

Compliance Assessment Report

Report ID:
CAR_NRW0034323

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

Site	Dyfi Skips	Permit Ref	QP3494FL		
Operator/Permit holder	Jones David & Elwyn				
Regime	Waste Operations				
Date of assessment	27/11/2018	Time in	10:30	Out	11:55
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by					
Recipient's name/position	Dai Jones/ Operator	Date issued	10/01/2019		

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Environment Officer Liz Park arrived on site to undertake a pre-arranged site inspection. The visit was pre-arranged to ensure that Dai Jones and/or John Jones (Technically Competent Manager) were available as neither was on site at the previous unannounced inspection.

Liz Park was accompanied by Dai Jones throughout the inspection. The weather was very cold with light rain.

It was observed that the concrete pad was full of waste, which included several unprocessed skips containing mixed wastes, metal wastes, and construction and demolition wastes. Liz asked Dai to explain the process for the acceptance of waste onto the site and treatment as it was not clear at the time of the visit. Once a load had been tipped, construction and demolition waste, and metal waste is pulled out from the load. Any residual waste is put in a 40 cubic yard skip to be taken to landfill. It was agreed with Dai that the skips containing unprocessed waste would be processed as soon as practicably possible as the site at the time of the visit had no capacity for any incoming skips.



Photo of skips requiring processing just on the concrete pad

Construction and demolition waste

It was observed that there was plasterboard/ gypsum within the construction and demolition waste. Dai agreed that this waste needs to be removed from the construction and demolition waste storage area. There is no clearly labelled container for the storage of this waste stream (as specified in Table 4.4). This must be provided. The container should prevent the ingress of water.



Photo of gypsum in Construction and demolition waste

Liz Park asked where the construction and demolition waste was been taken to and was informed that it was taken to a farm that had a 'licence' for filling in hollows. It was explained that it was not possible to have a U1 exemption for filling in hollows in fields and that this activity would require an Environmental Permit (for the permanent deposit of waste for recovery). Dai Jones was informed that he needs to cease sending the construction and demolition waste to this site if it is being used for this activity. A copy of the U1 exemption criteria is enclosed with this CAR.

Skips stored outside the permitted area

Several skips containing mixed wastes are currently stored on land outside the concrete pad. These must be removed and unloaded as soon as possible. Care must be taken when removing the skips from the area by the Japanese knotweed.

Storage of wastes

All wastes must be stored as required by permit condition 4.4.2 as specified in table 4.4, and as per the working plan (as updated in June 2009). None of the containers on site were labelled. This issue has been discussed with the site on previous occasions but was not on this visit. Advice and guidance is being given on this occasion.

Action: Labels must be placed on all skips/ containers identifying their contents by 28 February 2019.

As per your working plan, only wastes which have been processed and which would not give rise to contaminated run off can be stored in areas other than the concrete pad.

Working Plan

The working plan was last reviewed in 2009 nearly 10 years ago. It is understood that there has been some discussion regarding the working plan since 2009 but there have been no updates submitted. This will be reviewed at the next compliance visit, however in the meantime should you require any advice and guidance regarding this please contact Liz Park.

EPR Compliance Assessment Report

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Operator/Permit holder	Jones David & Elwyn	Date	27/11/2018

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.

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			

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.