of any engineering to prevent and control of emissions of site surface water contaminated with suspended solids as everything was under mud. At the time of the inspection there was no evidence of any hard standing areas within the permitted area inspected.

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, Table 2.3**

Permit condition 2.3.1 states the activities shall be operated using the techniques and in the manner described in Table 2.3. Table 2.3 briefly requires that except specified waste all bulking, transfer or treatment of non-hazardous waste shall be carried out inside a building; and all non-hazardous waste shall be stored and treated on an impermeable surface with sealed drainage system. Site is in breach of this permit condition because all waste is stored on permeable ground either directly or in containers.

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

#### **C1) Staff competency/training – Permit condition 2.2.1, 2.3.1, Table 2.3, 2.5.2**

Site personnel including management are unaware of both permit conditions and management system leading to site accepting non-permitted hazardous waste (fridge/freezer) in breach of permit condition 2.2.1. Both hazardous and non-hazardous waste are stored in skips or directly on permeable ground in breach of permit condition 2.3.1. Site staff lack relevant training leading to storage of hazardous waste with non-hazardous waste (fridge/freezer with tyres) contrary to permit condition 2.5.2.

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

#### **C2) Management system and operating procedures – Permit condition 1.1.1, 2.2.1, 2.3.1, 2.5.2**

Site management system (EMS) is not being followed leading to breach of permit condition 1.1.1. EMS condition 2.10.1 briefly states that in order to reduce overall runoff from the site part of the area will be surfaced with a permeable hardstanding area (hardcore/stone surfaced) and the remainder surfaced with a combination of concrete and tarmac. At the time of the visit there was no evidence of any hard standing area constructed as described and no installation of concrete or tarmac has taken place on site since the site started operating from 2010. The site layout, infrastructures (transfer building, weighbridge etc.) and operational techniques do not follow the written EMS.

Management system and operating procedures are also inadequate and not being followed as site is accepting non-permitted hazardous waste (fridge/freezers) and storing waste in non-compliance with both permit and EMS conditions. Acceptance of non-permitted waste, storing waste on permeable ground and mixing hazardous waste with non-hazardous waste are breach of permit condition 2.2.1, 2.3.1 and 2.5.2 respectively.

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

### **C3) Material acceptance – Permit condition 2.2.1**

Site is in breach of permit condition 2.2.1 as site is accepting large numbers of non-permitted hazardous waste (fridge/freezer). Such waste will be classed as waste with EWC code 16 02 11\*, 16 02 13\*, 20 01 23\* or 20 01 35\* which are not present within the permitted waste type list on Table 2.2.

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

### **C4) Storage, handling, labelling and segregation – Permit condition 2.5.2**

Permit condition 2.5.2 briefly states that hazardous waste shall not be mixed with other waste. Site is in breach of this permit condition as regulating officer witnessed hazardous waste (fridge/freezer) stored on permeable ground with waste tyres.

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

## **General comments**

### Site infrastructures

The site has been operating at least since 2010 by accepting, storing, bulking and treating waste within the permitted site. This is because operator has been submitting waste returns since Q1 of 2010 stating site has been accepting waste wood under the EWC code 20 01 38. However, the site lacks minimum required infrastructures such as transfer building, impermeable surfaces with sealed drainage system as required by the permit. Over the last several years operator indicated to the regulating officer that the construction of a transfer building will commence in the very near future but it never did. Carrying out waste management operation outside over permeable ground is contrary to permit conditions and such prolonged and non-compliant activities will have to cease. Areas of hard standing areas are also in severe state of disrepair as site surfaces is rutted with standing pools of water and very muddy. Also there does not appear to be any site drainage available to contain and discharge contaminated surface water from the site appropriately.

### EMS

The site EMS is both inadequate and not being followed. The EMS lacks information re:

- Accurate and up to date information of COTC.
- Details regarding attendance of COTC.
- Contains out of date procedures such as carrying out exempt waste operations, which mirrors permitted activities within the permitted area (contrary to Regulation 22(8) of EPR 2010).
- Contains non-permitted waste types (refrigeration equipment) that will be accepted on site.

- No site drainage plan etc.

Site EMS is also not being followed because the EMS states the following, which are not followed or present on site:

- Waste transfer building.
- Wheel wash.
- Weighbridge.
- Impermeable surface.
- Hard standing areas.
- Drainage system.
- Waste routinely stored on site in exceedance of weight and storage period (e.g. over 1000 tonnes of inert waste stored on site for greater than 3 months).

#### Waste acceptance procedure and waste storage

Site waste acceptance procedure either inadequate or not being followed, leading to site accepting large numbers of non-permitted hazardous waste (fridge/freezers). Except specified waste all waste has been stored over permeable ground on site in contrary to permit conditions since 2010 onwards. At present there are waste plastic windows/door frames, farm plastic, tyres and hazardous waste (fridge/freezers) deposited and stored directly on permeable ground and in skips, which are also stored on permeable ground. Hazardous waste (fridge/freezers) also being stored mixed with other non-hazardous waste (tyres) contrary to permit condition. In addition due to inappropriate storage and also probably due to inappropriate handling many of the fridge/freezers getting damaged. There is a possibility that environmentally damaging gas may be escaping from the waste and harming the environment.

#### Non-compliance with permit conditions

Our records indicate site has been non-compliant with permit conditions for a number of years. Non-compliance with permit conditions poses a risk of pollution of the environment and harm to human health. In addition by failing to provide the minimum required infrastructure operator is gaining financially, avoiding cost and also benefitting from unfair business advantage against other legitimate operators.

#### Hazardous Waste (England and Wales) Regulations 2005

It is an offence to mix hazardous waste with different type of hazardous waste or with non-hazardous waste under the Hazardous Waste Reg 2005. It is also an offence for failure to provide consignee returns for hazardous accepted on site under the Hazardous Waste Reg 2005. Site is currently registered as a hazardous waste producer. Our records indicate we have not received any hazardous waste consignee returns from the operator for the entire 2016 period. You also need to ensure when accepting hazardous waste from businesses or when exporting hazardous waste from the site the waste must be accompanied with duly completed hazardous waste consignment note. Failure to do so is an offence under the Hazardous Waste Reg 2005.

#### Action required

Please refer to section 4 of this report, which details the actions required and the time period by which the actions must be carried out. To summarise except specified waste all waste stored within the permitted area must be removed by 28 February 2016. No further waste must be accepted, deposited and stored on site within the permitted areas until the site benefits from impermeable surface with sealed drainage system and hard standing areas. No bulking, transfer or treatment of waste can be carried out unless the site benefits from a waste transfer building. If you continue to breach permit condition, NRW may consider taking relevant enforcement action against the company and its officers.

If 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\_NRW0026938**

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

|                        |                            |            |            |
|------------------------|----------------------------|------------|------------|
| Site                   | Plot 8 A                   | Permit Ref | DB3830AQ   |
| Operator/Permit holder | Grays Waste Management Ltd | Date       | 19/01/2017 |

### 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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 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 |              |   |            |
| C4                  | C3           | Ensure hazardous waste stored separately and appropriately.   | 28/02/2017 |
| C3                  | C3           | improve staff training and only accept permitted waste types.   | 28/02/2017 |
| C2                  | C3           | Ensure EMS is adequate and followed, staff are suitably trained, operator and staff understands permit conditions and operating procedures, waste stored appropriately.   | 28/02/2017 |
| C1                  | C3           | Improve staff training, waste acceptance checks and understanding of both permit and EMS conditions.  | 28/02/2017 |
| B4                  | C3           | Remove all waste except specified waste stored on permeable ground and either store on site over impermeable surface with sealed drainage system or remove from the site. | 28/02/2017 |
| B1                  | C3           | Unmade ground should be hard standing areas made of granular material, which even and free from standing pools of water.  | 28/02/2017 |

## 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.