

Compliance Assessment Report

Report ID:
CAR_NRW0031356

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

Site	The Granary	Permit Ref	EP3994LG			
Operator/Permit holder	Caerphilly Skip Hire (C W S) Ltd					
Regime	Waste Operations					
Date of assessment	21/02/2017	Time in	10:00	Out	10:45	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Bowder, Alex					
Accompanied by	Ward, Adam					
Recipient's name/position	Mike Jones/ Director	Date issued	08/03/2017			

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
A1 - Specified by permit	C3	Infrastructure Condition – 2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	Drainage Condition – Schedule 1.1
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
F1 - Amenity - Odour	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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

Routine site inspection conducted by officers Alex Bowder and Adam Ward at Caerphilly Skips on Tuesday 21st February at 10:00am. Met with site manger Alun Whitten to discuss the Environmental permit **EPR-EP3994LG**. The weather was wet at the time of visit.

Caerphilly Skips purchased the adjacent site at the bottom of the yard in September 2016 with the aim of extending operations. Although it was stated on the last CAR form that a EPR Regulation 36 notice would be issued to address the remaining improvements plan points, we have since reviewed our enforcement response as the business seeks to extend operations to the new yard and update the drainage system.

Breach - Category 3 Infrastructure: Condition – 2.1.1	Over time the track vehicles have damaged the concrete surface in the yard. Please monitor the conditions of the surface as if it reaches the point where it is no longer impermeable, repair will be needed to restore the surface to its original state. I believe it is the intention of the site to re-profile the yard in the next few weeks. It is evident that infrastructure is in better condition at the new site - we discussed the possibility of moving operations down to that part in the future to benefit from the flat, un-cracked surface. This can only be done if you decide to extend the permitted boundary and the necessary amendments to the environmental management system will be required.
Breach – Category 3 (B3) Site drainage engineering (clean and foul): Condition – Schedule 1.1	The site drainage situation has been an ongoing issue over the past few years. The interceptor south of the site is working, however due to the sheer volume of water entering and any mud churned up due to vehicles in the yard, the system is falling to capture all of the potentially contaminated water leaving the site. Furthermore, efforts to fully seal the drainage system to ensure no contaminated run-off escapes other than via the interceptor have failed. The problem has now been exacerbated by knocking through a wall which formed part of the impermeable bund. We suggest that these areas of concern are addressed as soon as possible to avoid an escalation of breaches against the permit.

	We must also make clear that any areas used to store waste, including the soil and fines storage areas must benefit from sealed drainage. Therefore, the ditch that has been dug out is technically an illegal discharge and will need looking into in future.	
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Exemptions

The site are currently storing empty skips and containers holding wood waste ready for transport in the new area, along with construction and demolition waste produced from the site.

You have claimed this material is a product but we consider that this material is construction and demolition waste unless you can prove it has met end of waste criteria. For example, you should be able to provide evidence that the material is compliant with the aggregates quality protocol which can be obtained from a suitably accredited contractor such as the Waste & Resources Action Programme (WRAP). Further guidance on meeting end of waste and the aggregates QP can be provided as necessary.

It is unlikely that this would have been done and so we will require the business to register a **U1 exemption** for the use of construction waste for building up the floor foundation. Please see that this is completed immediately; this can be done on our website:

<https://naturalresources.wales/apply-for-a-permit/waste/register-your-waste-exemptions/?lang=en>

If you plan on storing waste on the site you will be required to register the **S2 exemption** - storing waste in a secure place.

It is worth noting that our exemptions guidance is currently under review and in future, it is unlikely that we will allow exemptions to be registered at a premises linked to a permitted activity. We therefore suggest that you consider this as a short term option while you improve the infrastructure at your permitted facility.

Variation of permit

If you plan on storing and/or treating waste in the new yard you will be required to vary your current permit to suit activities. In terms of expanding the business I feel it would be more beneficial to extend the permit boundary to allow for storage and treatment in this area; to have the option rather than potentially breaching your permit conditions.

Unless you are able to demonstrate that the exempt and permitted areas are separate operations, any waste stored in the new yard in the interim will be classed as illegal deposits until the area is permitted.

A permit variation to include the new area would have to incorporate a new sealed drainage system. We request a decision from you **by April** in terms of your plans to extend the permitted boundary.

You will be required to submit your application to our permitting department with the planned operations that would take place on the area.

Litter

There continues to be a litter problem at the yard in areas where waste is stored in skips. This needs to be rectified as soon as possible as waste stored in the area may contaminate rain water run-off that may not be

entering the purpose-made drainage ditches.

Please continue to keep on top of the litter situation to ensure nothing escapes the sealed drainage system and litter picks are recorded in the site diary.

Waste returns

The installed weigh bridge is aiding with skip waste estimates. It is good to see the company have been diligent with the submittal of the quarterly returns, please continue this good habit. Correct EWC codes used, no issues apparent.

WAMITAB

Mike Jones is still the WAMITAB qualification holder for the site. Please remember to enrol on a continuing competency refresher course when the expiry date is due.

If you have any issues regarding the report please contact Alex Bowder on 0300 065 3394. Thank you.

EPR Compliance Assessment Report

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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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
B3	C3	New drainage system to encompass new site to be installed	08/05/2017
A1	C3	Please monitor the conditions of the surface as if it reaches the point where it is no longer impermeable, repair will be needed to restore the surface to its original state.	08/06/2017

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 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.