

**States of Jersey**  
**Planning and Environment Department**  
**Waste Management (Jersey) Law 2005**

**Site Inspection Methodology for Licensed  
Waste Management Facilities (JWL017)**

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## 1.0 Introduction

1.1 It is a requirement of the Waste Management (Jersey) Law 2005 (the Law) that activities involving the deposit, keeping, treatment, disposal or recovery of controlled wastes must be carried on in accordance with a waste management licence. There are some such activities which are exempted from this requirement by the Waste Management (Exemptions From Licensing)(Jersey) Order 2006. This guidance concerns the inspection of licensed waste management facilities and exempted activities. The Law makes reference to activities which are carried out by the Environment and Public Services Committee being carried on in accordance with a waste management certificate but the introduction of Ministerial government in Jersey and associated restructuring of departments has removed the need for Certificates and only waste management licences will be issued.

1.2 As part of his general regulatory objectives under the Law, the Minister for Planning and Environment must have regard to -

- ◆ the adequacy, for the environmentally sound management of controlled wastes within the island, of facilities used by persons who carry on activities relating to those wastes; and
- ◆ the taking, by those persons, of measures that are necessary to avoid or prevent pollution arising from such activities.

In order for these objectives to be realised, it is necessary for licensed and exempted facilities to be regularly inspected to ensure that the conditions of their licence or exemption are being complied with and that the facilities are not causing, or are not likely to cause, pollution.

1.3 The purpose of this document is to provide a methodology by which to carry out inspections of licensed and exempted waste management facilities. The methodology aims to ensure that all inspections are carried out to the same minimum standards and that appointed Inspectors have clear guidance on how to carry out site inspections, score breaches of licence conditions and provide a clear record of their findings.

1.4 Environmental inspections have been defined<sup>1</sup> as -

- ◆ checking and promoting the compliance of industrial installations within requirements stated in laws, regulations, ordinances, directives, prohibitions and/or permits etc.
- ◆ monitoring the general impacts of specific industrial installations on the environment that might lead to enforcement action or further inspection.

They have also been described as “a key activity in the implementation and enforcement of environmental law and essential to secure a high level of environmental protection.”

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<sup>1</sup>European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL),

**1.5** As well as providing guidance on carrying out inspections and scoring breaches of licence conditions and/or causation of pollution, this document will also advise on -

- ◆ planning and preparation for inspections
- ◆ necessary equipment for carrying out inspections
- ◆ inspection report forms
- ◆ health and safety during site inspections

**1.6** Conditions of waste management licences and conditions under which facilities may be exempted are written in order to provide limits and controls over waste management activities to prevent pollution. Breaching a licence condition is an offence (Article 99 of the Law), however it is not always the case that issues occurring at a licensed facility that are causing, or have the potential to cause pollution will be covered by a condition. This document provides guidance on how in such cases an inspector should consider Article 23(4) of the Law:-

*23(4) A person who deposits, treats, keeps, disposes of or recovers controlled waste in a manner that is likely to cause pollution shall be guilty of an offence.*

**1.7** Further information and guidance on waste management licensing and exemptions from licensing may be found in the documents “Guidance Notes on the New Waste Management Licensing System” and “Guidance notes on Exemptions from Waste Management Licensing”, both available from the Waste Regulation Section of the Planning and Environment Department.

## **2.0 Powers of Inspectors**

- 2.1** In order to have the powers contained within the Law conferred upon them, Inspectors must be appointed as such in writing by the Minister for Planning and Environment. When appointed, Inspectors will be issued with a warrant which provides evidence of their appointment and authority.
- 2.2** The general powers of entry and investigation conferred upon Inspectors are detailed in Appendix 1 to this document. When exercising any of these powers an Inspector must, if requested, produce their warrant and state their name and the power that they propose to exercise.
- 2.3** Powers conferred upon Inspectors may only be used if there are reasonable grounds for doing so. If they are to be exercised then it must be in a manner that is proportionate and otherwise reasonable and at a reasonable hour. The fact that a facility is licensed gives reasonable grounds for it to be entered and inspected. This document provides guidance on proportionate and reasonable actions during inspections. What constitutes a reasonable hour for licensed facilities will depend upon the hours of operation of the facility and the nature of the operations undertaken.
- 2.4** An Inspector may, when exercising any of their powers, take with them any persons, motor vehicles, equipment and/or materials that they consider to be reasonably necessary or expedient. Such a person accompanying an Inspector may, under the Inspector's supervision, perform any functions required by the Inspector's under the Law.
- 2.5** When inspecting a licensed facility, an Inspector can require the site management to provide reasonable assistance to them in carrying out the inspection, in accordance with Article 86 of the Law. This may involve, for example, stopping operations in part of the site to allow safe access or using site vehicles to transport the Inspector around the site. A person who, intentionally and without reasonable excuse, does not meet such a requirement made of them, commits an offence and could be liable to imprisonment for a term not exceeding two years or to a fine, or both.
- 2.6** Waste management licences will include conditions requiring the keeping of records concerning site operations and types and quantities of wastes accepted and managed at a facility. Such conditions will require that any such records must be made available to an Inspector on request, however Article 87 of the Law also provides that an Inspector may take any relevant document or record away temporarily, in order that it may be properly inspected or copied.

## **3.0 Types of Inspection**

### **3.1 Introduction**

There are several different types of inspection that may be undertaken at a licensed facility. The type of inspection carried out will depend upon the purpose of the inspection, the type of facility being inspected and the status of the facility. Inspections may sometimes be a combination of two or more different types. These inspection types are detailed below.

### **3.2 Routine Inspections**

**3.2.1** These are the most common type of inspection to be carried out at licensed facilities. The frequency of these inspections will be based upon the size of the facility and/or the type of activity carried out at the facility. Facilities dealing with large quantities of waste or those with a high pollution potential will receive a greater number of inspections than smaller facilities managing wastes with a low pollution potential.

**3.2.2** This type of inspection requires the Inspector to walk around the facility in order to carry out a thorough visual check upon compliance with licence conditions and ensure that no pollution is likely to be caused. An overall impression of the operations and management will be achieved, along with an assessment of the quality and applicability of the working plan.

**3.2.3** During this type of inspection, specific attention should be paid to one or two specific site or licence issues, e.g. site records, waste inspection methodology etc. This focus should be different for each site inspection visit, thus ensuring that a higher level of inspection is applied to most site or licence issues over a number of routine inspections.

**3.2.4** Any breaches of conditions or potential pollution observed should be managed in accordance with the Waste Regulation Enforcement and Prosecution Policy.

### **3.3 Incident Response**

**3.3.1** These inspections will be carried out in response to information received from any source, e.g. members of the public, emergency services, regarding potential breaches of conditions or pollution at a licensed facility.

**3.3.2** The focus of the inspection will depend upon the type of information received and what findings are made at the facility. Any breaches of conditions or potential pollution observed should be managed in accordance with the Waste Regulation Enforcement and Prosecution policy.

**3.3.3** The findings of any such inspection should be made known to the person or organisation who first provided the incident information.

### **3.4 Site Audit**

- 3.4.1** Site audit visits will be an occasional highly detailed site inspection providing a comprehensive review of the site for compliance with all of its licence conditions. An audit will also require a thorough assessment of the site's operations against its working plan.
- 3.4.2** For most sites an audit will involve two Inspectors and should take place during the entire working day of the site. For particularly large and/or complex sites, it may be necessary to extend the audit over two or more days and involve additional inspectors.
- 3.4.3** Following completion of the site audit, a comprehensive report should be prepared detailing the findings of the audit and recommending any necessary variations to the site's licence conditions and/or working plan. This report should be the subject of subsequent meetings with the licence holder to agree on what actions need to be carried out and to produce a timetable for such actions.

### **3.5 Specific Environmental Monitoring Inspection**

- 3.5.1** These inspections are focussed upon licence conditions relating to environmental monitoring. Such inspections will involve the Inspector accompanying site staff whilst they carry out the environmental monitoring required by the licence conditions and will also involve the Inspector taking their own check samples.
- 3.5.2** These inspections enable the Inspector to ensure that proper procedures are being followed in the taking of environmental samples and the check samples should ensure that suitable analytical methods are being used by the licence holder.
- 3.5.3** The Inspector should prepare a report upon their findings and discuss this report with the licence holder. Once both sets of analytical results are available to the Inspector, they should be reviewed and any significant differences will need to be the subject of further investigations.

### **3.6 Engineering Inspections**

- 3.6.1** These inspections should be carried out whenever any significant engineering or construction works are taking place at a licensed site, such as the installation of a liner or construction of a sealed drainage system.
- 3.6.2** These inspections should consider the method, materials and quality of engineering or construction against the requirements of the licence and the working plan.
- 3.6.3** Where Construction Quality Assurance (CQA) procedures are being followed, discussions should be held with the supervising engineer and check monitoring results (results from testing to show compliance with agreed engineering standards such as permeability and integrity of liners) should be compared with required standards.

### **3.7 Out of Hours Inspections**

**3.7.1** In order to ensure that conditions relating to hours of operation are being complied with, it will occasionally be necessary to visit the site outside of those hours. Such an inspection can include checking on site security and any other matters which can be inspected, given that access to the site is likely to be limited.

### **3.8 Pre/Post Operational Inspections**

**3.8.1** The purpose of these inspections is to confirm the status of the site as pre-operational or closed and to ensure that no pollution is likely to be caused by the site in its current status.

**3.8.2** Inspections of pre-operational sites may focus on such issues as:

- ◆ Checking preparatory works
- ◆ Ensuring no waste has been deposited
- ◆ Background environmental monitoring

**3.8.3** Inspections of post-operational sites may focus on the following:

- ◆ Environmental monitoring
- ◆ Ensuring no further waste deposits have taken place
- ◆ Checking capping or cover materials and site stability

### **3.9 Exempted Activity Inspections**

**3.9.1** There are two types of inspections for exempted activities. These are:

- (i) An initial inspection to establish whether or not the activity is exemptible; and
- (ii) Occasional follow-up inspections to ensure that the exemption conditions continue to be complied with and no pollution is likely to be caused.

**3.9.2** There is currently no requirement for exemptions to be registered with the Minister via the Planning and Environment Department, therefore an Inspector may become aware of such activities in a number of different ways, including:

- ◆ Enquiry from the person carrying out such an activity as to whether they require a licence or not.
- ◆ Information from members of the public or other Public Servants.
- ◆ Information from within the waste management sector on the Island.
- ◆ Direct observation by an Inspector whilst carrying out other duties.



## **4.0 Licensed Site Inspection Methodology**

### **4.1 Introduction**

- 4.1.1** This section provides guidance on planning for inspections, the equipment that should be carried by an Inspector, undertaking the inspection, reporting on the inspection and taking action as a result of an inspection. The guidance relates mainly to carrying out routine inspections of licensed facilities - additional guidance for other inspection types is provided within the text. Inspecting exempted activities is covered in Chapter 8.
- 4.1.2** An Inspector should plan a schedule of when sites are to be inspected and should, where possible, adhere to the schedule. This will ensure that sites are visited whatever the time of day or weather - it is important that sites are visited on different days of the week, at different times of day and in different weather conditions as the pollution potential for many sites may be affected by these factors.
- 4.1.3** Whilst the Inspector will have a schedule for site inspections, it is important that such inspections are random and unannounced from site operator's point of view. It may be necessary to pre-arrange some inspection types (such as engineering or environmental monitoring) to ensure that the operations taking place on site allow the objectives of the inspection to be realised.

### **4.2 Planning Inspections**

- 4.2.1** Before carrying out any inspections, the Inspector should have prepared a schedule of dates and times when licensed sites are to be inspected over the next month. This should be related to an annual schedule of inspections detailing the required number of inspections for each site. This number of inspections should consider all relevant types of inspection with the exception of Incident Response inspections.
- 4.2.2** Inspectors should be familiar with the following site information before carrying out an inspection of a site:
- ◆ The location of the site
  - ◆ The licensed activity at the site
  - ◆ Permitted waste types and important exclusions
  - ◆ Previous inspection reports
  - ◆ The licence conditions and working plan
  - ◆ Any other information relevant to the site or the objectives of the inspection

**4.2.3** In order for this information to be readily available to the Inspector, it should all be held on a working file for the site. The Inspector should ensure that this working file is kept up to date. Other information that could be kept on such a file might include:

- ◆ Locations of nearby areas of environmental sensitivity
- ◆ Locations of proximal activities which may affect the findings of a site inspection e.g. industrial or agricultural sources of odours
- ◆ Details of the attitude of the licence holder towards Inspectors, including reports of any conflicts
- ◆ A comprehensive health and safety assessment of the site for the purposes of site inspections

### **4.3 Equipment**

**4.3.1** There is a minimum level of equipment needed by an Inspector in order that they may safely and successfully carry out their inspections. The planning stage of a site inspection should identify if any additional equipment is required for a specific site.

**4.3.2** The minimum level of equipment is as follows:

- ◆ Hard hat (of useable age)
- ◆ High visibility jacket or vest
- ◆ Protective boots or shoes with steel toe-cap and non-puncture shank
- ◆ Sampling equipment
- ◆ Warrant/ID card
- ◆ Notebook
- ◆ Inspection report forms
- ◆ Working site file
- ◆ Protective glasses/goggles
- ◆ Camera with spare film or disc/card
- ◆ Mobile telephone

### **4.4 Carrying out the Inspection**

**4.4.1** An inspection begins as the Inspector approaches the site. Here it is possible to assess the site against conditions relating to:

- ◆ Noise
- ◆ Odour
- ◆ Mud on the road
- ◆ Dust
- ◆ Site security
- ◆ Site signs

There may also be site-specific conditions that it may be possible to inspect outside of the site.

- 4.4.2** Upon entering the site, the Inspector should report to the site office and make their presence known to the site management, showing their warrant/ID card if necessary. Any site booking-in procedures should be followed. If the site has no formal booking-in procedure, the Inspector should make a note of the inspection in the site diary. At this point the Inspector should ascertain if the personnel providing the technical resources for the licence are present at the site.
- 4.4.3** Once the booking-in procedure has been completed, the Inspector can then continue to assess the site against the licence conditions and working plan. The Inspector should make a systematic inspection of the entire site and it can often be useful to achieve this by following the route of waste into and through the site to the point of final deposit, disposal, treatment or recovery, making an objective appraisal of the site's operations against the relevant licence conditions and noting their findings in their notebook.
- 4.4.4** It is good practice to have a senior member of the site staff accompany the Inspector around the site. This allows the site management the opportunity to discuss site issues with the Inspector, clarify any areas of uncertainty and agree any actions to be taken in the event of any identified non-compliance. The Inspector should ensure that they direct the course of the inspection, not the site personnel.
- 4.4.5** When carrying out specific inspection types such as environmental monitoring or engineering inspections, it may be necessary for the Inspector to have access to specific site personnel such as monitoring staff or engineers.
- 4.4.6** When carrying out incident response inspections, Inspectors must always keep the identity of any complainant/informant confidential unless specifically instructed otherwise.
- 4.4.7** When inspecting any unmanned sites, such as a post-operational site inspections, the Inspector should ensure that they have informed a colleague of their whereabouts and have made arrangements to contact this colleague at an agreed time when the Inspector considers that the inspection will have been completed.

## 4.5 Reporting on the Inspection

- 4.5.1** Informing the licence holder of the findings of an inspection is a critical part of the inspection procedure. The Inspector should use the inspection as an opportunity to increase the awareness of the licence holder and/or the site management and personnel as to the environmental consequences of their activities and the importance of good performance against the licence conditions and working plan.
- 4.5.2** An inspection report form (see Chapter 5) should be completed for every site inspection. The Inspector should complete the form once the inspection has finished and then discuss the findings with the site management. Any actions identified should have suitable timescales agreed and these should be noted on the form. A suitable representative of the site management must then be asked to sign the form and given the opportunity to make written comments on the form if they wish to do so.
- 4.5.3** Once the inspection form has been completed the Inspector must then give a copy of the form to the site management before leaving the site. If it is not possible to complete the inspection report form at the site, the Inspector must complete it as soon as possible thereafter and send a copy to the licence holder.
- 4.5.4** Where the site management has made comments upon the Inspector's findings the Inspector should notify their manager upon their return. A written response to the licence holder must be made as soon as is reasonably practicable.
- 4.5.5** Where the Inspector has identified a breach of licence conditions or of Article 23(4) of the Law, the breach should be scored on the form as described below -

**Table 1. Inspection scoring criteria**

<b>Environmental Impact</b>	<b>Score</b>
Compliance with condition	0
Breach of condition with no or very minor environmental impact	1
Breach of condition with a potential long term environmental impact	3
Breach of condition with an immediate environmental impact	5

The application of this scoring criteria is described in further detail in Chapter 5. The Inspector should be mindful of the Waste Regulation Enforcement and Prosecution policy when noting breaches of conditions or Article 23(4). An inspection report form may be used to provide a written warning to the licence holder if there are appropriate grounds for such action, with a subsequent letter confirming this warning being sent as soon as is reasonably practicable.

- 4.5.6** For some large sites or sites with a high pollution potential, it may be useful to hold regular site liaison meetings.

## 5.0 The Inspection Report Form

5.1 The inspection report form has been designed to aid the Inspector in carrying out and reporting on site inspections. The form is a three part self-carbonating form with a unique identification number, an example of which is provided as Appendix 2 to this document. There is also a continuation form to use when extensive comments need to be made - this is also in three parts and an example is provided as Appendix 3.

5.2 The three parts of the form are to be distributed upon completion as follows:

- ◆ Top copy (white) - licence holders copy
- ◆ Middle copy (blue) - file copy
- ◆ Bottom copy (yellow) - public register copy

5.3 The top of the form has spaces where the Inspector must note how many pages the report consists of, depending on how many (if any) continuation sheets are used.

5.4 The first part of the form provides information on the inspection, the site and its current status and should be completed as follows:

- ▶ **Name of site:** Enter the name on the site licence.
- ▶ **Licence holder:** Enter the licence holders name on the site licence.
- ▶ **Licence No:** Enter the number on the site licence.
- ▶ **Inspector:** Initial (or first name) and surname of Inspector.
- ▶ **Time:** Use the 24 hour clock to record arrival and departure times.
- ▶ **Date:** Enter the date as DD/MM/YY.
- ▶ **Site type:** Enter the type of site, e.g. landfill, transfer station. Where more than activity takes place enter the main activity listed on the licence.
- ▶ **Weather:** Record weather conditions that are relevant to the facility or inspection being undertaken i.e. high winds, precipitation.
- ▶ **Inspection type:** Tick appropriate box.
- ▶ **Site status:** Tick appropriate boxes. The following descriptions may be useful -
  - Operational: The site is able to receive waste.
  - Pre-operational: Infrastructure works may have begun but the site cannot yet receive waste.
  - Post-operational: The site is closed, or under restoration, or operations have been suspended.
  - Receiving waste: Whilst the Inspector is present the site is open for the receipt of waste.
  - Not receiving waste: Whilst the Inspector is present the site is closed for the receipt of waste.

- 5.5** The second part of the form details the findings of the inspection. A range of criteria for the inspection is provided and the Inspector must place against each criteria one of the following; NI, NA, NC, 0, 1, 3 or 5. All of the criteria boxes must have an entry within them following an inspection.
- 5.6** The criteria for inspection on the form have been selected to provide directions as to the aspects of a licensed facility which an Inspector must inspect (where they are relevant to a facility). Licences will, where relevant, contain conditions relating to these criteria. Three blank criteria boxes are provided to note breaches of conditions which do not relate to the criteria listed on the form.
- 5.7** **Criteria which are not inspected (NI).** Where the listed criteria are not inspected against but there are relevant conditions which relate to the criteria, the code NI must be entered in the criteria box. Brief reasons for not inspecting against the criteria should be entered in the comments box, referenced to the criteria number.
- 5.8** **Criteria which are not applicable (NA).** The form is designed to be used for all licensed facilities, hence not all of the criteria will be relevant for every site inspected. In these circumstances, the code NA must be entered in the criteria box.
- 5.9** **Criteria where there is potential pollution and no relevant condition (NC).** Where an Inspector identifies activities on site causing potential or actual pollution which are not adequately controlled by a licence condition or conditions, the code NC must be entered in the criteria box. An explanation of the issue must be entered in the comments box, referenced to the criteria number and including an inspection score of 1,3 or 5 (see Chapter 4, paragraph 4.5.5).
- 5.10** **Criteria where there are relevant licence conditions.** Where there are relevant licence conditions then, unless they are not inspected an inspection score of 0, 1, 3 or 5 must be entered in the criteria box (see Chapter 4, paragraph 4.5.5). If conditions are not being complied with, the following information must be recorded in the comments box for each condition that has been breached -
- ◆ the exact number of the licence condition that has been breached;
  - ◆ the nature of the breach;
  - ◆ what action has been required of the site management/licence holder in respect of the breach; and
  - ◆ a timescale for any such action.
- 5.11** Where there is an ongoing breach (where a non-compliance has been identified on a previous inspection and it is still occurring) it will continue to require a score, even if the timescale for its remediation has not yet been exceeded.
- 5.12** Where an Inspector is aware of breach of conditions that has occurred between inspections (e.g. failure to submit required monitoring records), the breach should be noted and scored at the next inspection.

- 5.13** The final part of the form consists of a box for comments and actions resulting from the inspection, a box for comments from the licence holder or site management and spaces for signatures.
- 5.14** The comments/action box, as well as being used for information regarding breaches of conditions, can be used for any additional comments or information relating to the inspection, e.g. noting the name and purpose/role of a person accompanying the Inspector or making positive comments on aspects of the site. The total Inspection Score should be noted at the end of any comments in this box. If a continuation sheet is used, the box in the corner must be ticked.
- 5.15** In the final box the licence holder or site management must be allowed to make any comments they wish that are relevant to the inspection. Comments that they may wish to make that are not related to the inspection should not be placed on the inspection form and should instead be sent in writing to the Inspector or their line manager.
- 5.16** Finally, both inspector and licence holder/site management must sign the form. The licence holder/site management must also be requested to print their name as well. Once the form has been completed and signed, the Inspector must give the top copy to the licence holder/site management.
- 5.17** The form may be completed away from the site and posted to the licence holder only if the site is unmanned at the time of the inspection or if unexpected circumstances require the Inspector to leave before the form can be completed.
- 5.18** An example of a completed inspection report form is provided at Appendix 4 to this document.

## 6.0 More on Inspection Scoring

6.1 As seen previously in Chapter 4, paragraph D5, the inspection scoring criteria are as follows:

Table 1. Inspection scoring criteria

Environmental Impact	Score
Compliance with condition	0
Breach of condition with no or very minor environmental impact	1
Breach of condition with a potential long term environmental impact	3
Breach of condition with an immediate environmental impact	5

6.2 In order to ensure that such scores are applied consistently, some examples are given below of potential breaches of conditions and the score that such breaches should be given.

6.3 Breaches that attract a score of 1 must have a very minor environmental impact at most. “Minor” in this context means no remedial action is required and any pollution is highly localised to the site and its immediate surroundings. Examples include:

- ◆ Staffing numbers being less than those detailed in the licence or working plan, no or minor environmental impact occurring.
- ◆ Uncontrolled discharges of surface water not causing pollution.
- ◆ Site ID board details incorrect.
- ◆ Minor damage to fencing, no sign of unauthorised access.
- ◆ Some missing monitoring data or late reporting of data.
- ◆ Minor odours at site boundary.

6.4 Breaches that attract a score of 3 must have a potential long term environmental impact. In these cases pollution may be occurring from the site (or could potentially occur) but with a low level of environmental impact. Failure to prevent such pollution could, however, lead to long term pollution issues. A formal warning to the licence holder should be considered, particularly if breach (or similar) has occurred before. Examples include:

- ◆ Insufficient staff on site to properly manage the site leading to pollution control systems not being operated properly.
- ◆ Failure to maintain separation of clean and contaminated waters.
- ◆ No site ID board.
- ◆ Fences insufficient to prevent unauthorised access.
- ◆ Significant amount of missing monitoring data, concerns over reliability of monitoring data.
- ◆ Significant odours at site boundary, no odour control systems employed.



**6.5** Breaches that attract a score of 5 must be causing (or have the potential to cause) immediate and significant environmental impacts. Immediate action must be taken by the licence holder or site management and formal enforcement action must be considered. Examples include:

- ◆ Lack of staff or ignorance of licence or working plan requirements leads to breach of conditions resulting in immediate and serious pollution.
- ◆ Large scale discharge of contaminated surface waters from the site.
- ◆ Heavy deposits of mud and/or debris on the road presenting danger to traffic.
- ◆ Evidence of regular unauthorised access to site due to insufficient or unrepaired fencing. Vandalism of site.
- ◆ No environmental monitoring taking place or refusal to supply data. Failure to implement action plans when trigger levels exceeded. Provision of false data.
- ◆ Regular odour complaints and odorous waste not being handled in accordance with licence/working plan.

**6.6** Where a single issue at a licensed site involves breaching more than one condition, only one score should be given - this should be the higher of any applicable scores.

**6.7** Inspection scores will be used to make decisions on enforcement action, resource allocation and licence variations. A high score from a single inspection will guide the Inspector on what action they should take as a result of the inspection. A high cumulative score will also influence regulatory actions at the site, for instance increasing the number of inspections or taking more formal enforcement action, when in other circumstances a warning may have been appropriate.

## **7.0 Inspecting Exempted Activities**

- 7.1** Much of the guidance in Chapter 4 is relevant to inspecting exempted facilities, for example such inspections also require the gathering of preliminary information where available and a working file should be created for each exempted activity. The equipment required to carry out the inspection is the same as that required for a licensed facility, as is the procedure for carrying out the inspection. Such inspections should also be reported upon by the completion of a report form, although a different form is used for exemption inspections (see Appendix 5).
- 7.2** Inspections should initially consider whether that activity does involve the deposit, keeping, treatment, disposal or recovery of controlled wastes. If so, it is necessary to determine whether the activity is covered by an exemption from requiring a waste management licence conferred by the Waste Management (Exemptions from Licensing)(Jersey) Order 2006 (the Order).
- 7.2.1** If the activity is not covered by an exemption under the above Order, it must be licensable and the Inspector must therefore take the appropriate action to ensure that the activity becomes licensed, including any necessary enforcement action.
- 7.2.2** If the activity is covered by an exemption under the Order, it is necessary to inspect the activity against the conditions of the exemption (e.g. amounts and durations of waste storage, throughput of activity) detailed in the order. If the activity is not in compliance with the conditions, it is licensable - the person carrying on the activity must then be required to comply with the conditions of the exemption or, if this is not achievable, must apply for a waste management licence. Enforcement action may also be considered.
- 7.2.3** Guidance on the conditions for each exemption can be found in the document “Guidance notes on Exemptions from Waste Management Licensing”
- 7.2.4** Finally, the inspection must determine if the activity is causing, or is likely to cause, pollution. If so appropriate enforcement action should be taken.
- 7.3** An important factor to establish during the inspection is the status of the person carrying out the activity with respect to the land the activity is carried out on. For an exemption to be valid the person carrying on the activity must either be the owner of the land or must have the owner’s permission. Proof of status should be required.
- 7.3** Once an exempted activity has been identified and its status confirmed by an initial inspection as per paragraph 7.2 above then, depending upon its likely timescale of operation and its potential to cause pollution, the activity should occasionally be reinspected to confirm its exempt status and check for pollution. Such inspections may also be driven by complaints or other information regarding the activity.
- 7.4** For both initial and subsequent inspections of exempted activities, an exemption inspection report form should be completed. This is a much simpler form than that used for reporting on inspections of licensed facilities - an example is provided as Appendix 5 to this document.

**7.5** The first part of the exemption inspection report form should be completed as follows:

- ▶ **Name and address of site:** Enter details
- ▶ **Name and address of operator:** Enter details for the person or establishment undertaking the activity
- ▶ **Inspector:** Initial (or first name) and surname of Inspector
- ▶ **Time:** Use the 24hr clock to record arrival and departure times.
- ▶ **Date:** Enter the date as DD/MM/YY.
- ▶ **Weather:** Record weather conditions that are relevant to the facility or inspection being undertaken i.e. high winds, precipitation.
- ▶ **Inspection type:** Tick appropriate box.
- ▶ **Site status:** Tick appropriate boxes. The following descriptions may be useful -
  - Operational: The waste management activity is taking place.
  - Non-operational: The waste management activity is not taking place.
  - Receiving waste: Whilst the Inspector is present the site is open for the receipt of waste.
  - Not receiving waste: Whilst the Inspector is present the site is closed for the receipt of waste.

**7.6** The second part of the form details the findings of the inspection. This should be completed as follows:

- ▶ **Exemptible:** Tick to confirm whether the inspection has found the site can/does conform to an exemption. If “no” go to the third part of the form.
- ▶ **Exemption type:** Enter the paragraph number of the appropriate exemption(s) (from the Order).
- ▶ **Exemption criteria:** Tick to indicate whether the exemption criteria (or conditions) are being complied with.
- ▶ **Land/site:** Tick to indicate if the person carrying out the activity is the site owner or has the permission of the site owner. Indicate also if proof is provided.

**7.7** The third part of the form is used to note any relevant details about the activity and provide a suitable commentary on the findings of the inspection. When complete the form should be signed by the Inspector.

**7.8** A copy of the form should be sent to the person carrying on the activity if so requested.

## 8.0 Health and Safety for Site Inspections

- 8.1** Licensed and exempted waste management sites can be hazardous. Hazards include vehicles, uneven or soft terrain, certain toxic, harmful or infectious wastes, gases and or leachates from wastes, deep lagoons, steep, unstable faces - each site will present its own particular hazards.
- 8.2** All waste management sites should have their own health and safety procedures and systems for their own employees. These should apply to Inspectors as well and an Inspector should familiarise themselves with the systems and procedures for each site before inspecting it and request further assistance of the site operator if unsure of site specific procedures.
- 8.3** Inspectors should also consider the waste types permitted by the licence or exemption, so that they may be aware of any potential hazards that may be posed by the wastes on the site.
- 8.4** The following advice should be followed for **all** inspections:

Before commencing inspections

- ▶ Leave details of your intended movements with a colleague at the office.
- ▶ Contact the office at the end of each inspection to let them know you are safe.
- ▶ Take all appropriate H&S equipment with you, including a mobile 'phone.
- ▶ Carry a first-aid kit.

Whilst on site be aware of

- ▶ Dangerous or hazardous materials e.g. asbestos, chemicals. If possible keep upwind of such materials.
- ▶ Pools of water - do not walk through such pools, there may be hidden depths and/or hazards.
- ▶ Confined spaces - do not enter.
- ▶ Steep banks above lagoons or rivers - do not approach.
- ▶ Vehicle movements and vehicles unloading - just because you can see the driver does not mean they have seen you.
- ▶ Sharp objects protruding from the ground - potential penetration of feet or a tripping hazard.
- ▶ Stacked wastes - may be unstable.

Take the following precautions at all times

- ▶ Should someone become aggressive towards you then leave the site immediately and report the event to your manager.
- ▶ Beware of dogs and other wild animals.
- ▶ Be aware of the presence of overhead cables
- ▶ Wear appropriate clothing. Have extra clothing available in case you get cold or wet.
- ▶ Watch where you walk - if possible avoid soft ground, deep mud, unstable ground and slopes.
- ▶ Ensure machine operators and drivers know you are there. Approach machinery and vehicles from the side where the driver or operator are located and make sure they have seen you.
- ▶ On unmanned sites no help will be available - log in and out with your office.
- ▶ If necessary (depending on site history) leave your car in a location and position to enable a quick exit if required.
- ▶ After visiting a site always wash your hands thoroughly.
- ▶ Cover cuts and skin abrasions. Wear protective gloves when handling or sampling wastes (including leachate and water sampling).
- ▶ Wear proper safety equipment at all times.
- ▶ Keep mobile 'phone accessible.

**Appendix 1.**

**Waste Management (Jersey) Law 2005, Article 85**

**Powers of Inspectors**

## **ARTICLE 85 - General powers of entry and investigation**

- (1) A power conferred on an inspector by paragraph (3) shall only be exercisable -
  - (a) if there are reasonable grounds for doing so;
  - (b) in a manner that is proportionate and otherwise reasonable; and
  - (c) at a reasonable hour,and, where it is to be exercised in respect of residential land, if the inspector has given not less than 48 hours' notice in writing to the owner or occupier.
- (2) However, the requirements in paragraph (1) as to the time at which the power may be exercised and (in the case of residential land) as to the notice that must be given before it may be exercised do not apply in an emergency.
- (3) An inspector may do all or any of the following things in respect of any land, motor vehicle, ship or aircraft, for the purposes of carrying this Law into effect -
  - (a) he may enter, board, inspect or search it;
  - (b) he may take or carry out on or in it any measurements, surveys, tests, investigations or photographs;
  - (c) he may install, maintain or operate on or in it any monitoring equipment or other apparatus;
  - (d) he may take or remove from it, for analysis, samples of any substances, articles or other things found there;
  - (e) he may take or remove any substances, articles or other things found there, for the purposes of evidence in any civil or criminal proceedings under this Law; or
  - (f) he may in the case of any land, carry out or dig on or in it any exploratory, investigatory or experimental borings, pits or holes.
- (4) If the Bailiff, a Jurat or the Magistrate or Sous-Magistrat is satisfied on sworn information that -
  - (a) there are reasonable grounds for the exercise of any power under paragraph (3); and
  - (b) in the circumstances of the case it is desirable to grant a warrant under this paragraph, he may grant a warrant authorizing an inspector at any time to enter or board any land, motor vehicle, ship or aircraft specified in the warrant and there exercise any other powers under paragraph (3), and in doing so to use such reasonable force as may be necessary.

- (5) A warrant shall continue in force until -
- (a) the purposes for which the warrant is granted have been fulfilled; or
  - (b) the expiry of the period of one month following its grant,
- whichever event occurs first.
- (6) If an inspector enters any land, motor vehicle, ship or aircraft in the exercise of his powers under this Article, and it is for the time being unoccupied or unmanned, he shall leave it secured as effectually as he found it.
- (7) If an inspector has exercised any powers under this Article in respect of any land, motor vehicle, ship or aircraft, and the owner, occupier, driver, master, commander, or person in charge (as the case may be) asks him to do so, the inspector shall inform him as soon as reasonably practicable and in any event within 21 days of -
- (a) the powers he has so exercised; and
  - (b) everything he has taken or removed in the course of exercising those powers.
- (8) Any person who without reasonable excuse -
- (a) intentionally obstructs an inspector who is exercising or seeking to exercise any power under this Article; or
  - (b) intentionally obstructs any person who is lawfully accompanying an inspector, or performing any function under his supervision, under Article 84,
- shall be guilty of an offence and liable to imprisonment for a term not exceeding 2 years or to a fine, or both.



**Appendix 2.**

**Waste Management (Jersey) Law 2005**

**Example Inspection Form**

**Inspection Report Form**

page of

for licensed waste management facilities

Waste Management (Jersey) Law 2005

Name of site	Licence Holder	Licence No.
Inspector	Time in out	Date
Site type	Weather	
Inspection type	<input type="checkbox"/> Routine <input type="checkbox"/> Incident <input type="checkbox"/> Audit <input type="checkbox"/> Monitoring <input type="checkbox"/> Engineering <input type="checkbox"/> Out of hours	
Site status	<input type="checkbox"/> Operational <input type="checkbox"/> Pre-operational <input type="checkbox"/> Post-operational <input type="checkbox"/> Receiving waste <input type="checkbox"/> Not receiving waste	

Inspection results      NI = not inspected; NA = not applicable; NC = potential pollution, no condition; 0 = compliant; 1, 3 or 5 = non-compliant

1	Specified operations	1	Control of noise
2	Waste types and quantities	1	Control of pests, birds and other scavengers
3	Staff understanding of licence/working plan	1	Control of litter
4	Site identification board	1	Site diary
5	Site security	2	Surface water management systems
6	Mud/debris on road	2	Containment for above ground tanks
7	Potentially polluting leaks and spillages	2	Containment for drums and other mobile containers
8	Fires on site	2	Engineered landfill containment systems
9	Waste acceptance and control procedures	2	Leachate management and monitoring systems
1	Phasing and methods of waste discharge and emplacement	2	Landfill gas management and monitoring systems
1	Hazardous wastes	2	Installation, maintenance and protection of final cap
1	Groundwater monitoring and reporting	2	Use of daily cover
1	Surface water monitoring and reporting	2	
1	Control of dusts, fibres and particulates	2	
1	Control of odours	3	

Comments/actions

Continuation sheet?

Licence holder/site management comments

Inspector's signature	Licence holder/site management name and signature
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**Appendix 3.**

**Waste Management (Jersey) Law 2005**

**Example Inspection Continuation Form**

Inspector

Licence No.

Report ID No.

Date

Comments/actions

Inspector's signature

Licence holder/site  
management name and  
signature

**Appendix 4.**

**Waste Management (Jersey) Law 2005**

**Example Completed Inspection Form**

Inspection Report Form page 1 of 1

for licensed waste management facilities

Waste Management (Jersey) Law 2005

Name of site	Hilltop Skip Hire	Licence Holder	Mr W Disposer	Licence No.	A123
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Inspector	I. N. Spector	Time	in 14:30 out 15:45	Date	01/02/2006
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Site type	Transfer station	Weather	Windy, dry
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Inspection type	<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Incident <input type="checkbox"/> Audit <input type="checkbox"/> Monitoring <input type="checkbox"/> Engineering <input type="checkbox"/> Out of hours
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Site status	<input checked="" type="checkbox"/> Operational <input type="checkbox"/> Pre-operational <input type="checkbox"/> Post-operational <input checked="" type="checkbox"/> Receiving waste <input type="checkbox"/> Not receiving waste
-------------	---

Inspection results NI = not inspected; NA = not applicable; NC = potential pollution, no condition; 0 = compliant; 1, 3 or 5 = non-compliant

1	0	Specified operations	1	0	Control of noise
2	0	Waste types and quantities	1	0	Control of pests, birds and other scavengers
3	0	Staff understanding of licence/working plan	1	1	Control of litter
4	0	Site identification board	1	0	Site diary
5	1	Site security	2	0	Surface water management systems
6	0	Mud/debris on road	2	3	Containment for above ground tanks
7	0	Potentially polluting leaks and spillages	2	0	Containment for drums and other mobile containers
8	NC	Fires on site	2	NA	Engineered landfill containment systems
9	0	Waste acceptance and control procedures	2	NA	Leachate management and monitoring systems
1	NA	Phasing and methods of waste discharge and emplacement	2	NA	Landfill gas management and monitoring systems
1	NA	Hazardous wastes	2	NA	Installation, maintenance and protection of final cap
1	NA	Groundwater monitoring and reporting	2	NA	Use of daily cover
1	NI	Surface water monitoring and reporting	2		
1	0	Control of dusts, fibres and particulates	2		
1	0	Control of odours	3		

Comments/actions

5. Damage to fence on LHS of gate. Breach of condition B2.2. This must be repaired within 2 working days.

8. Evidence of waste being burnt in the yard. Breach of Article 23(4). Inspection score = 3.

13. Surface water results to be checked at a later date.

18. Litter becoming windblown from the site and not being collected. Breach of conditions F8.1 and F8.2. Litter must be collected by the end of the working day and working plan measures followed to prevent further escapes.

21. Fuel tank bund damaged and leaking - evidence of ground contamination around leak. Breach of conditions B6.1 and E10.1. The bund must be repaired within 2 working days and the contaminated soil removed and disposed of at a suitably licensed site. WARNING - failure to carry out repairs and clean-up may result in formal enforcement action

Total Inspection Score of 9.  Continuation sheet?

Licence holder/site management comments *The fuel tank bund has been damaged by a vehicle and will be repaired immediately. I would like some advice on where to dispose of the contaminated soil. No more fires will be lit. All other points will be dealt with.*

Inspector's signature	I. N Spector	Licence holder/site management name and signature	W. Disposer
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**Appendix 5.**

**Waste Management (Jersey) Law 2005**

**Waste Management (Exemptions from Licensing)(Jersey) Order 2006**

**Example Exemption Inspection Report Form**

**Inspection Report Form**

for exempted waste management facilities

Waste Management (Exemptions From Licensing)(Jersey) Order 2006

Name and address  
of siteName and address of  
Operator

Inspector

Time

in

out

Date

Weather

Inspection type

 Initial Routine Incident

Site status

 Operational Non-operational

Waste inputs

 Receiving waste Not receiving waste

Exemptible

 Yes No

Exemption type

Exemption criteria

 Compliant Not compliant

Land/site

 Owner Permission Proof

Details of activity

Inspection findings

Inspector's signature