

Compliance Assessment Report CAR_NRW0039575

Permit being assessed: DP3494FN.

For: K M Environmental Ltd, held by K M Environmental Ltd

At: Holywell Road, St Asaph, Denbighshire, LL17 0DS.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/03/2022 between 09:00 and 17:00.

Parts of permit assessed: 'Storage, Handling & Segregation', 'Waste acceptance', 'Reporting to Natural Resources Wales'

NRW Lead Officer: Sarah Walton.

Report sent to: Ken Groves, Director on 22/03/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	1.5.1 Changes in technically competent persons
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	1.2.1 - Table 1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	4.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
G4	Formally report to NRW regarding the change of Technically Competent Persons for the site.	25/03/2022
C4	Reduce volume of waste being stored on site to less than 2,500 tonnes.	08/04/2022
G4	Submit outstanding waste return from Quarter 3 2021. This should be emailed to waste.returns@cyfoethnaturiolcymru.gov.uk	25/03/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

A routine site inspection was carried out at site by Waste Regulation Officer, Sarah Walton, on Wednesday 9th March 2022.

Sarah met on site with Ken Groves (Company Director) who accompanied the officer throughout the inspection.

Permit Condition 1.5.1: Any changes in technically competent management of the site and the name of any incoming person (together with evidence that such person has the required technical competence) shall be submitted to the Agency in writing within 5 working days of the change in management. Technically competent management and technical competence shall be as defined under section 74 of the Environmental Protection Act 1990 and Regulations 4 and 5 of the 1994 Regulations.

Initial discussions between Sarah and Ken gave light to the fact that former Technically Competent Manager (TCM), Mike Groves, was no longer involved with site operations. Ken explained that Mike Groves had stepped down as TCM in October 2021 and that Terry Parry was now overseeing operations and would be the site's new TCM.

NRW was not notified within 5 working days of this change in Technically Competent Persons. **Therefore, the site has been scored a C4 for this breach of permit condition.**

Action: Formally notify Natural Resources Wales of the name of the incoming TCM, along with evidence that such persons has technical competence.



Photograph showing screener and conveyor separating sand and pebbles into stockpiles

There was a large stock pile of sand and pebbles on site which had come from contract work at Rhyl Harbour. The above picture shows pebbles being separated from sand material.





Photographs showing storage of 1)Concrete 2) sand & pebbles (pre-treatment) and 3) Soil & Brick destined for landfill

Across the site there were clearly distinct stockpiles of different inert wastes such as Crushed brick, concrete and soils graded A-C. There was also a stockpile of soil and bricks that were destined for landfill (Llanddulas Quarry & Maes Mynan Quarry - both have the relevant permits). It was explained the site had done all they could to recover this waste but this material was no longer suitable for any other purpose. The site was in a clean and tidy state which was good to see.

Permit Condition 1.2.1 No wastes other than those, which are categorised below in Table 1.2A shall be accepted at the site: Table 1.1 i) Maximum storage capacity 2,500 tonnes.

As the walk around site was complete, it was evident visually and through conversations with Ken, that the site is storing above the maximum permitted storage capacity of 2,500 tonnes. **As this is a breach of the above permit condition, the site has been scored a C3 for this contravention.** As the permit and Working Plan do not account for the added tonnages of waste being stored and treated on site, this has the potential to have a minor environmental effect.

Action: The site should reduce volumes of untreated wastes to less than 2,500 tonnes.

Should the site wish to store more than the permitted amount of 2,500 tonnes then a permit variation should be sought to increase tonnages. A permit variation will go through a determination process so there is no guarantee this will be granted.

To apply for a permit variation, follow this link : [Natural Resources Wales / Apply to vary \(change\) a permit for waste operations](#)

Permit Condition 6.2.2: A summary record of wastes accepted and removed. A summary of waste types accepted and removed from the site shall be made for each quarter of the financial year and shall be submitted to the Agency within 1 month following the end of that quarter. The summary record shall be in the format detailed in Appendix A or otherwise subsequently agreed with the Agency in writing.

Towards the end of the inspection, Sarah queried missing waste returns from Quarter 3 and Quarter 4 of 2021. A member of staff evidenced an email sent to NRW on 15th February 2022 with Quarter 4 Returns included. Terry Parry (incoming TCM), re-sent this return following the inspection. May I take this opportunity to remind you that returns should be submitted to NRW within one month following the end of that quarter.

As it is clear efforts were made to submit this record, the site has not been scored on this occasion. There is however, one Waste Return still outstanding (see action below).

Action: Please submit Quarter 3 2021 Waste Return as this is still outstanding.

I would like to thank staff for their time and co-operation throughout the inspection. If you would like to query anything in this CAR form, please get in touch using the details below.

Best wishes,

Sarah Walton
Waste Regulation Officer
03000 654 791

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.