

Compliance Assessment Report

Report ID:
CAR_NRW0033625

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

Site	Kings Dock	Permit Ref	AB3192CA		
Operator/Permit holder	Associated British Ports				
Regime	Waste Operations				
Date of assessment	26/06/2018	Time in	12:00	Out	12:30
Assessment type	Audit				
Parts of the permit assessed	A B C D				
Lead officer's name	Wakeford, Sally				
Accompanied by					
Recipient's name/position	Ralph Windeatt/ Head of Commercial - South Wales	Date issued	02/10/2018		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.3.2

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

A routine site inspection was undertaken on 26 June 2018 by Sally Wakeford, accompanied by David Warwick-Brown from our permitting department.

It is noted that the site is not currently storing wood waste for export. There was no one on site at the time of the inspection.

C3 – General Management – Materials Acceptance – CAT 3 breach – Permit Condition 2.3.2

You have been given a category 3 breach of the above permit condition as during the inspection it was noted that glass waste continues to be stored at the site.

2.3.2 Waste shall only be accepted if:

(a) it is of a type and quantity listed in Schedule 2 Table(s) S2.1 [S2.2 etc.]

This glass waste was also noted on CAR_NRW0032373 during inspection on 31/10/2017 by David Morgan. There was a mixture of processed and unprocessed glass waste. It is understood that this operation has been in place for many years, however, glass waste is not permitted waste under your permit and is within the permitted area. There is no exemption in place to allow storage of glass waste at this location. Glass waste was also seen along the edge of the dockside.

I understand it has been discussed previously that either a permit variation is submitted to NRW to include glass waste as a waste type which can be accepted or relocate the waste to outside the permitted area.

Following the inspection on 31/10/2017 you were requested to take action by 15/12/2017. To date NRW have no record of a submission regarding this.

ACTION: Remove glass waste from the permitted area to a suitably permitted location or apply to vary the permit to accept and store glass waste by 31 August 2018.

ACTION: Provide transfer notes for the incoming glass waste for January 2018 to date by 31 August 2018.



C2 – General Management – Management system and operating procedures – CAT 3 breach – Permit Condition 1.1.1

You have been given a category 3 breach of the above permit condition as there is no written procedure/risk assessment for the control of glass waste on site.

Permit condition 1.1.1: The operator shall manage and operate the 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.

There is no risk assessment or management procedure for the management of glass waste on site.

ACTION: Undertake risk assessment and develop procedure for management of glass waste. This procedure must state how glass, and its leachate, will not cause pollution by 31 August 2018 or as otherwise agreed in writing with NRW.

ACTION: Send a copy of your up to date management system to NRW by 31 August 2018.

ACTION: Inform NRW when wood waste will be accepted onto site again.

ACTION: Provide information about the TCM for the site and send copies of certificates.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

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

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

EPR Compliance Assessment Report

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Site	Kings Dock	Permit Ref	AB3192CA
Operator/Permit holder	Associated British Ports	Date	26/06/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C3	C3	Remove glass waste from the permitted area to a suitably permitted location or apply to vary the permit to accept and store glass waste Provide transfer notes for the incoming glass waste for January 2018 to date	31/08/2018
C2	C3	Undertake risk assessment and develop procedure for management of glass waste. This procedure must state how glass, and its leachate, will not cause pollution by 31 August 2018 or as otherwise agreed in writing with NRW. Send a copy of your up to date management system to NRW	31/08/2018

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.