

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0034391**

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

Site	Lamby Way Depot	Permit Ref	EP3995FL			
Operator/Permit holder	Cardiff Council					
Regime	Waste Operations					
Date of assessment	29/11/2018	Time in	09:00	Out	17:00	
Assessment type	Audit					
Parts of the permit assessed	All					
Lead officer's name	Lee, Jonathan					
Accompanied by	Moggridge, Lara					
Recipient's name/position	Pat McGrath / Operational Manager	Date issued	21/12/2018			

### 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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	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

### **Introduction**

Officers Jonathan LEE and Lara MOGGRIDGE attended Lamby Way Depot, Cardiff to complete a compliance audit of the environmental permit **EPR-EP3995FL**. It was wet and overcast at the time of the inspection. Officers met with several operational and managerial Cardiff Council staff whilst on site.

The site holds a Tier 3 bespoke permit for three 'separate' facilities which consist of: -

- Household waste recycling centre
- Household, commercial and industrial waste transfer station with treatment
- Materials recycling facility

The permit also covers the use of In-vessel composting (at the time of permit issue). However, following initial conversations on site, this part of the permitted activity is non-operational.

### **Compliance Assessment**

#### **Site Management – Environmental Management System**

Permit condition 1.1.1 (a) requires the management of the activities 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.

An Environmental Management System (EMS) document has been submitted as part of this audit. A thorough review of this document (*Lamby Way MS August 2017*) has been completed. This management system has been updated to accurately reflect the 'new' HWRC which is now operational. The EMS gives thorough information about the site, its management, risks of the activities and how these risks are managed/minimised. Whilst thorough, there are couple sections of the document which need attention. These are bullet pointed below: -

- Include a comprehensive site drainage plan – there are references to a site drainage plan being included in ‘Appendix A’ but this is not present.
- Location of drainage interceptors, include further details on maintenance and how often these interceptors are checked.
- Waste vehicle movements and direction, it is could be beneficial to input details of vehicle movements as a reference in the event of an incident.
- Consideration of stockpile sizes of loose and baled wastes within the Material Recycling Facility and Waste Transfer Station. The current EMS gives detailed drawings of the location of wastes but doesn’t give any indication of sizes and separation distances.

**Action:** Update EMS document to include details/plans on the above points.

#### Site Management – Competent persons/resources

Permit condition 1.1.1 (b) requires the management of the activities using sufficient competent persons and resources. Officers were given sufficient information to confirm compliance with this condition. Managerial staff showed records of toolbox talks being given to operational staff and have supplied evidence of technical competency for each of the TCM’s on site.

#### Household Waste Recycling Centre (HWRC)

The location of the HWRC has recently been changed, but within the permit boundary. No non-compliances identified with regards to the infrastructure on the HWRC portion of the site. All waste is loaded by householders from a raised platform into skips containing separated waste fractions. All hazardous wastes were stored appropriately within secured containers.

#### Waste Transfer Station (WTS)

No non-compliances identified with regards to the infrastructure or management of activities in the waste transfer station building. Waste was being mechanically sorted during the inspection. All waste activities being completed within the building.

#### Materials Recycling Facility (MRF)

Permit condition 2.1.1 states that ‘the operator is only authorised to carry out the activities specified in Schedule, Table S1.1’. Table S1.1 requires all waste to be stored and treated on an impermeable surface with sealed drainage. During the inspection a portion of the impermeable surface and drainage system to the rear of the MRF building had become damaged, and there was some minor pooling of water. Whilst there were limited quantities of waste being stored in this area at the time of the inspection, the drainage in this area still need to be sealed to prevent run-off of contaminated water to ground and/or water.

A **Category 3 breach** has been scored against permit condition 2.1.1, action is required to improve the infrastructure in the area concerned.

Previous compliance visits have raised concerns over the protection of a ditch watercourse located to the rear of the MRF building. Some concrete wall blocks had been constructed/moved into this area to rectify these breaches and it was pleasing to see that large amounts of litter were not visible within. However, the area is still not adequately protected. It was noted that there was a length of fencing to be erected to protect this watercourse and prevent any litter from being swept by the wind into the ditch. Please see that this is constructed as soon as possible, and the infrastructure is compliant with permit condition 2.1.1 as above.

### Waste Returns

Advice and guidance was sought by the operator in relation to the submission of waste returns for the separate 'portions' of the site.

It was agreed that waste returns should be submitted individually for each 'portion' of the facilities to accurately account for waste movements in/out of each part of the facility. Waste returns should still be submitted under the permit number EPR-EP3995FL.

Full guidance on waste returns, including a blank template and deadlines, can be found at the link below:-

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

### Permit Variation

The In-Vessel Composting (IVC) section of the permit is non-operational and the operator was not intending on utilising this portion of the permit. In addition, staff raised a query to reduce the tonnage throughput of the facility.

A variation application would need to be submitted to modify these elements of the permit. Full guidance and links to all the necessary application forms can be found at the link below.

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-vary-change-a-permit-for-waste-operations/?lang=en>

It should be noted that if a variation application were to be submitted, it is likely that NRW would take regulator-led action to include a requirement for a Fire Prevention and Mitigation Plan (FPMP) within the

variation. The most recent EMS document gives some details over fire prevention and mitigation at the site, but a more complete document would need to be submitted. Officers broadly discussed how an FPMP could be implemented on site, a link to the latest (August 2017) FPMP guidance is given below for reference.

<https://naturalresources.wales/media/682159/eng-guidance-note-16-fire-prevention-mitigation-plan.pdf>

#### **Other comments**

Thank you very much for taking the time to show officers around the various parts of the site.

If you have any issues with this report, please contact Jonathan Lee on 0300 065 3908 or [jonathan.lee@naturalresourceswales.gov.uk](mailto:jonathan.lee@naturalresourceswales.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

**Report ID:  
CAR\_NRW0034391**

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Site	Lamby Way Depot	Permit Ref	EP3995FL
Operator/Permit holder	Cardiff Council	Date	29/11/2018

### 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			
C2	X	Update EMS document; details listed within	31/03/2019
B3	C3	Ensure impermeable surface is free from large cracks and site drainage is sealed.	31/03/2019

## 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.