

Compliance Assessment Report

Report ID:
CAR_NRW0035063

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

Site	Tondu Waste Transfer Station		Permit Ref	GP3690LR		
Operator/Permit holder	Kier Services Limited					
Regime	Waste Operations					
Date of assessment	17/04/2019	Time in	10:30	Out	13:30	
Assessment type	Audit					
Parts of the permit assessed	A B C					
Lead officer's name	Wakeford, Sally					
Accompanied by	Thomas, Ffion					
Recipient's name/position	Gareth Barnes, Jemma Thripp/ Business Manager, Environmental Advisor		Date issued	02/05/2019		

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Since the departure of Scott Saunders, Gareth Barnes has been promoted to the role of Interim Business Manager, and Leeann Neagle to Operations Manager.

From 1st July 2019 Sally Wakeford will no longer be the site officer for the Kier sites. The Bridgend area is moving into the NRW South Central area, rather than South West. Ffion Thomas attended on site to provide some continuity going forward.

Compliance issues 2018-19:

Below is a summary of the compliance issues from last year, and if the actions have been completed.

CAR_NRW0033565

- Waste (namely cardboard) was stored off the permitted area. ACTION: Ensure all wastes are stored within the permitted area by the date specified in section 4 of this form. **Complete.**
- Gulls were scavenging on the open top of the food waste trailer. ACTION: produce an Emissions Management Plan (EMP) to NRW for approval by Wednesday 04 July 2018. **Complete.**
- wastes (cans, plastics, paper/cardboard) were being stored outside the building on an area of pavement serviced by surface water drains. ACTION: Cease to store wastes in unsuitable locations and provide information regarding timeframes and updates to any planned engineering works by the date specified in Section 4 of this report. ACTION: Ensure food waste trailer is fit for purpose and functioning (ongoing at all times). ACTION – food waste trailer must always remain closed when not being filled. You occasionally store wastes in unsuitable locations. **ONGOING to ensure continued compliance.**
- failure to inform NRW of the breakdown of the cover for the food waste trailer which has caused or may cause pollution (scavenging birds), you have also failed to inform us of the presence of the scavenging birds. You have also failed to inform NRW that the change in operating technique (types of trailer and contract of the food waste trailer) has or may cause pollution. ACTION: Ensure that you report to NRW any matters detailed in condition 4.3.1 to comply with your permit. **ONGOING to ensure continued compliance.**
- lack of training causing a breach of the permit condition or the relevant site personnel were unaware of permit conditions and the management system. ACTION: Ensure all staff and management are aware of the permit conditions and operating procedures by providing training where required by the date specified in Section 4 of this report. **ONGOING – ensure training programme is implemented.**
- poor management procedures have been identified as the root cause of other non-compliances. ACTION: Ensure a detailed up to date Environment Management System is

in place and all staff are provided the information required to ensure permit compliance by the date in Section 4 of this report. Provide a full up to date copy to NRW once complete.
NOT COMPLETE – still awaiting copy of EMS.

CAR_NRW0033856

- Storing of waste (namely plastic) outside of permit boundary – due to issues with offtake. ACTION: Ensure all wastes are stored within permitted boundary by 23/09/2018. – **COMPLETE**

CAR_NRW0033973

- MRF Review showed issues with reporting. **NOT COMPLETE – follow up required - to be discussed during an MRF Inspection.**

CAR_NRW0034036

- Storing waste outside of temporary written management system for emergencies (i.e. baler breakdown). Mitigation procedures had been put in place with temporary measures to protect drains. However, delays meant a build-up of waste on site outside of the emergency plan. ACTION Ensure all unbaled wastes are stored in line with permit conditions. Inform NRW of any further breakdowns. **COMPLETE**

CAR_NRW0034124

- FPMP not completed to required standard. ACTION: a date shall be provided for agreement with NRW, for when a revised FPMP shall be submitted. **ONGOING – updated FPMP still required.**

CAR_NRW0034973

- Acceptance of wastes onto site which are not listed in the permit, namely hygiene wastes coded 20 01 99. ACTION: Cease to accept this waste at Tondu. **COMPLETE**
- Acceptance of the wastes shows lack of understanding of permit conditions. ACTION: Ensure all staff are aware of permit conditions and understand the activities which can be undertaken on the site. Ensure all staff have and understanding of what the permit requires. **ONGOING – training program to be implemented, records to be checked at next inspection.**

Site Inspection

The site was inspected on 17 April 2019 by Sally Wakeford and Ffion Thomas. We met with Gareth Barnes and Jemma Thripp to discuss issues with the sites, then accompanied on site by Gareth Barnes and Kai Wiggins. At the time of the inspection the weather was dry and warm with a light breeze.

Since last inspection the drainage at Tondu has been changed. The three drains which were connected to surface water have been diverted to the foul drain.

ACTION: Provide NRW with drainage plans and CQA for the new drainage.

ACTION: update EMS to ensure it is fit for purpose, reflects operations on site, infrastructure, and management procedures (including food waste trailer).

Dye tracing, using the hose pipe on site, of these three drains was completed and confirmed to be connected to the foul system. This resolves issues with the storage of wastes on the area which

was serviced by these three drains as it is now deemed as sealed drainage.

I currently do not have a copy of the current management plans for any of the sites (including Tondu, Maesteg, Tythegston and Brynmenyn). Whilst on site I viewed the management systems Kier have in place. I need to see copies of them to assess if they are adequate to cover the operations on site, and to ensure that activities which are being undertaken are in line with your EMS.

I have a number of the generic documents, but none of the site specific ones. On review please provide NRW with the following:

ACTION: Provide NRW with copies of:

- **Fire Risk Assessment**
- **Waste Management Working Plan**
- **Environment Management Plan**
- **Major Incident and Business Continuity Plan**

C4 – General Management – Storage, Handling, Labelling & Segregation – CAT 3 breach – Permit Condition 2.3.1.

You have been given a CAT 3 breach of the above permit condition as during the inspection it was observed that wastes (namely baled cans) were being stored on an area of pavement which is marked on the current drainage plan as draining to surface water.

2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3.

Table 2.3: Operating Techniques

1. Unless stored or treated outside as specified waste:

- 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 a hardstanding or on an impermeable surface with a sealed drainage system.*

ACTION: Cease to store wastes in unsuitable locations.

We discussed that occasionally, the site is impacted by contractors not collecting baled wastes in time, and a build-up of waste can occur. In these instances we discussed the potential for an emergency plan to ensure the surface waters are protected and wastes stored appropriately. If you wish to create an emergency plan for BALED wastes (one exists for unbaled) please provide it to NRW for approval.



Dye tracing of the surface water drains was also attempted, it was inconclusive. The dye was put into several surface water drains across the area and did not appear in the interceptor or stream to which the interceptor drains, although there was a small flow of liquid through the interceptor. The dye did also not appear in the foul drains.

You informed us that Kier do have a routine for completing drainage surveys every 5 years, and Tondu WTS is due a survey. This will be useful when completing the drainage plans required for the EMS due to the change in the foul drainage. Once complete, please provide a copy of the drainage survey of the site to NRW. Until such time we will continue to work off the existing drainage plan (created by May Gurney Ltd in April 2010).

Interceptor/Water Discharge Permit

The interceptor is located outside the site, on the pavement to the far end of the site, near the stream. This is the location the outfall of the interceptor is believed to be. See map below. The paperwork was viewed for the last time the interceptor was cleaned, and it is noted it was completed by CSG National Operations, on 26 February 2019.

It was discussed that the discharge consent may no longer be required. NRW will follow up with our permitting team and Natural Resource Management Team about the requirements to surrender this permit. Once the drainage survey is complete, this will aid with the surrender.

Vehicle washing is carried out on site; however the drains are blocked and the water collected is removed from site by tanker.

Permit variation:

Whilst on site we discussed the potential for submitting a permit variation for extending the permit boundary to include the whole site other than the car park. If a permit application was submitted, this would still restrict you with regards to the ability to store waste, as the area (according to the current drainage plan) is serviced by surface water drains and the permit does not allow waste to be stored anywhere other than on a sealed drainage system.

We also discussed the addition of a waste code. To do this you would need to apply to vary the permit to a bespoke permit, rather than the standard rules permit you currently have. A copy of the OPRA spreadsheet (to work out application/subsistence fees) will be forwarded to you.

Training:

The training plan for staff has fallen by the wayside over the last year for Kier staff. Kai Wiggins has received some permit training, which will be rolled out to lead team members at Tondu and

the HWRCs.

A copy of the 2018 training schedule was provided and will be implemented again for 2019 and will also include the permit training noted above.

Following a number of the breaches noted in the last year on site, this will assist in improving compliance on the site, and hopefully prevent a number of the breaches noted from occurring again.

Thank you for taking the time to show us around the site.

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	Tondu Waste Transfer Station	Permit Ref	GP3690LR
Operator/Permit holder	Kier Services Limited	Date	17/04/2019

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			
C4	C3	Cease to store wastes in unsuitable locations	28/06/2019

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.