

Compliance Assessment Report CAR_NRW0041880

Permit being assessed: GP3690LR.

For: Tondy Waste Transfer Station, held by Kier Services Limited

At: 1 Maesteg Road, Tondy, Bridgend, Glamorgan, CF32 9DP.

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

On 25/04/2023 between 13:30 and 15:00.

Parts of permit assessed: All Permitted Areas

NRW Lead Officer: Jodie Baskerville.

Report sent to: Gareth Barnes, Business Manager - Kier on 30/05/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.4.1

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
D2	Please ensure that you continue to operate your facility in compliance with the FPMP Guidance	Already completed

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.

At this time, we do not intend to take any further action.

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 Assessment Report (CAR) has been completed following a pre-arranged site visit undertaken on the 25th April 2023 at Tondy Waste Transfer Station, operated by Kier Services Limited. Permit number **EPR- GP3690LR**.

Present

Gareth Barnes – Business Manager, Kier

Leeann Neagle – Operations Manager, Kier

Jodie Baskerville – Natural Resources Wales (NRW)

The main purpose of the visit was a routine site inspection. The weather at the time was dry and sunny.

General

From 01 May 2023, Jodie Baskerville will no longer be the site inspector. At present it is not known who will be taking over but any queries can be forwarded to wasteregulation.southcentral@cyfoethnaturiolcymru where it will be picked up by a member of the South Central Waste Regulation team.

Operations on site

Under Condition 2.3 – Operating Techniques, Table 2.3 states that the activities on site shall be operated using the techniques and in the manner described below;

Table 2.3 Operating techniques

- | |
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| <ol style="list-style-type: none">1. Unless stored or treated outside as specified waste³:<ol style="list-style-type: none">a) all bulking, transfer or treatment of waste shall be carried out inside a building;b) all waste shall be stored in a building or within a secure container.c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system. |
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The facility also has an S2 exemption registered at the site (NRW-WME068668) allowing the temporary storage of up to 500 tonnes of cans and foil and up to 15,000 tonnes of Paper and Cardboard .

At the time of the visit, aluminium cans were observed being stored on impermeable pavement outside of the main building and cardboard bales were also being stored in the on site Zappshelter.



The use of this exemption to store these waste streams is considered within scope of this CAR form and as such, storage of these waste streams is considered compliant. However, please ensure that your paperwork reflects this and clearly distinguishes between waste being stored under the conditions of the permit and waste being stored under the exemption.

Please note, the storage of cardboard under the S2 exemption is also subject to the following conditions;

Paper and cardboard (excluding food and drink cartons):

- the waste is stored in a baled form, in a container or indoors
- within the quantity limit specified and despite this additional specific condition, up to 1,000 tonnes may be stored outdoors as long as it is stored in an enclosure designed and maintained to prevent litter escaping

At the time of the inspection a collection of the cardboard was imminent, but please ensure that the waste being stored in the Zappshelter does not protrude outside of the enclosure.

It is also worth noting that a review of exemptions has been undertaken and a number of changes are due to be made. One such change will prohibit the use of exemptions at or adjacent to permitted sites. In this situation, the use of your exemption to extend your waste activities beyond the conditions of your environmental permit will no longer be

allowed and an application to vary your permit will need to be made.

FPMP

As detailed in the previous CAR form, dated 15/09/21 (CAR_NRW0038718), there was an action to submit a revised Fire Prevention and Mitigation Plan (FPMP) This action was not completed by the date specified in the previous CAR form (detailed below)

D2	ACTION- Submit a revised FPMP by 28/02/2022 which includes proposed/completed changes and takes account of the comments made previously (included further below in this CAR form). In the interim you will need to comply with the FPMP Guidance.	28/02/2022
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Condition 3.4.1 of your permit states;

“The operator shall manage and operate the activities in accordance with a written Fire Prevention plan using the current, relevant fire prevention plan guidance”

The above breach of Condition 3.4.1 has been scored a Category 3 breach under D2 - Accident, Emergency and Incident Planning

(N.B. A revised FPMP was received by NRW on 26/05/2023 but has not yet been reviewed).

Natural Resources Wales will now need to review the revised FPMP submitted on 25/05/23. In the interim, please ensure that you continue to comply with the FPMP Guidance.

Many thanks for your time during the inspection.

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.