

Compliance Assessment Report CAR_NRW0042124

Permit being assessed: HP3591EZ.

For: Gofer Bulking Station, held by Conwy County Borough Council

At: St George, Abergele, Conwy, LL22 9SE.

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

On 27/06/2023 between 10:30 and 12:30.

Parts of permit assessed: 'Specified by permit', 'Staff Competency/training', 'Materials Acceptance', 'Reporting and Notification to Natural Resources Wales'

NRW Lead Officer: Sarah Walton, accompanied by Berwyn Williams.

Report sent to: Jim Espley, Waste Manager on 18/07/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
C1 - General Management - Staff competency/training	Action only (X)	
C3 - General Management - Materials acceptance	C3 Minor	2.3.2(a) "Waste shall only be accepted if it is of a type listed in schedule 2 table S2.1"
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
F4 - Amenity - Pests/birds and scavengers	Action only (X)	

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	Submit a copy of the site EMS to the Regulating Officer.	28/07/2023
C1	Send a copy of certificate evidencing Technical Competency to the Regulating Officer.	28/07/2023
C3	Apply for a permit variation.	18/08/2023

Criteria	Action needed	Complete by
G4	Confirm the LoW code assigned to food waste that is received at site.	28/07/2023
G4	Confirm which authorisation is being used to accept waste code 20-01-33	28/07/2023
F4	Monitor gulls on site and implement EMS procedures if needed.	28/07/2023

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.

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

A meeting was held on Tuesday 27th June 2023. In attendance from Natural Resources Wales was Sarah Walton (Waste Regulation Officer) and Berwyn Williams (Team Leader for Industry & Waste Regulation North-West). Jim Espley and Danielle Richards were representing Conwy Council.

The purpose of the meeting was to discuss future plans for Gofer Bulking Station as well as Conwy Council's wider waste management plans. Different plans were proposed according to the level of funding that is secured.

Following this meeting, a site inspection took place. Sarah Walton is the site's new Regulating Officer, therefore this visit was primarily a site familiarisation inspection to understand how the site works and the processes taking place.

A walk around site was completed.

Vehicles were observed depositing different wastes within the Recycling building. The area was clean and tidy.

There were a number of seagulls on and around the sorting shed. Danielle explained that some of these birds were potentially nesting, which can be a problem around this time of year. The site was operational at the time of the visit, so the doors to the shed were open, but once operations cease for the day, the shed is closed to prevent the gulls from reaching the food waste.

As an action, please keep an eye on this to ensure that pests do not cause an issue or nuisance to neighbouring properties.

A1 Specified by permit

Permit condition 1.1.1: "The operator shall manage and operate activities:a) In accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances,

closure and those drawn to the attention of the operator as a result of complaints".

A desktop review of site documents, has found that NRW does not hold a recent copy of the site EMS (Environmental Management System).

Action: Submit a copy of the site EMS to the Regulating Officer.

C1 Staff Competency / Training

Permit Condition 1.1.4: "The operator shall comply with the requirements of an approved competence scheme".

A review of our records shows that we do not hold the latest certificate for the Technically Competent Manager of the site.

Action: Send a copy of certificate evidencing Technical Competency to the Regulating Officer.

C3 Materials Acceptance

Permit Condition 2.3.2(a) "Waste shall only be accepted if it is of a type listed in schedule 2 table S2.1"

As noted on previous CAR forms, the site continues to accept co-mingled plastic bottles and trays with steel and aluminium cans, which is assigned a LoW code of 20-03-01. This waste code is not authorised by the site permit.

As such, a C3 CCS score has been applied for this permit breach.

Action: Apply for a permit variation which would seek to add 20-03-01 to the list of authorised waste types which can be accepted on site.

NRW will review this matter again in approximately 6 months time, when it is expected management will have a clearer view of how operations will proceed on site.

You may also want to consider including other waste types such as glass and paper/cardboard, given the changes that are due to come in regarding waste exemptions (more information on this is noted below).

G4 Reporting and Notification to Natural Resources Wales

Permit Condition 4.2.2 : "Within one month of the end of each quarter, the operator shall submit to the Environment Agency (NRW), using the form made available for purpose, the information specified on the form relating to the site and waste accepted and removed from it during the previous quarter".

A desktop review of waste returns was completed for the last year (Q2,3,4 2022 and Q1 2023). Thank you for submitting these returns in line with reporting requirements.

The returns show the site accepted approximately 15,502 tonnes of waste across the

reporting period.

Despite food waste being accepted to site, it appears that food waste is not listed on the 'waste received' tab of the returns.

Action: Please confirm what LoW code is assigned to the food waste and where it is recorded on the 'waste received' section of the waste return.

It was also noted on the returns, that waste batteries (20-01-33*) are listed on the 'waste removed' tab. The permit does not allow the acceptance of hazardous waste. If this waste type is being accepted under the S2 exemption, then this waste should not be featured on the waste return. Any waste accepted under a waste exemption, should be accepted and stored in a separate part of the site that is clearly distinguished from permitted activities.

Action: Confirm which authorisation is being used to accept waste code 20-03-01*

As mentioned above, there will be some reforms to the waste exemption regime. One such change will prohibit the use of exemptions at/adjacent to permitted sites. Once the new regulations are made, there will be a transition period of 6 months until they come into force. For further information on this, please follow the link below:

<https://www.gov.uk/government/consultations/reducing-crime-at-sites-handling-waste-and-introducing-fixed-penalties-for-waste-duty-of-care/outcome/supplementary-government-response#improving-regulation-of-exemptions>

Thank you for your time and co-operation throughout the site inspection.

Should you have any queries about this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton

Waste Regulation Officer

Email: sarah.l.walton@cyfoethnaturiolcymru.gov.uk

Post: Natural Resources Wales, Maes y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

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 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.