

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032621

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

|                              |                                         |             |            |     |       |  |
|------------------------------|-----------------------------------------|-------------|------------|-----|-------|--|
| Site                         | East Bank Road Facility<br>EPR/XP3833UB | Permit Ref  | XP3833UB   |     |       |  |
| Operator/Permit holder       | G D Environmental Services Ltd          |             |            |     |       |  |
| Regime                       | Installations                           |             |            |     |       |  |
| Date of assessment           | 14/12/2017                              | Time in     | 10:15      | Out | 13:00 |  |
| Assessment type              | Site Inspection                         |             |            |     |       |  |
| Parts of the permit assessed | 4.3.5 Change in personnel               |             |            |     |       |  |
| Lead officer's name          | Green, Rebecca                          |             |            |     |       |  |
| Accompanied by               | Bruten, Anthony,James, Ian              |             |            |     |       |  |
| Recipient's name/position    | Christina Lloyd/ Compliance Manager     | Date issued | 18/12/2017 |     |       |  |

### 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            |                       |
| B4 - Infrastructure - Containment of stored materials                                                          | A            |                       |
| C1 - General Management - Staff competency/training                                                            | A            |                       |
| C2 - General Management - Management system and operating procedures                                           | X            |                       |
| C4 - General Management - Storage, handling labelling and Segregation                                          | X            |                       |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment               | A            |                       |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | X            |                       |

**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 | 0 | Total compliance score<br>(see section 5 for scoring scheme) | 0 |
|-----------------------------|---|--------------------------------------------------------------|---|

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

There have been various changes to personnel since May 2017. This meeting was to update Natural Resources Wales (NRW) on those changes.

Christina Lloyd has primary responsibility for compliance, assisted by Claire Morris. Tony Chivers, Commercial Director, has taken over responsibility from Julie Taylor, who is no longer employed by GD. Ian Lynass has stepped down and his responsibilities will be taken over by Tony Chivers, Mark Williams (Production Manager) and Olly Hazell (MD).

Given the importance of these changes, GD should have informed NRW directly, not allowed the regulator to find out by chance. ***Please ensure that future changes in management are communicated to NRW in a timely manner.***

A permit variation to add the old Hydrodec tank to the GD permit was discussed. This should be a simple admin variation. In order to support this position, GD were advised to include photos of the tank farm with their application for the variation. The feasibility of moving the installation to the transfer station site was discussed. This will be costly in terms of civil engineering and permitting fees. As this is a new site GD will have to apply for a new permit; assuming that the current OPRA score of 74 does not alter significantly, the cost for a new permit would be ~£15,000.

GD were reminded that their MCERTS accreditation is due for full renewal in the first quarter of 2018.

A number of employees are currently working towards gaining their technical competency qualifications.

### Installation Site Inspection

The tank farm was clean and tidy with very little water in the bunds.

The hazardous waste quarantine area is still not up to the expected standard. Separation of materials is adequate, but could be improved. There is no labelling of separate bays. Signage should show the type of material stored in that area and display a suitable hazard warning label complying with the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) and the Classification, Labelling and Packaging of Substances and Mixtures (CLP). Labelling on most individual containers was either missing or incorrect. Container labels should also comply with the CLP and GHS and show the material's origin and the date it was accepted on site. GD were asked to rectify this after the NRW visit on 9<sup>th</sup> May 2017 (CAR\_NRW0031638) but no action has been taken.

Storage of materials in this area does not comply with the requirements given in the indicative BAT i8 and i10 for waste storage in Sector Guidance Note SGN S5.06. ***Failure to comply with the iBAT requirements by 26<sup>th</sup> January 2018 will result in the issuing of a CAT 3 non-compliance for incorrect storage of waste. END.***

## EPR Compliance Assessment Report

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CAR\_NRW0032621**

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|                        |                                         |            |            |
|------------------------|-----------------------------------------|------------|------------|
| Site                   | East Bank Road Facility<br>EPR/XP3833UB | Permit Ref | XP3833UB   |
| Operator/Permit holder | G D Environmental Services Ltd          | Date       | 14/12/2017 |

### 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 |              |                                                                                                                                                         |            |
| G4                  | X            | GD should have informed NRW of changes in management. Send copy of new management structure to NRW.                                                     | 26/01/2018 |
| C2                  | X            | Send copy of new management structure to NRW.                                                                                                           | 26/01/2018 |
| C4                  | X            | Hazardous waste quarantine area - improve segregation and signage in bays. Labelling of individual containers must comply with the GHS/CPL Regulations. | 26/01/2018 |

## 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.