

Compliance Assessment Report

Report ID:
CAR_NRW0032695

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	19/12/2017	Time in	11:40	Out	13:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted activities					
Lead officer's name	Park, Liz					
Accompanied by	Starks, Madeleine					
Recipient's name/position	Nigel Bowen/ Site Operator	Date issued	16/01/2018			

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
C3 - General Management - Materials acceptance	C3	C.4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	K1.2

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	2	Total compliance score (see section 5 for scoring scheme)	4.1
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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 purpose of this visit was to undertake a site inspection focusing on restoration progress following the issue of variation notice issued on the 9 February 2016. Following this variation the site moved into definitive closure. The site was visited by Liz Park and Madeleine Starks.

Restoration

A third series of photographs were taken from the same points on the site boundary previously recorded using a GPS. These photographs record the progress of the restoration of the landfill.

In the two years since the permit variation was issued there has been limited progress towards full restoration.

Please provide a restoration and closure brief update by Friday 9 February 2018. The Brief should be an update on the Nant Fforch Landfill site Restoration and Closure Brief February 2017 & December 2015. Please note the progress to full restoration should have been completed in 2016 as detailed in the Nant Fforch Landfill Site Restoration and Closure Brief Dec 2015 which forms the agreed closure and aftercare management plan. This will be reviewed following the submission of the update brief.

The following non-compliances have been identified:

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

A number of deposits of unpermitted wastes were identified as shown in the photographs below. This included brick, concrete, cobbles, slate, tiles, quarry tiles, stone pillar, and slate tiles. None of these wastes are listed in Waste Types Accepted, EWC version 25 January 2016 provided by Ceri Environmental Consulting which form part of the agreed closure and aftercare management plan.

This is the third occurrence of unpermitted wastes being deposited since the permit variation.

On 24/02/2016 tarmac/ concrete was deposited whilst officers were on site. There were also unpermitted deposits of street sweepings (leaf litter).

On the 23/08/2016 tarmac/ concrete was again deposited whilst officers were on site.

All the unpermitted wastes must be removed and taken to a suitably permitted facility by 31 January 2018. Copies of the waste transfers notes for this waste must also be provided by 31 January 2018. Failure to do so may result in further action in accordance with Natural Resources Wales enforcement and prosecution policy.

You are also required to provide copies of waste transfer notes for all wastes accepted in 2017.



G4 - Reporting and notifications to Natural Resources Wales - Permit Condition K1.2 - CCS

You have been scored for failing to submit waste returns. We require the following waste returns from you.

Q1 - 2016, Q2 - 2016, Q3 - 2016, Q4 - 2016

Q1 - 2017, Q2 - 2017, Q3 - 2017, Q4 - 2017 (due by 31 January 2018)

You are required to submit returns within a month of each quarter. Please ensure all future waste returns (including null returns) are submitted in a timely manner.

Please ensure that you use the correct version of the NRW waste return. A link to the correct version is below.

<http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

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EPR Compliance Assessment Report

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Operator/Permit holder	John N Bowen	Date	19/12/2017

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			
C3	C3	Unpermitted wastes must be removed to a suitably permitted facility. Operator must have procedures in place to ensure that all loads are checked before being deposited for restoration to ensure they are permitted waste types as listed in Waste Types Accepted, EWC Version 25 January 2016	31/01/2018
G4	C4	Submit all waste returns as detailed	09/02/2018

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.