

Compliance Assessment Report

Report ID:
CAR_NRW0034655

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

Site	Heol Ty Gwyn Civic Amenity Site	Permit Ref	FP3894LX		
Operator/Permit holder	Kier Services Limited				
Regime	Waste Operations				
Date of assessment	30/01/2019	Time in	10:30	Out	11:00
Assessment type	Audit				
Parts of the permit assessed	A, B, C				
Lead officer's name	Wakeford, Sally				
Accompanied by	Davies, Gareth				
Recipient's name/position	Owain York & Gareth Barnes/ Site Supervisor	Date issued	13/02/2019		

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
A1 - Specified by permit	A	
B4 - Infrastructure - Containment of stored materials	C3	2.1.1 & 2.1.2 (Table 2.1)
C2 - General Management - Management system and operating procedures	C4	1.4.2
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1 (a) (Table 1.1)

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	3	Total compliance score (see section 5 for scoring scheme)	8.1
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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

Technically Competent Manager (TCM) Attendance:

Using the OPRA spreadsheet for the site and the document "How to Comply" it is calculated that the TCM should be in attendance on site at Maesteg for **15% of the time the site is open**. Calculations have been completed by using the opening hours advertised to the public on the internet and the attendance hours have been calculated as **11.5 hours per weeks in Summer** and **8.4 hours per week in Winter**. Previous figures supplied in October 2018 regarding TCM attendance do not indicate that this figure was reached on the HWRC.

Owain has left his position as HWRC Supervisor and TCM for the Kier sites, although he still works for the company. A new Supervisor is starting at Kier on 01 March 2019 who will cover as TCM for all sites. Gareth Barnes and Scott Saunders are also completing their WAMITAB qualifications. In the interim Owain is assisting Gareth and visiting the sites regularly alongside Gareth to ensure TCM attendance is in compliance with permit requirements.

Hazardous Waste Producer Registration:

Your site is currently not registered on our Hazardous Waste producer database. It is a requirement that any site dealing in hazardous waste should register their premises with Natural Resources Wales. This needs to be applied for every year if the site produces more than 500kg of hazardous waste per year, which this site does. This includes batteries, fluorescent tubes, plasterboard, asbestos etc.

If you do not register as a Hazardous Waste Producer NRW can take enforcement action.

More information and to register can be found here:

<https://naturalresources.wales/permits-and-permissions/waste/register-as-a-producer-of-hazardous-waste/?lang=en>

Action: Register as a Hazardous Waste Producer.

History:

In September 2016 Kier and Bridgend County Borough Council (BCBC) signed an Action Plan to ensure that all permit conditions were met, and wastes were to be stored in areas serviced by a sealed drainage system. At the time it was discussed that interim measures would be put in place prior to the drainage being changed. Following an apparent decision not to change the drainage and a change in management structure at Kier, it was decided that operations on site would change instead, to reflect the permit conditions. The action plan signed in 2016 was not complied with as no confirmation of procedural changes was ever provided. Following this inspection and the previous site inspection (CAR_NRW0033578 on 19/06/2018) this action has not been undertaken as the site is not in compliance with the permit conditions (see below) as waste continues to be stored on areas which are unsuitable.

Site Inspection:

On 30 January 2019 a site inspection was undertaken at Heol Ty Gwyn HWRC by Sally Wakeford and Gareth Davies. We were accompanied on site by Owain York and Gareth Barnes.

On arrival it was noted that wastes were being stored on areas not serviced by a sealed drainage system and on areas of hardstanding. The plasterboard skip, hardcore and fluorescent tubes continue to be stored on the area of pavement which is not serviced by sealed drainage. This has been noted on CAR forms from previous inspections and continues to occur.

During the inspection it was discussed that the surface water drains to the bottom of the site, near the cabin were to be changed to enter the foul system.

ACTION: provide information on the identities, relevant experience and qualifications of the engineers providing the Quality Assurance for the planned engineered drainage system (as per condition 2.1.3 (a) of your permit.

ACTION: Provide copies of the engineer's reports/plans for these drainage works, and confirmation from Welsh Water (if required) that these works will be accepted by the sewage network.

Due to this continued non-compliance you have been scored against the following permit conditions, and NRW will consider further enforcement action.

B4 – Infrastructure – Containment of Stored materials – CAT 3 breach – Permit Condition 2.1.1 & 2.1.2 (Table 2.1)

You have been given a CAT 3 breach of the above permit as during the site inspection it was noted that wastes were being stored on site off the impermeable pad served by a sealed drainage system. Namely cardboard, hardcore, plasterboard, fluorescent tubes and other wastes stored on the side pavements of the site and on the main turning area which is served by surface water drains.

2.1.1 No waste shall be deposited, stored, treated or otherwise handled in any area of the site until the engineered site containment and drainage system for that area had been constructed and completed in accordance with this condition and condition 2.1.2.

2.1.2 The engineered site containment and drainage systems shall be designed, constructed, inspected, maintained and meet the standards specified in Table 2.1 below. Table 2.1b) ii) drainage to areas of impermeable pavement shall be provided by a sealed drainage system, that is comprised of a drainage system with impermeable components which does not leak and which will ensure that (a) no liquid will run off the pavement other than via the system and (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

No wastes should be stored in any area other than on impermeable pavement with a sealed drainage system.

ACTION: Ensure all wastes are stored in the appropriate locations according to permit conditions by 30 August 2019, by completing the necessary drainage works.



C4 – General Management – Storage, handling, labelling and segregation – CAT 3 breach – Permit condition 1.1.1 (a) (Table 1.1)

You have been given a CAT 3 breach of the above permit condition as the management procedures (documented in an EMS and on site) are not sufficient to ensure compliance with the permit and it should be ensured that the EMS reflects permit conditions and represents operations on site. No wastes should be stored, treated or handled in any area other than on impermeable pavement with a sealed drainage system.

1.1.1: No wastes management operations shall be authorised by this licence unless: a) specified in and undertaken in accordance with the limitations in section 1.1 of the working plan and in the following table:

Table 1.1: Storage iv) All skips, drums and other mobile tanks or containers being used to store waste shall only be placed upon impermeable pavement with a sealed drainage system.

The management procedures are not sufficient to ensure compliance with the permit and it should be ensured that the EMS reflects permit conditions and represents operations on site.

ACTION: Update EMS to ensure it reflects permit conditions AND operations on site and include drainage changes by 30 August 2019. Provide a copy to NRW.

C2 – General Management – Management Systems and operating procedures – CAT 4 breach – Permit Condition 1.4.2

You have been given a CAT 4 breach of the permit condition 1.4.2 as it was observed during the site inspection that no copy of the EMS or permit was available on site.

1.4.2 Availability of licence. A copy of this licence shall be kept available on site for reference when required by all site staff carrying out work under the requirements of the licence.

ACTION: Ensure a copy of the licence and EMS are available on site at all times and reflects permit conditions by 28 February 2019.

Although some documentation has been provided to NRW, not all parts of the EMS have been made available, and they were not present on site.

Please could you make available:

- **the Site-Specific Premises Register (as discussed with Jemma Thripp)**
- **the site plans, which include the layout, waste storage areas, drainage and discharges etc.**

Once I obtain this documentation I can assess whether the information you have provided is sufficient, and whether it complies with requirements. Information on what should be included in an EMS can be found within the document “How to Comply with your Environmental Permit”, which can be found on our website.

We can discuss wastes which can be stored without sealed drainage and under the exemption conditions, as per the permit and the working plan mentioned in the permit. These include textiles, paper, cans (separately from glass) and mattresses.

Kier Re-organisation:

Whilst on site we discussed that Kier was having a reorganisation and the waste services had either been taken over by another part of the business or had changed its name.

The company which currently operates the permit is Kier Services Limited Company number 02651873.

If a different company (different company number) has taken over the operation of the permitted activities the permit needs to be transferred.

If the company has changed its name (although still showing as Kier Services Limited on Companies House) then an admin variation will need to be applied for to ensure the name is the current legal entity undertaking the activity.

ACTION: Confirm the company undertaking the waste activity at the site by 28 February 2019.

ACTION: Submit paperwork for permit transfer or admin variation if necessary.

SUMMARY OF ACTIONS:

ACTION: Register as a Hazardous Waste Producer

ACTION: provide information on the identities, relevant experience and qualifications of the engineers providing the Quality Assurance for the planned engineered drainage system (as per condition 2.1.3 (a) of your permit.

ACTION: Provide copies of the engineer’s reports/plans for these drainage works, and confirmation from Welsh Water (if required) that these works will be accepted by the sewage

network.

ACTION: Ensure all wastes are stored in the appropriate locations according to permit conditions by 30 August 2019, by completing the necessary drainage works.

ACTION: Update EMS to ensure it reflects permit conditions AND operations on site and include drainage changes by 30 August 2019. Provide a copy to NRW.

ACTION: Ensure a copy of the licence and EMS are available on site at all times and reflects permit conditions by 28 February 2019.

ACTION: Confirm the company undertaking the waste activity at the site by 28 February 2019.

ACTION: Submit paperwork for permit transfer or admin variation if necessary.

It would be worth noting that NRW is currently undertaking a review of your permit, as per requirements, and this will result in a permit in line with modern permit requirements and written in a format which should be easier to comply with.

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

**Report ID:
CAR_NRW0034655**

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

Site	Heol Ty Gwyn Civic Amenity Site	Permit Ref	FP3894LX
Operator/Permit holder	Kier Services Limited	Date	30/01/2019

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			
C2	C4	Ensure a copy of the licence and EMS are available on site at all times and reflects permit conditions by 28 Feb 2019.	28/02/2019
C4	C3	Update EMS to ensure it reflects permit conditions AND operations on site and include drainage changes by 30 August 2019. Provide a copy to NRW.	30/08/2019
B4	C3	Ensure all wastes are stored in the appropriate locations according to permit conditions by 30 August 2019, by completing the necessary drainage works.	30/08/2019

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.