

Compliance Assessment Report

Report ID:
CAR_NRW0000040

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

Site	East Bank Road Facility EPR/XP3833UB	Permit Ref	XP3833UB			
Operator/Permit holder	G D Environmental Services Ltd					
Regime	Installations					
Date of assessment	23/03/2016	Time in	N/A	Out	N/A	
Assessment type	Report/Data Review					
Parts of the permit assessed	1.1.1, 2.3.1, 3.2.1, 4.3.1.					
Lead officer's name	Green, Rebecca					
Accompanied by						
Recipient's name/position	Lindsey Kelly/ General Manager, East	Date issued	30/03/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	C3	2.3.1
C2 - General Management - Management system and operating procedures	C3	1.1.1 a
E4 - Emissions - Sewer	C3	3.2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to the Environment Agency	C3	4.3.1

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	16
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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

G D Environmental Services (GD) were visited by Rebecca Green and Tony Bruten on 9th March 2016. During the course of the conversation improvements made to the leachate treatment plant were discussed. These became necessary because Welsh Water (WW) had notified G D that several samples of the discharge to sewer from the plant had exceeded the agreed consent limits.

Analysis results for G D's discharges to sewer were requested from WW and were received on 14th March 2014. These showed that there had been several significant breaches of the consent limits for more than one determinand on a number of occasions, starting in September 2015 and continuing into January 2016. There have also been two recent breaches of consent limit for heavy metals. These results and G D's present performance were discussed at a meeting between WW and Natural Resources Wales (NRW) on 18th March 2016, where it became apparent that some leachate had received very little treatment before discharge to sewer. Concentrations of ammonia in some samples were so high that they could have posed a threat to WW's waste water treatment plant, had the plant been smaller than that at Nash. One sample showed a zinc concentration 30 times the consent limit. Waste water treatment plants are not designed to treat high metal concentrations and repeated discharge to sewer will result in poisoning of the treatment process and may eventually lead to possible breaches of WW's EPR permit.

At no time did G D make any attempt to inform NRW that there were problems with the leachate treatment plant. Had NRW been informed earlier of the problems with the leachate treatment plant it may have been possible to agree a strategy to minimise further risk of pollution. It is not acceptable to allow the situation to continue for three months.

NRW appreciate that there are some mitigating circumstances as G D were in the process of changing ownership. However, this should not have prevented them from keeping NRW informed. Measures have also been taken to bring the process back under control and to improve its performance, which is encouraging. Recent results from WW's analysis of discharges to sewer show an improvement, but WW feel that it is too early to confirm that the treatment process is now reliably under control.

G D are reminded of their obligations, being an installation holding a permit under the Environmental Protection Regulations. On-going permit non-compliances such as these would normally result in NRW issuing an Enforcement Notice. After much internal discussion, NRW have decided that a Warning Letter is more appropriate in this case. However, should these non-compliances and their causes not be addressed in a timely and effective manner, NRW will take further action.

END.

EPR Compliance Assessment Report

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Operator/Permit holder	G D Environmental Services Ltd	Date	23/03/2016

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			
A1	C3	Improve control and operation of leachate treatment plant or install a more reliable method.	29/04/2016
G4	C3	Improve procedures so that NRW are informed of a breach of any permit condition. Improve training.	29/04/2016
E4	C3	Ensure all emissions to foul sewer comply with the consent limits agreed with Welsh Water.	29/04/2016
C2	C3	Update procedures, ensure that they are followed and improve training	29/04/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.