

Compliance Assessment Report

Report ID:
CAR_NRW0025268

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	15/08/2016	Time in	10:15	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	1.1.1; 1.1.2; 1.1.3; 1.1.4; 2.1.1; 2.2.1; 2.3.1; 2.4.1; 3.1.1; 4.1.1; 4.1.2; 4.2.2; 4.3.1; 4.3.2					
Lead officer's name	Dines, Malcolm					
Accompanied by	Callum Stone					
Recipient's name/position	Alun Hughes/ Owner		Date issued	19/09/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C1 - General Management - Staff competency/training	C3	1.1.4
C2 - General Management - Management system and operating procedures	C3	1.1.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4	4.1.2

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	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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

The Environmental Management System was reviewed and was much improved on the EMS that the operator had when the last compliance visit was carried out. Brief reviews of some of the sections was carried out, these sections included: Waste Acceptance; Plant and Equipment; Waste Removed from Site.

The sections were clearly identified and well set-out. There were areas that could be improved upon though, such as the section relating to dust suppression; this stated that there is a bowser on-site that would be used to dampen down the materials causing the dust. However, the EMS does not state where the bowser is to be found, what checks are to be made on the bowser to ensure that it contains water and that it works.

Also, there was no section detailing the process for exporting waste materials from the site. This is important as currently the site does not have an Aggregate Protocol in place and therefore all material exported from the site is classed as waste and must only go to an authorised facility, therefore a permitted or exempt site. Ensuring that this requirement is complied with is part of the operators Duty of Care and should form part of the Management System as if waste is deposited at an unauthorised site it would be the illegal disposal of waste and a breach of Environmental Legislation.

The operator has not yet attained their WAMITAB qualification and therefore the site is not compliant with an approved competency scheme. Mr Hughes stated that this was because of uncertainty over planning for the site. Mr Hughes registered with WAMITAB at the time the permit was issued and stated that he has almost completed the work for the qualification and is nearly ready to submit this to the assessment centre. The site appears to be very well run and tidy and there is no evidence of poor management. The operator has an adequate EMS and has recently contracted the services of a waste consultant to help improve the administrative side of the business. There was no evidence of poor waste acceptance, handling or storage and therefore the reasonably foreseeable risk to the environment is minimal despite the lack of technical competence qualification.

The site was inspected and all activities were compliant with the permit and being carried out within the site boundary. Waste acceptance area and storage bays were clearly identified and segregated including material not authorised by the permit. The material that had been processed was good, clean aggregate.

EPR Compliance Assessment Report

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Operator/Permit holder	Alun Hughes	Date	15/08/2016

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			
C1	C3	Complete WAMITAB course or employ a consultant with the appropriate level of qualification	31/03/2017
C2	C3	Improve sections relating to dust suppression and the export of waste from the site	31/03/2017
G2	C4	Ensure a record is kept of site activities: staff presence on-site, visitors etc as set out in How to Comply with your environmental permit.	31/03/2017

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.