

## Compliance Assessment Report CAR\_NRW0044516

**Permit being assessed:** NP3233XX.

**For:** Bridgend Waste Management Centre, **held by:** Tradebe Gwent Limited

**At:** Factory Lane, Pencoed, BRIDGEND, CF35 5BQ.

**Type of assessment:** Audit,

**Reason:** Routine.

**On:** 04/06/2024 - 07/06/2024 between 09:00 and 12:00.

**Parts of permit assessed:** Containment.

**NRW Lead Officer:** Geraint Harris, accompanied by Dale Padfield.

**Report sent to:** Alex Morris, Site Manager , on 18/06/2024.

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

| Part of permitted activity assessed (compliance criteria)   | Assessment result | Permit condition       |
|---|-------------------|------------------------|
| IR1A - Installations - Management - General Management  | C3 Minor          | Permit Condition 1.1.1 |
| IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits | C3 Minor          | Permit Condition 3.2.3 |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 2                              | 8                          |

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 |
|----------|--|-------------|
| IR1A     | Complete the actions listed within the audit report.   | 31/12/2024  |
| IR3B     | Tradebe to provide an update on upgrading and reinforcing their secondary containment blockwork walls and expansion joints at the next compliance meeting. | 31/12/2024  |

Compliance 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

#### **Tradebe Bridgend Containment Audit**

As part of Natural Resources Wales ongoing compliance work NRW undertook an audit of the tanks and associated containment in place, at Tradebe Bridgend. The audit was undertaken in line with permit condition 3.2.3 for releases from liquids in containers where it states:

*“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.”*

The objective of the audit was to ensure that Tradebe are being compliant with this permit condition and that any risks are identified and to avoid the potential for any environmental incidents. The audit itself was designed to review each tank and type of containment and determine whether any further actions are required to bring them back into compliance.

As part of the audit, Tradebe was asked to supply all relevant sections of their environment management system (EMS), accident management system (AMS) and planned preventative maintenance regime (PPM) that related to on site management of containment, including primary, secondary and tertiary containment, along with any supporting documentation.

The audit report can be found attached to this compliance report. It is clear from the list of documents above that appropriate containment of liquids is well established within Tradebe’s EMS. Tradebe’s corporate integrated management system is designed to ensure the relevant guidelines, standards and codes of practice are being adhered to. Documents relating to primary, secondary and tertiary containment have been compiled by Tradebe’s Group engineering department with the intention of placing the responsibility for compliance on the relevant works engineering managers for individual sites. Upon completion of this audit, it is clear that Tradebe Bridgend are aware of these requirements but have unfortunately fallen short in some areas especially around the inspection and maintenance of secondary and tertiary containment. Permit condition 1.1.1 requires operators to manage their activities in accordance with a written management system that identifies and minimises risks of pollution. It also requires those who undertake such activities to be sufficiently competent. The current management system has failed to identify the cracks within the walls and floor of both the secondary and tertiary containment, the vegetation growing within and on the bunds and the suitability of the brickwork bund for the non-hazardous secondary containment. The gaps within the walls and floor didn’t appear to be recorded in any of Tradebe’s weekly bund inspections. When asked, Tradebe stated that they have identified a need to give some training to the site supervisor on bund inspections. Furthermore, it appears that leak testing has never been undertaken within the bunds and sumps and that the last bund inspection, undertaken by a third-party construction company, was completed in 2012. Since 2012 numerous structural issues have been identified. This implies that the interval between inspections is inadequate. Finally, the risk assessment for the secondary containment was non-existent before 2023. Taking all of the above into account it appears that the current written management system isn’t adequate

enough to identify and minimise the risks of pollution from a loss of liquid from the primary containers. Tradebe will need to improve their inspection and maintenance regime for secondary and tertiary containment to ensure that they can contain any liquid lost from the primary containment tanks. **Therefore, a category 3 noncompliance against permit condition 1.1.1 is being Issued.**

Permit condition 3.2.3 requires all liquids in containers, 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. At the time of the audit no other appropriate measures were in place. The numerous cracks within the floor and walls of the non-hazardous bund, coupled with the lack of any leakage testing, mean that there is a real potential for a pathway to the local receptors for any spillage from the primary containment. **Therefore, a category 3 noncompliance against permit condition 3.2.3 is being issued.**

#### **Actions**

There are 8 actions listed in the containment audit report attachment. Action 7, repeated below, has a due date of the 10<sup>th</sup> of July. The other actions have a due date for the next compliance meeting. Tradebe are to be reminded that regular maintenance and inspection regime is essential if defects or leaks that could compromise the integrity of the primary, secondary or tertiary containment are to be identified in a timely manner. The EPR regulations require adequate inspection/maintenance procedures to be in place. Please ensure that all of these actions are completed by the date given. NRW may request a progress report on these actions at any point in time.

**Action 7 from the audit report: Please send a copy of the CCTV inspection report to NRW by the 10<sup>th</sup> of July 2024.**

**End.**

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.

### **If your assessment result in Section 1 is suspended, what does this mean?**

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 compliance criteria (used in section 1 and 2):**

#### **1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

#### **2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

#### **3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

#### **4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

### **Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.