

Compliance Assessment Report

Report ID:
CAR_NRW0032428

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

Site	Race Farm	Permit Ref	GB3439DE		
Operator/Permit holder	Mr Andrew Morgan & Mr Peter Morgan				
Regime	Waste Operations				
Date of assessment	09/10/2017 - 09/11/2017	Time in	11:30	Out	12:36
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted area and Exemptions				
Lead officer's name	Davies, Eleanor				
Accompanied by	James, Ian				
Recipient's name/position	Andrew Morgan/ Partner	Date issued	01/12/2017		

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	2.3.1 Table 2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Messrs Andrew and Peter Morgan are the operators of a Standard Rules Permit SR2008No16 composting in open systems at race farm, Newport Road, Pontypool.

Senior Environment Officer Eleanor Davies and Environment Officer Ian James attended site to carry out a pre-arranged compliance assessment on the 9th September 2017. The weather was sunny, warm and dry.

Open Windrow Composting

Green wood waste is chipped and stored under exemptions on a different area of the farm then the chipped wood is brought onto the permitted area and placed in open windrows. No duty of care paperwork accompanies this movement of waste. There were 4 distinct windrows of chipped wood waste in varying stages of composting visible. At the time of inspection there was no adverse odour. Upon visual inspection the windrows appeared to consist of clean chipped wood waste with minimal contamination. The windrows were sitting directly on the field, there was no infrastructure in place.

Mr Morgan explained that this material took a minimum of three months to compost and was turned with a JCB every 3-4 weeks. Visual checks are carried out on the material to assess when it is ready to be used. All compost is used on the farm and is spread to land during autumn and spring.



Permit condition 2.3.1 table 2.3 states that "The storage, physical treatment and composting of wastes shall take place on an impermeable surface with a sealed drainage system."

At present the windrows are sitting directly on the field surface. As the waste material is green wood waste and the volume of material is relatively low, the environmental impact has been assessed as minor. **CCS Score C3 under compliance category B1.**

Action Required: Install an impermeable pad with sealed drainage onto which waste materials can be moved or remove waste materials from site.

**Due to the limited volumes and types of waste being composted on site it may be worth considering whether the standard rules permit is the most appropriate permitting option for your facility. I would draw your attention to the T23 exemption - Aerobic composting and associated prior treatment. If you feel that you would be able to comply with the conditions of this exemption this may be a more suitable option for your activities.*

Wood Chip

Non green wood waste is stored and chipped under exemptions at a different part of the site. This chipped wood is then brought onto the permitted area for storage. No duty of care paperwork accompanies these movements of waste. Mr Morgan explained that the chipped wood would be used on the farm as animal bedding under a U8 exemption. A U8 exemption specifies that only untreated wood can be used as animal bedding and as such the material being stored on site may not be suitable for use as animal bedding. This will be discussed further in the accompanying exemptions compliance assessment report. An alternative outlet for this material should be considered.

At present the storage of the woodchip is not compliant with permit condition 2.3.1 table 2.3 which states that "The storage, physical treatment and composting of wastes shall take place on an impermeable surface with a sealed drainage system." The environmental impact of this breach has been assessed as minor. **CCS Score 3 under compliance category B1.** This score has

been consolidated with the CCS score above as they both fall within the same compliance category.

Action required: Install an impermeable pad with sealed drainage onto which waste materials can be moved or remove waste materials from site.

**As stated above, due to the limited volumes and types of waste being stored on site it may be worth considering whether the standard rules permit is the most appropriate permitting option for your facility. I would draw your attention to the S2 exemption - Storage of waste in a secure place. If you feel that you would be able to comply with the conditions of this exemption this may be a more suitable option for your activities.*

As arranged, we will discuss your options for site during our meeting on Monday 4th December.

Written Management System

Condition 1.1.1 (a) of the environmental permit states that "The operator shall manage and operate activities in accordance with a written management system that identifies and minimises risks of pollution..." While the Environmental Management System (EMS) was not fully assessed at the time of the inspection, it is clear from the storage activities taking place on site that it is not being run in accordance with such a management system. This is a root cause non-compliance score. **CCS score C3 under compliance category C2**

Action required: Ensure that the Environmental Management System is up to date covering the requirements set out in condition 1.1.1 and that it is effectively implemented on site.

Technical Competence

Condition 1.1.1 (b) of the environmental permit states that the operator shall manage and operate the activities using sufficient competent persons and resources.

Action required: Please provide me with a copy of the certificate of technical competence for whomever is deemed to be technically competent on site.

Duty of Care

All waste being brought on to site (whether being accepted under the standard rules permit or an exemption) must be accompanied by a duty of care waste transfer note or a document containing the same information. The person bringing the waste onto site should provide this. Waste should be checked when they arrive and should only be accepted if the permit allows it and if it meet the description given in the waste transfer note.

If you are transferring non-hazardous waste between your own sites and there is no change in ownership, you must keep a record which is of the same standard as a duty of care waste transfer note.

You can find printable waste transfer notes at <https://www.gov.uk/government/publications/duty-of-care-waste-transfer-note-template>. I will include this link in the covering email so you can access it directly. Please disregard the section of guidance regarding the completion of online transfer notes as this is a system we do not yet have in Wales.

A waste transfer note must include a written description of the waste accompanied by a European Waste Catalogue (EWC) code. A list of EWC codes you are able to accept is included within your permit. You must ensure that only waste with the same EWC code is accepted at your site.

-----End of CAR-----

EPR Compliance Assessment Report

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Operator/Permit holder	Mr Andrew Morgan & Mr Peter Morgan	Date	09/10/2017

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			
C2	C3	Ensure EMS is up to date and being complied with on site	15/12/2017
B1	C3	Install impermeable pad for the storage and treatment of waste materials.	12/01/2018

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.