

## Compliance Assessment Report

Report ID:  
CAR\_NRW0034352

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

Site	Coed Top Hill	Permit Ref	DP3095FK		
Operator/Permit holder	Caerphilly County Borough Council				
Regime	Waste Operations				
Date of assessment	28/11/2018	Time in	14:30	Out	15:30
Assessment type	Site Inspection				
Parts of the permit assessed	A1				
Lead officer's name	Warwick-Brown, David				
Accompanied by	Moggridge, Lara				
Recipient's name/position	Gareth Richards/ TCM	Date issued	14/12/2018		

### 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	C3	4.6

**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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Officers David WARWICK-BROWN and Lara MOGGRIDGE attended Coed Top Hill Reedbed Facility at 14:30 on Wednesday 28<sup>th</sup> November to carry out an inspection of the site to accompany an arranged pre-application discussion regarding a proposed variation to permit EPR/DP3095FK. The weather was overcast and windy at the time of inspection. The Officers walked around the perimeter of the site to assess the site for any compliance issues and to visually understand how the dewatering system operates. Site manager Mike Organ was present on site who explained the physical and logistical processes of the site.

### Inspection

In terms of the current on-site operations, the facility appeared to be running efficiently in accordance with the specified activities.

There appeared to be some foam on the surface of the water at the confluence between the effluent and the adjacent stream, but this did not appear to originate from the dewatering facility. The water flowing out of the reedbed facility appeared to be clean in comparison to the neighbouring stream – it was later confirmed that this stream was part of the local sewage system, which is therefore assumed to be the origin of this foam material.

### (A1) Specified activities: Permit condition 4.6 – Category 3 breach

Permit condition 4.6 of your permit refers to the sampling and testing of the red bed system effluent to confirm its composition and characteristics in accordance with Section WP/4.220 of your Working plan, which states the following:

'Sampling and testing of wastes coming into the site is carried out periodically to ensure that the reed-bed system is being used effectively. The final effluent from the system will be analysed for total suspended solids, chloride/conductivity, ammoniacal-nitrogen, pH and Hydrocarbons. In addition, the water samples will be analysed for potentially toxic metals once a month. The dried solid residue is kept in separate bays according to origin the waste is analysed to establish a suitable course for its recycling or disposal.'

Only two occurrences of this data can be found on NRW's records database, which were received on 17/06/2009 and 01/10/2009. Within your recent correspondence with NRW, you have mentioned that the requirement for monthly monitoring was changed during previous discussions with NRW – our database has been checked and currently no evidence for the change of this permit condition has been found. If no evidence of our agreement to remove this requirement can be found, then this is something that should be carried out under the proposed permit variation.

As it stands, the permit condition in place requires you to operate in accordance with your working plan, as mentioned above. Until this condition has been removed as part of the variation it is your responsibility to comply with the plan you have written.

In your recent email correspondence with NRW, you queried whether transporting the solid waste to an external waste management company for treating the street cleaning residue removes the need for testing this waste. The working plan mentions that 'the waste is analysed to establish a suitable course for its recycling or disposal' – we require clarification as to what analysis is being carried out regarding this section of the working plan to be able to answer your query. As you have mentioned, we understand that the waste is then exported from the site by Neale's Waste Management – it would help us to know more about their procedures regarding the sampling of the waste to be able to better answer this query. Given the nature of the waste being processed on site and its reasonable foreseeability for causing environmental pollution, a **category 3 breach** of permit condition 4.6 has been scored.

**Action (by 08/02/2019):** Please submit any further relevant sampling data, if possible. Please submit any evidence of our agreement to remove the requirement for monthly monitoring. Please clarify what analysis of the waste is being undertaken prior to its recycling or disposal, as mentioned in the working plan. And lastly, please provide further information about Neale's Waste Management's procedures.

### **Pre-application discussion**

Following the site inspection, the Regulatory Officers met with Gareth Richards and Glyn Gibbs at the Caerphilly County Borough Council Office near Ystrad Mynach for a pre-application discussion regarding the removal of the hazardous waste element of the permit. This process would involve the removal of several hazardous waste codes from the permit, since the only wastes being accepted and removed from the facility (since 2011) are non-hazardous waste codes 20 03 03 (street cleaning residues) and 20 03 06 (waste from sewage cleaning). According to the waste returns, some of the hazardous waste codes were processed on site between July 2010 and December 2011, but they have not been accepted or removed since this time.

It was discussed that the appropriate option for this proposal is via a normal variation, and the associated fees and resulting changes in subsistence fees were provided. Just to confirm this information, the fee for a normal variation in this case will be £7,089, which will decrease the annual subsistence fees from £3,219 to £1,722. If it is felt that the level of work required for this action is disproportionate to the fee, it is possible to apply for an abatement. However, the full fee would need to be provided up front, and strict time recording would need to be undertaken during the determination period so that the difference can be refunded.

The permit has not been updated since it was issued in 2006, and it was suggested that this could be updated to our modern permitting conditions under a normal variation. The Environmental Management System (Working Plan) will also need to be amended to account for the removal of waste codes.

It was mentioned that the site plan is due to be updated, which could also be amended within the normal variation determination. As previously mentioned, the removal of sampling requirements would also need to be done through this variation if there is no evidence that this has been previously agreed upon.

### **Other comments**

Relevant links for a normal variation application have been provided in addition to this CAR form.

Waste returns have been submitted on time as required and demonstrate the defined tonnages within the permit.

No further issues have been identified at this time.

If you have any issues with this report please contact David Warwick-Brown on 0300 065 3683 or [david.warwick-brown@cyfoethnaturiolcymru.gov.uk](mailto:david.warwick-brown@cyfoethnaturiolcymru.gov.uk)

*In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.*

## EPR Compliance Assessment Report

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Site	Coed Top Hill	Permit Ref	DP3095FK
Operator/Permit holder	Caerphilly County Borough Council	Date	28/11/2018

### 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			
A1	C3	Submit any outstanding/relevant sampling data, submit data in future and provide any evidence of our agreement to remove requirement of sampling.	08/02/2019

## 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.