

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0032513**

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

|                              |                                   |             |            |          |       |  |
|------------------------------|-----------------------------------|-------------|------------|----------|-------|--|
| Site                         | Troedrhiwgwynau Farm              |             | Permit Ref | AB3893HE |       |  |
| Operator/Permit holder       | Alun Hughes                       |             |            |          |       |  |
| Regime                       | Waste Operations                  |             |            |          |       |  |
| Date of assessment           | 24/11/2017                        | Time in     | 14:00      | Out      | 15:00 |  |
| Assessment type              | Audit                             |             |            |          |       |  |
| Parts of the permit assessed | The CAR sub-criteria listed below |             |            |          |       |  |
| Lead officer's name          | Stone, Callum                     |             |            |          |       |  |
| Accompanied by               |                                   |             |            |          |       |  |
| Recipient's name/position    | Alun Hughes/ Site Manager         | Date issued | 28/11/2017 |          |       |  |

### 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 |
|----------------------------------------------------------------------------------------------------------------|--------------|-----------------------|
| A1 - Specified by permit                                                                                       | A            |                       |
| B1 - Infrastructure - Engineering for prevention and control of emissions                                      | A            |                       |
| B4 - Infrastructure - Containment of stored materials                                                          | A            |                       |
| C1 - General Management - Staff competency/training                                                            | A            |                       |
| C2 - General Management - Management system and operating procedures                                           | A            |                       |
| C3 - General Management - Materials acceptance                                                                 | C3           | 2.2.1                 |
| C4 - General Management - Storage, handling labelling and Segregation                                          | A            |                       |
| D2 - Incident Management - Accidents, emergency and incident planning                                          | A            |                       |
| E2 - Emissions - Land and groundwater                                                                          | A            |                       |
| E3 - Emissions - Surface water                                                                                 | A            |                       |
| E5 - Emissions - Waste                                                                                         | A            |                       |
| F3 - Amenity - Dust/fibres/particulates and litter                                                             | A            |                       |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events        | C3           | 4.1.1, 4.1.2          |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C3           | 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.

|                                    |          |                                                                     |           |
|------------------------------------|----------|---------------------------------------------------------------------|-----------|
| <b>Number of breaches recorded</b> | <b>3</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>12</b> |
|------------------------------------|----------|---------------------------------------------------------------------|-----------|

**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 a routine site inspection by Natural Resources Wales (NRW) officers Callum Stone (Environment Officer) and Heidi Markham (Environment Officer).

Upon arrival inspecting officers introduced themselves to Alun Hughes, the site manager. Alun allowed officers to inspect the site unaccompanied but was available when the officers wished to inspect paperwork and records.

Officers undertook a thorough walk around of the permitted area. The site is relatively small, only accepting limited types of inert waste to be treated for use by the operator in groundworks and building projects, and is not open to the public. Waste types and treated materials were segregated well, and any materials not allowed by the permit were being removed and stored securely for disposal. Alun Hughes was able to provide evidence of holding an up to date and relevant competency certificate.

Throughout the inspection the following permit breaches were observed.

### **CAR Sub-criteria C3, Permit condition 2.2.1, Compliance Classification Scheme category 3 breach.**

There was a small amount of bituminous mixture found on site, however the permit specifies that any bituminous mixtures cannot fall under the EWC code of 17 03 01. The operator was unable to provide evidence that the bituminous mixture on site had been tested to ensure that it complies with EWC code 17 03 02. If the operator wishes to accept any waste under the EWC code 17 03 02, they must be able to provide evidence that the waste falls in to this description.

In the waste transfer notes inspected there was one note with waste listed as EWC Code 17 09 04 which is not permitted at this site. The operator must ensure that all waste received is allowed under the permit, and that any waste transfer notes provided are correct.

### **CAR Sub-criteria G2, Permit condition 4.1.1, Compliance Classification Scheme category 3 breach.**

Materials leaving the site were simply listed in number of loads rather than load sizes/weights. The operator must ensure that an accurate record is kept of all loads arriving and leaving the site.

### **CAR Sub-criteria G2, Permit condition 4.1.2, Compliance Classification Scheme category 3 breach (Consolidated).**

As outlined within condition 4.1.2 of the site environmental permit, a site diary containing specified information shall be kept secure and be available for inspection when requested by an inspecting officer. A site diary was not available upon the inspection. Neither were any recently completed site inspection checklists. Due to the absence of the documents it is therefore questionable as to if they exist or are being completed to contain the specified information detailed within condition 4.1.2. A site diary should be kept in an accessible location on site and be kept up to date by site operatives. **A category 3 non-compliance has been recorded.**

### **CAR Sub-criteria G4, Permit condition 4.2.2, Compliance Classification Scheme category 3 breach.**

No waste returns have been provided throughout 2017. Waste returns should be provided within one month of the end of each quarter, as outlined in permit condition 4.2.2 to ensure that waste being accepted at a permitted site is compliant with the conditions set out in the permit. All up to date waste returns must be provided to NRW by 31<sup>st</sup> Jan 2018. Details of how to do this can be found at [www.naturalresources.wales](http://www.naturalresources.wales) > Guidance and Advice > Waste management. Failure to submit waste returns by this date will result in the serving of a notice for the required information.

Before leaving the site, the above breaches were discussed with the operative.

You are advised to address the breaches identified above and ensure that measures are implemented to ensure

operations return to compliance. Section 4 of this compliance report details the action to be taken. In addition, I would recommend you undertake a review of operations at the site ensuring that you can achieve compliance with your permit and that your environment management system is up to date and reflective of your current operations and procedures.

A summary of the Compliance Classification Scheme scoring is shown below

C3 - Category 3 breach – 4 CCS points

G2 - Category 3 breach – 4 CCS points

G2 - Category 3 breach – 4 CCS points (Consolidated with above CAR sub criteria G2 breach – score not applied)

G4 – Category 3 breach – 4 CCS points

Total 12 Compliance Classification Scheme points.

Thank you for your time. Should you have any questions or queries please do not hesitate to contact me (03000 653405 or [callum.stone@cyfoethnaturiolcymru.gov.uk](mailto:callum.stone@cyfoethnaturiolcymru.gov.uk))

Kind regards,

Callum Stone

Environment Officer – Natural Resources Wales

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0032513**

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

|                        |                      |            |            |
|------------------------|----------------------|------------|------------|
| Site                   | Troedrhiwgwynau Farm | Permit Ref | AB3893HE   |
| Operator/Permit holder | Alun Hughes          | Date       | 24/11/2017 |

### 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 |              |                                                                                                                                                                                                                                                                |            |
| G4                  | C3           | No waste returns have been provided for 2017. The operator must provide all missing waste returns by 31/01/2018                                                                                                                                                | 31/01/2018 |
| G2                  | C3           | Operator needs to keep an up to date site diary including waste deposits, attendance of the technically competent manager and significant events.<br><br>Records of materials going out must provide information on load sizes as well as the number of loads. | 26/11/2017 |
| C3                  | C3           | The operator must ensure all waste accepted falls within the permitted types and that all waste transfer notes are of a satisfactory standard.                                                                                                                 | 26/11/2017 |

## 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](mailto: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.