

Compliance Assessment Report CAR_NRW0038432

Permit being assessed: LP3439HM.

For: Roath Dock Treatment and Recycling Centre NRW/EPR/LP3439HM/V003, held by Castle Waste Services Limited

At: Roath Dock Transfer Station Old Clipper Road , Roath Dock, Cardiff, CF10 4LX.

Type of assessment carried out: Site Inspection, Reason: Other.

On 10/06/2021 between 13:00 and 13:30.

Parts of permit assessed: Emissions of Dust

NRW Lead Officer: Geraint Harris.

Report sent to: Dave Humphriss, Technical Director on 23/06/2021.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	Permit condition 1.1.1
E2 - Emissions - Land and groundwater	C3 Minor	Permit Condition 3.1.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	8

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C2	Castle to conduct a full review of dust management at the site to determine if further improvements can be made.	30/07/2021
E2	Clean the area contaminated with Cendri powder.	Already completed

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Castle Waste Services Limited

EPR/LP3439HM

On Thursday the 10th June 2021, Senior Officer Geraint Harris was in the vicinity of Castle Waste on Old Clipper Road and noticed a substantial amount of dust adjacent to the Castle Waste facility. The dust covered a considerable stretch of the road and appeared to have accumulated in certain sections. Upon inspection the dust was found to be originating from within the boundary of Castle waste with significant deposits seen on castle's hardstanding. Photos of the road and site condition were taken and emailed to the site manager and director asking for an explanation and a plan to remediate the situation.

The site believes the dust to be a product called Cendri, a powder that is blended with the fine aggregate used in the concrete batching plant. Cendri is a calcium oxide-based material that has the potential to irritate the eyes if subject to continued exposure. Upon investigating the reason for the dust loading it was discovered that the blending process was being undertaken on the open yard instead of within the designated storage shed. Furthermore, it was noted that material appeared to be stored outside of the storage sheds which should not be the case. In addition to the use of Cendri, the recent dry weather has caused the residues generated by the clean down of the CBP to dry out and generate a dust. It appears that the dust within the yard has been tracked out of the site on plant and equipment moving between the different yards of the site. The sites dust levels are ordinarily controlled using a number of techniques. These include:

- Ensuring operations that have the ability to generate dusts are carried out within process buildings
- Ensuring Powder storage silos are fitted with suitable reverse jet filter systems
- Having a regular road sweeping service (currently three times a week)
- Use of water to dampen surfaces to prevent dust becoming airborne.

As regulators we have a responsibility to investigate the root cause of incidents. An email was sent to the site to investigate why the above situations have occurred. In response the site director stated the following "there are a number of factors that lead to this failing, essentially these relate to the robustness of the control measures and the training and communication with the individuals concerned".

A recent difficulty with the supply chain for the supply of cement for the concrete batching plant has resulted in a 40% reduction. In response, the nightshift at the site has been cancelled with the operators working during the day. One of the night shift operators was carrying out the activity at the time. This was not part of their usual activities and the requirements relating to the task were not effectively understood by them. Furthermore, responsibilities for dampening down are delegated to the Concrete Batching Plant Supervisor. Such frequencies have previously been determined at their discretion, which was found to be insufficient. The site has agreed to review this process.

Castle have agreed to conduct a full review of dust management at the site to determine if further improvements can be made. This review will identify potential sources of dust, specify existing controls, identify further improvements and define clear triggers and actions where there is a potential dust issue. Responsibilities will be assigned to members of staff and a program to audit implementation will be developed. Whilst the site does not have a formal dust management plan, this review and subsequent procedure will act as a surrogate and provide an equivalent level of control. NRW will look to see if such reviews were undertaken upon a future site visit in addition to checking the levels of dust around the site.

NRW are satisfied with the speed in which Castle have responded to this incident including the remedial actions already taken. Photos taken post clean up show a significant improvement. NRW agree that the actions taken and proposed are both appropriate and proportional. However, such an incident could have been easily avoided had a more stringent management system been in place in the first instance. As a result of this I am categorising this as two CCS category 3 breaches.

Non-compliance: *A category 3 non-compliance is given due to the potential risk to people and the environment as a result of allowing significant levels of Cendri dust to accumulate outside the site boundary. This is a breach under condition 3.1.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.*

Non-compliance: *A category 3 non-compliance is given due to the management system failure that ultimately lead to the situation occurring in the first instance. This is a breach under condition 1.1.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.*

END.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.