

Compliance Assessment Report

Report ID:
CAR_NRW0031704

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

Site	Llanfoist Waste Transfer Station	Permit Ref	AP3499FY		
Operator/Permit holder	Dragon Waste Ltd				
Regime	Waste Operations				
Date of assessment	30/05/2017	Time in	10:00	Out	11:00
Assessment type	Report/Data Review				
Parts of the permit assessed	A1, B4, C1, C2, C3, C4, F1, F5				
Lead officer's name	James, Ian				
Accompanied by	Bruten, Anthony				
Recipient's name/position	Samuel Howells/ Manager	Date issued	05/06/2017		

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Introduction

On 30th May 2017 your site was inspected as part of the routine assessments for compliance, your new regulatory officer, Ian James, was in attendance along with fellow officer Anthony Bruten. Thank you for taking the time to demonstrate your activities on site.

Your operations consists of a Transfer Station and Household Waste Recycling Centre for public use in the Abergavenny/Monmouthshire area.

The parts of the permit that were reviewed were;

Permit Condition Schedule C Part 22 – 'The facility shall be supervised by a proficient person during operating hours and during all maintenance operations. Supervisors must be able to identify the types of waste allowed by this licence and those specifically excluded.'

In addition reference: Natural Resources Wales publication – 'How to comply with your environmental permit' Part 2 – Waste Operations, Technical Competence Schemes.

It was noted that both Samuel Howells (Site Manager) and Pete Somers (Site/Area Manager) hold certificates of Technical Competence provided by the Viridor Competence Management System and not WAMITAB. It was explained to NRW that the system was in compliance of the standards required by the Environment Agency (England) and BSI. This was followed up by Claire Rudge with a copy of an email that was sent to NRW in Dec 2015 detailing Viridor's position with their own competency scheme and how they wished NRW to confirm its suitability as an alternative for WAMITAB.

Having discussed this within NRW it is now confirmed that the Viridor CMS, having been developed in line with the EU skills scheme, is approved as a suitable competence system.

Action: The operator should update their management system to reference their approved internal competence scheme in line with NRW RGN 5 section 3.6 "Applicants are required to specify on the application form which option they will rely on. *The operator's management system will include reference*

to the relevant scheme with details of any technically competent persons. All applications for the grant or transfer of a permit must be checked against the relevant database to verify that the operator's technical competence is valid."

Permit Condition Schedule C Part 24 – 'Operational procedures for the facility shall be kept available at the facility and personnel shall be familiar with its contents.'

A copy of the Working Plan/ODMP was available and an electronic version was submitted to NRW (Ian James) via email immediately after the site visit.

Permit Condition Schedule C Part 28 – 'A full record shall be kept of the types and quantities of wastes delivered to and removed from the facility and copies shall be sent to the Disposal Authority...'

It was highlighted to the Operator that previous Waste Returns had been flagged as returning Waste Codes that were not permitted.

The operator highlighted the following;

1. That wastes 13 02 05* and 20 01 27* were permitted but under section 3.2 of the permit variation AP3499FY/V006 which applies to the HWRC side of the site rather than 3.1 which refers to the Transfer Station. It was suggested that there may be an 'autofill' in the 'Site' section of the Waste Returns that completes returns as 'Llanfoist Waste Transfer Station' that leads NRW to assess returns against 3.1 of the permitted wastes only and not 3.2.
2. Claire Rudge suggested that waste 16 02 11* should probably have been submitted as a different waste code.

Action: 1) NRW (Ian James) to discuss with NRW Waste Returns how to ensure returns are assessed against both parts of the permit variation and also how to deal with incorrectly submitted Waste Codes in retrospect. 2) Operator to ensure correct waste codes are used in future and resubmitted retrospectively if required.

Exemptions

It was discussed that an S2 exemption is in place and that this was being used for 'fridge/freezer' type waste within the area defined for 'Permitted' activities. On discussion the Operator believed the material was suitable under EWC 20 01 35* and didn't need an exemption. On further investigation of the site plan and permitted areas it appears that an exemption may still be required for the 'lower' eastern section of the facility.

Action: 1) Operator to determine whether the materials are suitable for use under a currently permitted EWC. They may also wish to consider applying for an additional EWC if existing codes do not cover the material. 2) Operator to provide an updated site plan showing permitted and exempt areas.

Other;

A tour of the site followed and showed infrastructure in good order with no litter, loose debris or smells apparent.

If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Ian James on 03000 654203 or via email on ian.james@naturalresourceswales.gov.uk

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031704**

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Site	Llanfoist Waste Transfer Station	Permit Ref	AP3499FY
Operator/Permit holder	Dragon Waste Ltd	Date	30/05/2017

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			

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.