

Compliance Assessment Report (Exemption) form

Report ID:

140703WP/S1S2T4

Name of site	Hangars A & B	Operator	Site Serv Ltd	IR ref no.	EPR/NH0065QG, EPR/CE5806DA & EPR/YE5396XF
Officer(s)	Will Powell & Kelly Jarman	Date	3 rd July 2014	Area/office	Rivers House, St Mellons, St Mellons Business Park, Cardiff CF3 0EY
Paragraph number (s)	S1, S2, T4	Time in/out	9:00 9:45	Event type:	Routine ☒ Incident ☐ Other ☐

Assessment type: Site inspection ☒ Site life status: Operational ☒ Pre-operational ☐

What part(s) of the site was assessed? Storage compliance

Following your assessment of the exemption and the operations on site, has the relevant exemption been complied with? Yes ☐ or No ☒. If No, provide details below.

Please see appendix 1

Has a breach of any relevant directly applicable legislation been noted? Yes ☒ or No ☐. If yes please list breaches below.

Environmental Protection Act (1990) section 33 & Environmental Permitting Regulations (2010) regulation 38; waste types not covered by exemption (trommel fines) and tonnage over exempt limit (plastics)

Has the breach of the exemption caused an incident? Yes ☐ or No ☒. If yes, place CICS environmental impact classification, Cat1, Cat2, Cat3 or Cat4 in this box. **Cat** (see overleaf for information on the CICS)

Not to comply with the terms of the exemption, directly applicable legislation or the objectives of Article 13 may constitute one or more offence(s). Article 13 requirements state that waste must be recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular without:

- risk to water, air, soil, plants or animals
- causing nuisance through noise or odours
- adversely affecting the countryside or places of special interest.

Following your assessment of the exemption and the operations on site, have the Article 13 objectives (as indicated above) been complied with? Yes ☒ or No ☐. If no provide details below.

NB. If there is a breach, only one of the following will have an 'X' placed in the box

At present we do not intend to prosecute you for the above offence(s), however you are warned that this may change if further relevant information comes to light. THIS IS A SITE WARNING. ☒	WE WILL NOW CONSIDER WHAT ENFORCEMENT ACTION IS APPROPRIATE ☐
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Visit report/comments.

Please note: Officers completing this form are encouraged to comment and act on the environmental performance of the site as a whole.

Report delivery method:	Copy left on site ☐	Posted ☒	Emailed ☐	Faxed ☐	Date
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Officer's signature



Recipient's name or position within company

Nigel England – c/o Barry Mitchell & Co, Michelle Boland & Tony Morris

Continuation sheet used: Yes ☒ No ☐

Notes to the recipient

This compliance report form may highlight non-compliance with your exempt waste activity or directly applicable legislation as observed by the Natural Resources Wales officer.

This does not relieve you of your responsibility to ensure that you comply with the requirements of the criteria of your relevant exemption and to prevent pollution of the environment. You are reminded that:

- ☐ you should comply with the conditions of the exemption at all times;
- ☐ you should comply with the objectives of Article 13 of the Waste Framework Directive at all times;
- ☐ compliance with the exemption criteria and relevant objectives does not remove your obligation to comply with any other legislative provision which may apply.

The objectives of Article 13 are: The waste must be recovered or disposed of without endangering human health or causing harm to the environment and in particular without:-

- 1. Risk to water, air, soil, plants or animals**
- 2. Causing nuisance through noise or odours**
- 3. Adversely affecting the countryside or places of special interest**

Enforcement action

Any non-compliance of an exemption or of the objectives is an offence, and renders the exemption invalid. As such, the Natural Resources Wales would consider removing the exemption from the register (hence the activity is no longer exempt) and enforcement action is likely to be considered for the offence of operating without a Permit, this could include:-

- Warning: A warning is our minimum enforcement response and this may be escalated should further information come to light.
- Formal Caution/Prosecution. Depending on the offence the penalties imposed by a Court can include substantial fines and even imprisonment.

We have published our Enforcement and sanctions statement and guidance, which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Understanding the Common Incident Classification Scheme (CICS)

This scheme categorises incidents according to their environmental impact. The table below provides the four classifications and their impact on the environment. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CICS scheme, see the Natural Resources Wales website or contact your local office.

CICS category	Description
1	An incident that has a major environmental effect
2	An incident that has a significant environmental effect
3	An incident that has a minor environmental effect
4	An incident that has no environmental effect

If you have any comments on the layout of this form please contact your local NRW officer.

The Data Protection Act 1998

We, the Natural Resources Wales, will process the information you provide so that we can:

- deal with your application;
- make sure you keep to the conditions of the licence, permit or registration;
- process renewals; and
- keep the public registers up to date.

We may also process or release the information to:

- offer you documents or services relating to environmental matters;
- consult the public, public organisations and other organisations (for example, the Environment Agency, the Health and Safety Executive, local authorities, the emergency services, the Department for Environment, Food and Rural Affairs) on environmental issues;
- carry out research and development work on environmental issues;
- provide information from the public register to anyone who asks;
- prevent anyone from breaking environmental law, investigate cases where environmental law may have been broken, and take any action that is needed;
- assess whether customers are satisfied with our service, and to improve our service; and
- respond to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (if the Data Protection Act allows).

We may pass the information on to our agents or representatives *to do these things for us*.

Exemptions and the public register

We will place the following information about your exemption on the public register:

- your name and address or the name and address of your company or organisation;
- the activity taking place;
- the location(s) of the activity.

Disclosure of information

Natural Resources Wales would normally make the compliance report available to the public on request unless the information relates to an individual or non corporate body (please see Data Protection Notice above), or the Natural Resources Wales has accepted that the information is commercially confidential. If you consider that any information contained in this report should not be released on the grounds of commercial confidentiality, you should write to your local area office within twenty working days of receipt of the assessment 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 the exemption assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure. To do this or learn more about it, phone our general enquiry on 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied, following our Complaints and Commendations procedure, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0845 015 4033.

Site inspection with Natural Resources Wales officers Will Powell and Kelly Jarman, and Site Serv representatives Tony Morris and Michelle Boland. Weather dry during visit.

Breaches

- **Amount of plastic over storage limit of S2 exemption. Tonnage of plastic limited to 500 tonnes for 12 months maximum**
- **Trommel fines not covered by waste types permitted under this exemption (19.12.09 & 19.12.12)**

HANGAR A

Waste types being stored in hangar A (West hangar) included cardboard, clean scrap metal, separated plastic film, and mixed light plastic bales. Waste piles all clearly segregated and single stream.

Mixed kerbside recycling is no longer being stored at this site.

HANGAR B

Waste stored in hangar B includes trommel fines with a high glass content, mixed trommel fines and hard plastics, both baled and loose. Glass fines seen during previous visits were also stored at hangar B.

Plastic

Across both hangars Site Serv is storing loose plastic/poly-ethylene film, baled light plastics, baled hard plastics and loose hard plastics. Site Serv estimates that they currently have around 600 tonnes of hard plastic stored in hangar B. The S2 exemption allows up to 500 tonnes of plastic for no longer than 12 months. Therefore Site Serv is in breach of this exemption on hard plastic alone.

Trommel fines

Waste trommel fines have been stored at hangar B as a result of Site Serv's efforts to clear the fire damaged material from the Llandow waste transfer station (EPR/EP3795EJ). Site Serv have been trommelling the burnt waste to separate out the larger material which could be recoverable for the waste to energy market, from the smaller "fines". Due to limited space at the Waste Transfer Station, Site Serv have stored these waste fines at Hangar B, to allow more manoeuvrability at the yard.

The trommel fines were stored in one pile, and appeared to be around 5-6m high, and covered around a quarter of the surface area of hangar B. Site Serv reported that the high glass content fines are at the front by the door.

Site Serv estimated from the transfer station there are 1500 tonnes of high-glass-content fines, and 2000 tonnes of other fines. Site Serv have undertaken a Waste Acceptance Criteria test on this waste, and reported the waste met the criteria for inert.

The S2 exemption allows up to 5,000 tonnes of glass to be stored, which includes the 19.12.05 waste code. The S2 exemption does not cover other fines 19.12.09 and 19.12.12.

Health and safety issues

Site Serv have health and safety concerns regarding the storage of waste at hangar B. Due to the hard plastics being stored at the rear of the site, and existing piles of glass fines, the space left for storing trommel fines has been limited. As a result Site Serv have stored waste trommel fines very high, with steep edges to the pile. Site Serv has concerns regarding the stability of this pile, as it could collapse. As such, Site Serv have requested to store some of the plastic bales under cover, outside of the hangar.

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Site Serv are already storing more plastic than allowed under the S2 exemption, and are storing waste fines not covered by the S2 as part of their efforts to comply with an enforcement notice. Whilst I appreciate the situation Site Serv is in, this is still a breach of the Environmental Permitting Regulations (2010). I do not have the legal powers to give you permission to breach these regulations, however Natural Resources Wales will take a proportionate and risk based approach that takes into account any submissions made, and actions taken by the operator when considering what, if any, enforcement action we will pursue.

Mitigating factors in this situation would include, but are not limited to:

- Providing the WAC test results for waste fines, showing they meet the inert criteria and therefore lower risk
- Site Serv produce the waste transfer notes/weighbridge tickets or other means to show how much waste is stored at the hangars – including plastics, glass fines, and other trommel fines.
- Site Serv provide an action plan for removing this waste and return to compliance with the S2 exemption after 19th September 2014.
- Short term storage of excessive waste is conducted in a manner that limits the impact on the environment, stored in line with current technical guidance and/or advice from the Fire and Rescue Service regarding fire risk, and is otherwise compliant with the conditions of the S2.