

## Compliance Assessment Report

Report ID:  
CAR\_NRW0036361

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

Site	Roath Dock	Permit Ref	AB3095ZY		
Operator/Permit holder	Associated British Ports				
Regime	Waste Operations				
Date of assessment	13/02/2020	Time in	11:30	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	C1. C2. C4. G4.				
Lead officer's name	Tye, Laoni				
Accompanied by	Lovelock, Elysia				
Recipient's name/position	Thomas Butler/ Operations System Co-ordinator	Date issued	12/03/2020		

### 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
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

**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.

<b>Number of breaches recorded</b>	<b>1</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>4</b>
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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

Persons present:

Laoni Tye - NRW Senior Waste Regulation Officer

Elysia Lovelock - NRW Waste Regulation Officer

Thomas Butler - ABP Operations Systems Co-ordinator

Dr Tony Davis - consultant TCM for ABP

I, Elysia Lovelock a Waste Regulation Officer for Natural Resources Wales NRW and my colleague Laoni Tye, a Senior Waste Regulation Officer for NRW attended the Engineering Block on Cold Stores Road and met with Associated British Ports ABP Operations Systems Co-ordinator, Thomas Butler and Consultant TCM for ABP Dr Tony Davis. The purpose of the visit was to introduce ourselves as members of the South Central Waste Regulation Team responsible for the area and to conduct a routine inspection to assess compliance with the sites tier 3 bespoke environmental permit for the RDF and wood transfer station facility.

The weather was overcast but fine during our escorted visit to the quayside on Old Clipper Road, situated on the south side of Roath Docks. We were pleased with the overall condition of the site being currently used for exports by Stobart's Haulage and Veolia. During our visit we assessed compliance with the following permit conditions:

General Management – C1 Staff competency/training

General Management - C2 Management system & operation procedures

## General Management - C4 Storage handling, labelling, segregation

### Monitoring and records, maintenance and reporting - G4 Reporting and notification

Whilst on site, we observed a 20-tonne stockpile of woodchip for Stobart currently being stored on the site. Due to conducting a review of the sites 2019 waste returns submitted, showing null returns since the second quarter of 2019; we requested further information as to the duration it had been stored quayside. Following our visit Thomas Butler confirmed the woodchip had been stored there for approximately 10 months. We understand that the woodchip is being well managed, monitored, segregated and surrounded by containers/Stelcon walls. The TCM report dated 13/02/2020 provided by Tony Davis reported temperature measurement readings of between 20.6 ° degrees and 27.7 ° degrees Celsius. The readings indicate the temperatures are nearing 20° degrees Celsius above the ambient temperature of 8° degrees Celsius. We understand you have had discussions with the customer regarding removal but as suggested by Tony Davis, there is a reluctance by them to remove the product just in case ABP use the space to store other products, but I understand that you would be making efforts to contact them again.

I refer to permit condition 1.1.1 which states '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;'

Your EMS Operational Procedures V1.2 state: '1. Only delivered and inspected material is stockpiled onsite, conforming to the storage requirements of the TGN 7.01 Fire Guidance as detailed within the Fire Prevention Plan.'

Schedule '5.5 Storage Management & Mitigation Measures – Woodchip' of your Fire Prevention and Mitigation Plan states, '5.5.9 Woodchip will not be stored on site for longer than 6 weeks'.

As previously mentioned, during the inspection you gave the reason for this breach as reluctance by the customer to remove the woodchip from the quayside. Whilst we appreciate that there are measures being implemented, on this occasion you have been scored a category 3 breach of permit condition 1.1.1 as it was established during the inspection that the woodchip stockpile was being stored in contradiction to the above condition, breaching the operational procedures as specified in your Fire Prevention and Mitigation Plan, which could have a minor environmental effect.

As such, you are required to remove the Woodchip, if not already done so, in order to return to compliance by **30<sup>th</sup> April 2020**.

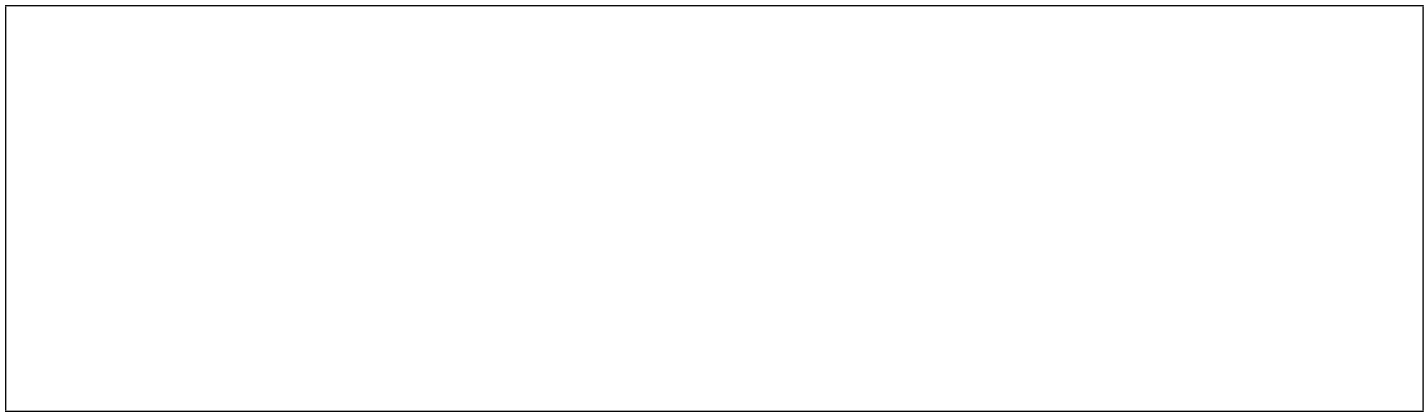
Following our visit, I would like to thank you for your collective/prompt response in providing the documentation requested on site including the quarterly return for Oct-Dec 2019 namely for permit AB3095ZY, Thomas Butler's WAMITAB Continuing Competency Certificate which expires 14/02/2022, a reviewed and revised copy of your Fire Prevention Mitigation Plan FPMP and an updated copy of the 'Operational Procedures' (Environmental Management System EMS) for our records issued February 2016, Version 1:2. I have also since received the Continuing Competence Certificate for consultant Dr Anthony Davis which expires 25/07/2021.

Regarding the trial shipment of sieve sand for Neil Soils raised whilst on site, expected this month, I can confirm as requested that as the waste is destined for Neil Soils, the activity to be undertaken does not form the basis of a waste storage activity and will be classed as 'in transit'. Following your discussions with Senior Waste Regulation Officer Ffion Thomas, this was also communicated via email from Ffion Thomas for your records prior to our visit to site.

We appreciate your co-operation and assistance to promptly resolve the issue identified and look forward to continuing working with you in the future.

**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

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Site	Roath Dock	Permit Ref	AB3095ZY
Operator/Permit holder	Associated British Ports	Date	13/02/2020

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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	C3	Ensure stockpile is removed accordingly.	30/04/2020

## 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](mailto: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.