

Compliance Assessment Report

Report ID:
CAR_NRW0036095

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

Site	Brindley Road	Permit Ref	CP3498ED		
Operator/Permit holder	Cardiff Council				
Regime	Waste Operations				
Date of assessment	08/12/2019	Time in	14:00	Out	14:45
Assessment type	Site Inspection				
Parts of the permit assessed	A, B, C, F and G				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Chris Mitchell/ Transport Manager	Date issued	18/12/2019		

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	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	C3	1.1.1 (b)
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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)	4.1
------------------------------------	----------	---	------------

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

Officer Alex BOWDER attended Highway Operation Depot, Brindley Road, Leckwith, Cardiff, CF11 8TX at 14:00 on Monday 9 December 2019 to carry out an introductory inspection of permit **EPR-CP3498ED (EAWML 100410)**. The weather conditions were mild and dry at the time of the visit. Met with Cardiff Council representative Chris Mitchcell and the Facilities Manager who showed the Officer around the permitted area and explained the operational procedures on site. Thank you for taking the time to go through operations.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1** - Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
- 2** – Potential to have a significant impact or effect on the environment, people and/or property
- 3** – Potential to have a minor or minimal impact or effect on the environment, people and/or property
- 4** – Non-compliance at a regulated site that cannot foreseeably have any impact on the environment

PREVIOUS CAR FORM ISSUES

- Submit retrospective waste returns for Q2, Q3, Q4 of 2017 and Q1 of 2018. Deadline: 25/07/2018 - **INCOMPLETE**

GENERAL OBSERVATIONS

Cardiff County Council operate a Household, Commercial and Industrial Waste Transfer Station with Treatment (EAWML 100410). The permit was originally issued used to the Operator in 2008 and was varied in 2015 by NRW, to impose waste operation limits on activities in line with the Industrial Emissions directive.

Permit summary:

Wastes are intended to be transferred into larger containers and sent to other waste facilities for further treatment, recovery or disposal. No treatment of WEEE is permitted on site. The total quantity of waste accepted at the site will be less than 25,000 tonnes a year and the temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. The site has chosen to put physical measures in place to operate below the threshold to remain as a waste facility. The permit requires non-hazardous waste to be treated on an impermeable surface with sealed drainage - inert can be on hard standing.

INSPECTION FINDINGS

CATEGORY 3 BREACH - TECHNICALLY COMPETENT MANAGER (TCM)

(C1) Staff competency/training	(C3) A non-compliance which could have a minor environmental effect
---------------------------------------	--

Condition 1.1.1 (b) – “...by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.”

The site does not have an appointed TCM with appropriate WAMITAB qualification. The business needs address this if it intends to continue operating.

ACTION

Please update NRW with the site's appointed TCM.

The site has largely changed and reduced its operations since the original permit was issued. The site primarily brings back materials from highways maintenance works, such as broken curbs or tiling. This material is then stored in bays, bulked up and then transferred to local HWRC's, for instance.

There was a skip present containing small amount of metals that is transported once a high enough tonnage is reached. The infrastructure flooring within the permitted area was in a reasonable condition with no obvious fractures apparent. There were no issues noted with the drainage system as the entire site is bunded and impermeable.

The site deals in very small tonnages and holds containers with small street lamps stored in a secure container. If the hazardous wastes were stored at another council run yard, the could potentially operate under **waste exemptions**.



Image 1 – showing waste tiles stored in bays on an impermeable surface – taken 09/12/19

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

If the business intends to continue operating, it needs to update and review its Management System. This is a document that tells us how you are going to run your site in-line with permit conditions. Please ensure this is kept up-to-date with site activities and amended accordingly.

WASTE RETURN DOCUMENTS

CATEGORY 4 BREACH

Section 4.2.2 requires the business to submit a summary of the waste types and quantities accepted and removed from the site each quarter in the form a Waste Return Spreadsheet. This has scored a Category 4 breach as a result.

ACTION

Please submit outstanding Waste Returns for Q2, Q3, Q4 of 2017 and Q1 of 2018, and for 2019.

EXEMPTIONS

If the business is no longer operating a waste transfer station, the environmental permit is not required. Your waste activities could be covered by the Non-Waste Framework Directive (NWFD). NWFD 3 allows temporary storage of waste at a place controlled by the producer, full details of this exemption can be found at:

<https://www.gov.uk/guidance/waste-exemption-nwfd-3-temporary-storage-of-waste-at-a-place-controlled-by-the-producer>

This allows you to temporarily store waste you have produced, when working away from your normal business premises, in a secure place which you have control over. These exemptions have strict conditions

including:

- can't collect waste as your main business activity, receive payment for collecting the waste;
- only store waste that doesn't contain or consist of asbestos or any substance that has a flash point of less than 21°C;
- 50 cubic meters of solid wastes and 1,000 litres of liquid waste
- if more than one type of waste is stored, the different types must not be mixed;
- only store waste temporarily, no longer than 3 months.
- only carry out some treatments on the waste to help with storage and collection for recovery or disposal somewhere else. The treatments must not result in a change in the characteristics of the waste.

Non-Waste Framework Directive exemptions do not need to be registered, however the conditions must be strictly followed. If you do not believe your activities will comply the NWFD exemption, you may want to consider other available waste exemptions, such as an S2 exemption:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-your-waste-exemptions/?lang=en>

PERMIT SURRENDER

The site currently pays an annual subsistence fee of £7,243. If you can demonstrate that there has been no pollution and that groundwater monitoring is not required, then the site could possibly qualify for a **low risk surrender**. If we agree to this you may be entitled to the low risk surrender fee which is set at £2,532 however, you will need to meet the specifications.

In summary, to apply for the surrender of the permit you would be required to:

- Complete a Site Condition Report (SCR) – see website for further details
- Provide a general overview and summary from the CAR forms to show record of no pollution.
- Include photos to show that the site is in a good condition and not contaminated in any way.
- Give a detailed site plan and clear the yard of any waste and litter.

To surrender your permit, you need to fill out a Part A, Part E2 and Part F1 form. Information regarding permit surrender and application forms are available on the Natural Resource Wales website:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-for-a-waste-permit/apply-to-surrender-a-waste-permit/?lang=en>

If you cannot qualify for a low risk surrender, you will be required to apply for a full surrender. This is calculated by using your OPRA profile and the Environmental Permitting Charging scheme:

<https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>

If you have any issues with this report, please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036095**

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

Site	Brindley Road	Permit Ref	CP3498ED
Operator/Permit holder	Cardiff Council	Date	08/12/2019

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.

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			
G4	C4	Submit outstanding returns: Q2, Q3, Q4 of 2017 and Q1 of 2018	17/01/2020
C2	X	Update and review your Environment Management System (EMS) if operations continue under the permit.	17/02/2020
C1	C3	Appoint a TCM to the site and update NRW with relevant certification.	17/01/2020

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.