Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0035138

This form will report compliance with your permit as determined by an NRW officer					
Site	The Granary	Permit Ref	EP3994LG		
Operator/Permit holder	Caerphilly Skip Hire (C W S) Ltd				
Regime	Waste Operations				
Date of assessment	16/05/2019	Time in	09:50	Out	10:20
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Lee, Jonathan				
Accompanied by					
Recipient's name/position	Alun Pitten/ Finance Director	Date issued	20/05/2019		

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	C4	2.3.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	X	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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	**1**	**Total compliance score** (see section 5 for scoring scheme)	0.1

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

Officer Jonathan LEE attended Caerphilly Skip Hire (CWS) Ltd to complete a routine compliance inspection of the permit EPR-EP3994LG. Met with site TCM, Mr Alun Pitten. Weather was warm and dry at the time of the inspection.

Compliance Breaches

A single permit breach and one observation requiring action was identified during the inspection.

A1 Permitted activities – Category 4 breach – Permit Condition 2.3.1(a)

Permit condition 2.3.1 (a) states that 'The activities shall, subject to the conditions of the permit, be operated using the techniques and in the manner described in the documentation specified in Schedule 1, Table S1.2'.

Table S1.2 states that 'The total quantity of waste accepted at the site shall be less than 22,500 tonnes a year'.

Prior to the site visit, officer LEE completed a review of 2018 waste returns submitted by the operator. The following quantities of waste were accepted onto site in each quarter of 2018;

- Quarter One – 3579 tonnes
- Quarter Two – 5462 tonnes
- Quarter Three – 7687 tonnes
- Quarter Four – 6055 tonnes

The total quantity of waste accepted onto the site in 2018 was **22,783 tonnes**. This is in exceedance of the permitted tonnage of 22,500 tonnes.

A **Category 4 Breach** of permit condition 2.3.1(a) has been scored for failure to ensure that the waste accepted onto site is less than 22,500 tonnes a year.

Action – Ensure that total quantity of waste accepted onto site each year is not in exceedance of permitted tonnage limit.

Given the increase in tonnage throughput of the facility in recent years, it is reasonably foreseeable that the operator could be in breach of this condition during subsequent calendar years. This breach highlights the need for the operator to submit a permit variation application to Natural Resources Wales. It is advised that this variation application accounts for the expected increase in throughput (detailed advice and guidance regarding this permit variation is given in CAR_NRW0034428).

It should be noted that if the current annual tonnage limit is breached during further calendar years, an escalation in the category of breach may be considered.

B3 – Site drainage and engineering – Action only

Permit condition 2.1.1 states that 'the operator is only authorised to carry out the activities specified in Schedule 1 Table S1.1.'

Table S1.1 states that 'storage of non-hazardous waste shall be carried out on an impermeable surface with sealed drainage'.

During the inspection it was noted that some wastes were being stored on a section of wall on the site boundary. This area is not impermeable and not served by the sealed drainage system on site. This issue was quickly rectified by staff on site, however, it remains vital that no waste is either stored outside the site boundary or on areas not served by the site drainage system and interceptor.

Action: Ensure that all waste is stored in the permitted area, and on an impermeable surface with sealed drainage.

It was also noted during the inspection that the profile and surface of the north-eastern corner of the site primarily used for the storage of soils does not fully meet the requirements of Table S1.1. The profile of this area means that run-off does not currently enter the site interceptor. The surface currently consists of 'hardstanding' materials. Whilst this surface may be fit for purpose, it does not fully meet the requirements of the permit as it is not impermeable.

Action: Ensure that all areas of the site used for the storage of waste consist of an impermeable surface with sealed drainage.

Other comments

Aside from the above observations of non-compliance, the site appeared well managed at the time of the inspection. Waste fractions were neatly separated into skips and litter between skips was minimal.

Summary

Thank you for your time.

If you have any queries regarding this Compliance Assessment Report or the intended variation application please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

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.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0035138**

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Site	The Granary	Permit Ref	EP3994LG
Operator/Permit holder	Caerphilly Skip Hire (C W S) Ltd	Date	16/05/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
B3	X	Ensure that all waste is stored in the permitted area, and on an impermeable surface with sealed drainage.	01/07/2019
A1	C4	Ensure that total quantity of waste accepted onto site each year is not in exceedance of permitted tonnage limit.	01/07/2019

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.