

Compliance Assessment Report

Report ID:
CAR_NRW0026531

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

Site	J A Bowen & Co, Landfill	Permit Ref	PP3195CR		
Operator/Permit holder	John N Bowen				
Regime	Waste Operations				
Date of assessment	23/08/2016	Time in	13:52	Out	15:14
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities				
Lead officer's name	Park, Liz				
Accompanied by	Arlett, Timothy				
Recipient's name/position	Nigel Bowen/ Site operator	Date issued	17/11/2016		

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
C3 - General Management - Materials acceptance	C3	C.4

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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 purpose of this visit was to undertake a site inspection following the issue of variation EPR/PP3195CR/V005 on 9/02/2016. The site has moved into definitive closure. At the time of the visit the weather was mild and dry.

The site inspection was undertaken by Liz Park and Tim Arlett. The access gate was unlocked and initially there was no one on site.

A second series of photos were taken from points identified on the new permit boundary. These point were previously recorded using a GPS. The purpose of these photographs is to record the progress of the restoration of the landfill.

The following non-compliance was identified:

C3 – General Management – Permit Condition C.4 – CCS C3

Whilst Liz and Tim was on site, a Heartlands/ Severn Trent Water tipper lorry was on site. The driver proceeded to tip his load of tarmac/ concrete waste. Liz Park spoke the drivers supervisor and explained that the site is not permitted to accept tarmac/ concrete. The supervisor arranged for the lorry to be reloaded. This is the second instance of non-permitted waste being observed being deposited.

The operator must have procedures in place to ensure that all loads are checked before being deposited to ensure that they are permitted waste types as listed in Waste Types Accepted, EWC Version 25 January 2016 provided by Ceri Environmental Consulting Ltd.

The operator is again strongly advised to establish where the new permit boundary, with reference to Drawing No. CEC/NB/V/001, actually is on the ground and provide some means of identifying this.

Restoration

Please provide a restoration and closure brief update by 1 December 2016.

Movement into definitive closure

The site has moved into definitive closure. If there continues to be issues with the operator being charged the appropriate subsistence fee please contact Liz Park.

Activities outside the permitted area

An area of trees has been clear felled under the conditional clear fell licence 050/116/15-16. In this area there has been a deposit of soil and stones. Please advise as to the purpose of this deposit and where the soil and stones originated from.

“In this document ‘Natural Resources Wales’ means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.”

EPR Compliance Assessment Report

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Operator/Permit holder	John N Bowen	Date	23/08/2016

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			
C3	C3	Operator must have procedures in place to ensure that all loads are checked before being deposited for restoration to ensure that they are permitted waste types as listed in Waste Types Accepted, EWC Version 25 January 2016	30/11/2016

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.