

Compliance Assessment Report

Report ID:
CAR_NRW0033575

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

Site	Bessemer Close Household And Commercial Waste Recycling Centre	Permit Ref	VP3295EU			
Operator/Permit holder	Cardiff County Council					
Regime	Waste Operations					
Date of assessment	14/06/2018	Time in	09:45	Out	10:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Various					
Lead officer's name	Lee, Jonathan					
Accompanied by						
Recipient's name/position	Pat McGrath/ Operational Manager	Date issued	04/07/2018			

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
A1 - Specified by permit	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	C3	3.1.3
C2 - General Management - Management system and operating procedures	C3	1.1.1
D1 - Incident Management - Site security	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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

Introduction

Officer Jonathan Lee visited Bessemer Close Household Waste and Commercial Recycling Centre at 09:45am on the 14th June 2018 to complete a routine site inspection. The weather was overcast but not raining at the time of inspection. The site was operational at the time of the inspection, with members of the public and commercial businesses bringing waste onto the site. Met with Andrew Lippiatt on site.

Previous visit and action points

The previous compliance visit to the site was made by officers Elizabeth Felton and William Powell in December 2016. This was to complete an audit of the site and its activities. This visit highlighted several Category 3 breaches;

1. B4 Containment of stored materials – cooking oil and paint containers were non-compliant
2. E1 Accident, emergency and incident planning – contaminated oil spill granules had not been cleared up effectively
3. B1 Engineering to control emissions – broken lid on chemical storage area.

The visit also highlighted an action to review and update the Environment Management System (EMS) for the site.

Compliance Breaches

During the visit several compliance breaches were noted, these are detailed below.

C2 – Management Systems – Permit Condition 1.1.1 and EMS Section 12.2

At the time of the inspection there was evidence of a spill of engine oil next to the cage for waste bicycles. The concrete was visibly contaminated with engine oil and there had been no attempt to clear up the spill using a spill kit.

In addition, around the waste engine oil there was a large quantity of spillage granules. These granules were visibly contaminated with oil. Whilst it is reassuring to see that these granules had been used to clean up a spillage, the contaminated granules had not been subsequently disposed of. In times of heavy rainfall there is potential for the contaminated granules to enter the site drainage system. If a similar future incident should occur, please ensure that all the contaminated granules are swept up and disposed of as stated within your EMS (see paragraph below).

Section 12.2 of your Environment Management System states that;

‘On discovering any spillage, the supervisory staff must be notified immediately.

Using the emergency spillage kits the area should be cleaned-up and the contaminated materials disposed of in accordance with the Site’s Spillage Procedure’.

You have been scored a **Category 3 Breach** for failure to correctly deal with these incidents.

We have assessed your management systems as the root cause for this breach. Failure to follow your Section 12.2 of your EMS has resulted in these incidents, and ultimately other breaches on site detailed below.

B4 – Containment of stored materials – Permit Condition 3.1.3

Cooking oil was shown to be contained in small drums, which are susceptible to being knocked over by vehicles and members of the public. The current storage is unsuitable, this was mentioned in the previous site visit and no action has been taken to rectify this matter.

Waste paint and tins were contained within single skinned containers. There were approximately 10 containers present on site, all of which were overfilled at the time of the inspection. Efforts had been made to cover some of the containers with carpets, these are not suitable. The containers should be properly covered to prevent the ingress of rainwater.

Permit condition 3.1.3 states that

‘All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.’

You have been scored a **Category 3 breach** against this permit condition for failure to correctly contain waste cooking oil and waste paint.

Action: Please improve infrastructure to satisfy the permit condition 3.1.3. Waste liquids must either be stored in a suitable double skinned tank or an external bund must be constructed. Paint containers must be appropriately covered.

Battery box storage

At the time of the inspection the lid to the box for storage of batteries on site was not fully covering the box and there was a large crack in the lid. This is not fit for purpose and a replacement needs to be supplied to prevent the ingress of rainwater.

Action: Please ensure that a replacement lid is sourced and that the lid prevents the ingress of rainwater.

Environment Management System (EMS) document

Your EMS document needs updating. The document refers to personnel who no longer work for Cardiff Council. We will also need to see evidence of continuing competence for the TCM on site.

Action: Please submit an updated EMS document and provide clarification of the Technically Competent Manager on site.

G4 – Infrastructure – Reporting and notification to Natural Resources Wales – Permit Condition 4.2.2

You have failed to submit quarterly waste return data since Q3 of 2017. Accurate reporting and submissions of waste return data is required under the conditions of your permit. You have been scored a **Category 4 breach** for failure to submit waste return data.

You are required to submit quarterly waste returns for Q4 of 2017 and Q1 of 2018. Please put in place procedures to ensure that all future returns are completed and submitted in time.

If you have any queries regarding this report or wish to get in touch, please contact Jonathan Lee on 0300 065 3908 or via email at jonathan.lee@cyfoethnaturiolcymru.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

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Operator/Permit holder	Cardiff County Council	Date	14/06/2018

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			
G4	C4	Submit waste returns for Q4 of 2017 and Q1 of 2018	31/07/2018
C2	C3	Please follow procedures specified in your EMS, clean areas of spillage and dispose of granules in accordance with your EMS	01/09/2018
B4	C3	Waste cooking oil and paint is to be stored in a double bunded area as specified in permit	01/09/2018

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.