

Compliance Assessment Report CAR_NRW0041544

Permit being assessed: DP3095FK.

For: Coed Top Hill, held by Caerphilly County Borough Council

At: B4254, Gelligaer Road, Gelligaer, CF82 8FY.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 14/03/2023 between 13:20 and 14:10.

Parts of permit assessed: Various

NRW Lead Officer: Jak Rose, accompanied by Carla Curtis.

Report sent to: Glyn Gibbs, Assistant Engineer on 21/03/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	4.6 - The final effluent from the reed bed system shall be sampled and tested to conform their composition and characteristics, in accordance with section WP/4.220 of the working plan
C1 - General Management - Staff competency/training	Action only (X)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	<p>Apply for a variation to remove condition 4.6 or agree a sampling program within the working plan.</p> <p>The current WP/4.220 states sampling and testing of wastes including the testing for hydrocarbons coming into the site is carried out periodically to ensure that the reed-bed system is being used effectively. The final effluent from the system if it is to be discharged will be pumped to the second balancing pond prior to release and will be tested to ensure it meets the discharge consent criteria prior to discharge. The dried solid residue is kept in separate bays according to origin the waste is analysed to establish a suitable course for its recycling or disposal. Currently there is no sampling or testing being undertaken.</p> <p>Until the permit is varied to remove this condition, sampling of the system must be conducted as per your current permit conditions</p>	29/09/2023
C1	Provide evidence for the Technically Competent Manager for the site.	31/03/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers on 14 March 2023 at: Caerphilly County Borough Council, Coed Top Hill, B4254, Gelligaer Road, Gelligaer. EPR - DP3095FK.

Waste Regulatory Officers Jak ROSE and Carla CURTIS arrived at 13:20 and met with Glyn Gibbs, Assistant Engineer for Caerphilly County Borough Council (CCBC) NRW's last

site inspection was completed on 20 November 2018. NRW Officers requested that an entire site inspection was undertaken. The weather conditions were fine and dry during the inspection. Site operations consist of a municipal street cleaning and gully waste dewatering facility with biological treatment via reed beds.

To remind the operator, following each assessment Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 - Significant impact on effect on the environment/people/property
- 3 - Minor impact or effect on the environment/people/property
- 4 - A non-compliance which has no potential environmental effect

Actions from previous NRW inspection 20 November 2018 Report ID: CAR NRW0034352

Action (by 08/02/2019): Please submit any further relevant sampling data, if possible. Please submit any evidence of our agreement to remove the requirement for monthly monitoring. Please clarify what analysis of the waste is being undertaken prior to its recycling or disposal, as mentioned in the working plan. And lastly, please provide further information about Neale's Waste Management's procedures. – **Incomplete**

Permit Breaches

A1 – Specified by Permit – Conditions 4.6 – Category 3 Breach

Permit condition 4.6 states: *“The final effluent from the reed bed system shall be sampled and tested to conform their composition and characteristics, in accordance with section WP/4.220 of the working plan.”*

Mr GIBBS informed NRW Officers that leachate from the Coed Top Landfill and water from street sweeping dewatering at the same location is currently discharged to foul sewer under a Dwr Cymru Welsh Water discharge consent.

The operator mentions in previous correspondence that the requirement for monthly monitoring was changed during previous discussions with NRW. We are unable to find evidence of this agreement to remove this requirement. For any changes to the permit a variation to permit EPR-DP3095FK would need to be submitted.

Within *Section WP/4.220* of your working plan it states that sampling will take place, however, we have not received evidence of this currently taking place. In an email from December 2018, it was discussed that the Operator was going to restart the monthly sampling. Mr GIBBS informed Officers during the inspection that the site has no intention of

carrying out a sampling.

In the most recent correspondence addressed to CCBC dated 28th April 2020 it was detailed that it is NRW's preference that CCBC continue to discharge leachate and street sweeping water to foul sewer.

If CCBC wish to pursue discharging to a surface water body, you will need to apply for a bespoke water quality environmental permit for trade effluent. The water is discharging to foul sewer but the requirement within the permit *condition 4.6* remains.

ACTION REQUIRED: Apply for a variation to remove *condition 4.6* or agree a sampling program within the *working plan*.

The current WP/4.220 states *sampling and testing of wastes including the testing for hydrocarbons coming into the site is carried out periodically to ensure that the reed-bed system is being used effectively. The final effluent from the system if it is to be discharged will be pumped to the second balancing pond prior to release and will be tested to ensure it meets the discharge consent criteria prior to discharge. The dried solid residue is kept in separate bays according to origin the waste is analysed to establish a suitable course for its recycling or disposal. Currently there is no sampling or testing being undertaken.*

Until the permit is varied to remove this condition, sampling of the system must be conducted as per your current permit conditions

DUE DATE: 29th September 2023

C1 - Staff competency/training - Conditions 1.5 - Action only

Mr GIBBS informed Officers that Nathan JONES is currently the appointed TCM for the site.

ACTION REQUIRED: Provide evidence for the Technically Competent Manager for the site.

DUE DATE: 31st March 2023

Site Observations

NRW Officers did not witness any offensive odours or excessive noise emanating from the permitted area during the inspection.

The yard area nearest to the site office has recently been resurfaced. The old surface is still on site and is being kept for re-use.

The storage bays appeared to be in good condition with the drainage channels free of obstructions. The current stockpile appears to be slightly higher than the bay heights but not excessive to be of concern. The integrity of the drying bays appeared to be free of cracks and show no signs of degradation.



Photo 1 – dewatering bay containing waste residues



Photo 2 – showing each reed bed flowing from right to left

Waste Returns

The quantity of wastes accepted at the site shall not exceed 4,999 tonnes a year. The total amount of waste(s) received at site for 2022 was 3,446.4 tonnes. This is within the sites environmental permit allowance.

In Q4 there may have been an error as the wastes were classified as 02 03 03 - wastes from solvent extraction.

Quarter period	Amount (tonnage)
Q1	950.9
Q2	814.5
Q3	651
Q4	1030

Thank you for taking the time and I look forward to working with you in the future. Officers left the site at 14:10 the same day.

If you have any issues with this report, please contact Officer Jak Rose on jak.rose@naturalresourceswales.gov.uk.

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.