

Compliance Assessment Report

Report ID:
CAR_NRW0033565

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

Site	Tondu Waste Transfer Station	Permit Ref	GP3690LR		
Operator/Permit holder	Kier Services Limited				
Regime	Waste Operations				
Date of assessment	19/06/2018	Time in	15:00	Out	16:45
Assessment type	Audit				
Parts of the permit assessed	General Site Compliance				
Lead officer's name	Wakeford, Sally				
Accompanied by	Thomas, Ffion				
Recipient's name/position	Scott Saunders, Jemma Thripp, Gareth Barnes/ Site Manager	Date issued	02/07/2018		

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	2.4.1
C1 - General Management - Staff competency/training	C3	1.1.1b
C2 - General Management - Management system and operating procedures	C3	1.1.1a
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
F4 - Amenity - Pests/birds and scavengers	C3	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.1

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	6	Total compliance score (see section 5 for scoring scheme)	24
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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

On 19 June 2018 a site inspection was undertaken by Sally Wakeford and Ffion Thomas.

We were accompanied on site by Scott Saunders, Gareth Barnes, Jemma Thripp and Kyle Wiggins of Kier.

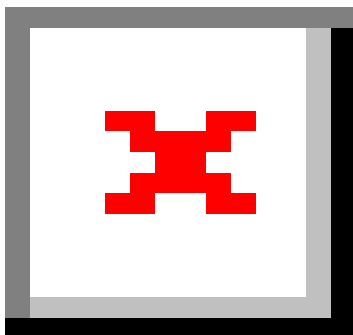
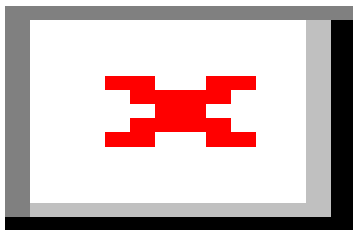
A1 – Permitted Activities – Specified by permit – CAT 3 – Permit condition 2.4.1

You have been given a CAT 3 breach under the above condition as during the inspection it was observed that waste (namely cardboard) was stored off the permitted area, as marked on the site plan. Site plan shown below. Area marked in red is the approximate location of the baled paper wastes.

Permit condition 3.4.1 states:

The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.

ACTION: Ensure all wastes are stored within the permitted area by the date specified in section 4 of this form.



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F4 – Amenity – Pests, Birds and Scavengers: CAT 3 breach - Permit Condition 3.1.1

You have been given a CAT 3 breach under the above permit condition because during our inspection it was observed that 70-100 gulls were scavenging on the open top of the food waste trailer or flying around the site. I was informed that for some time Kier had been having issues with the food waste trailers being unsuitable for use, therefore the cover had been off the trailers for some time.

3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution...

Emissions of substances not controlled by emission limits (including those from scavenging animals, scavenging birds and other pests) shall not cause pollution as access to the waste is restricted by the conditions of the Standard Rules permit, namely by being in a building or secure container.

Condition 3.1.2 states:

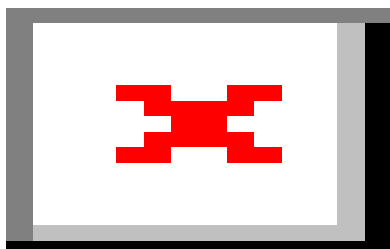
The operator shall

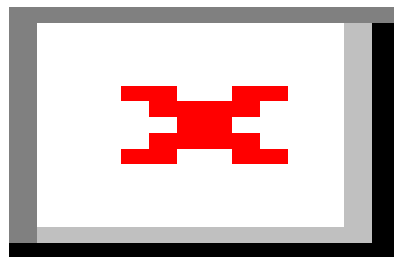
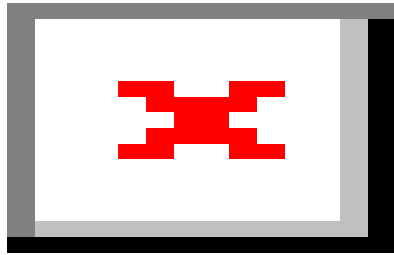
- a. If notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the time period specified, an emissions management plan.*

As stated in my email to Jemma Thripp, Gareth Barnes and Scott Saunders on 20 June 2018 I require you to provide an emissions management plan as per condition 3.1.2 (a) of your permit. You must undertake an appropriate measures assessment which details the actions you will/are taking to prevent or minimise pests. Page 48 onwards of "How to comply with your environmental permit" provides more information about this. An emissions management plan is a standalone document, separate from, but reference to, your EMS.

<http://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

ACTION: Provide an Emissions Management Plan (EMP) to NRW for approval by Wednesday 04 July 2018.





C4 – General Management – Storage, Handling, Labelling & Segregation – CAT 3 breach – Permit Condition 2.3.1

You have been given a CAT 3 breach under the above permit condition as during the inspection it was observed that wastes (cans, plastics, paper/cardboard) were being stored outside the building on an area of pavement serviced by surface water drains. (photographs below). You have also been scored under this condition as the food waste was not stored in a secure container or building. The trailers roof was malfunctioning so was left open.

2.3 Operating techniques

2.3.1 The activities shall be operated using the techniques and in the manner described in Table 2.3 below.

Table 2.3 Operating techniques

1. Unless stored or treated outside as specified waste:

- a) all bulking, transfer or treatment of waste shall be carried out inside a building;*
- b) all waste shall be stored in a building or within a secure container.*
- c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.*

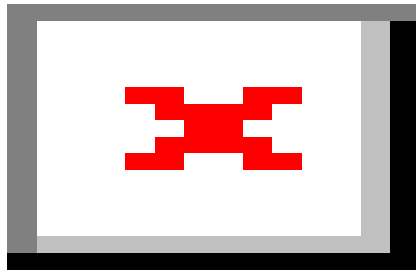
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

It is a requirement of your permit that all waste should be stored on an impermeable surface with a sealed drainage system AND be stored in a building or in a secure container. The current storage of wastes outside the building off sealed drainage is not complaint with your permit.

ACTION: Cease to store wastes in unsuitable locations and provide information regarding timeframes

and updates to any planned engineering works by the date specified in Section 4 of this report.

ACTION: Ensure food waste trailer is fit for purpose and functioning (ongoing at all times)



G4 – Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales – CAT 3 breach – Permit condition 4.3.1

You have been given a CAT 3 breach under the above permit condition as during the inspection it was observed that you have failed to inform us of the breakdown of the cover for the food waste trailer which has caused or may cause pollution (scavenging birds), you have also failed to inform us of the presence of the scavenging birds. You have also failed to inform NRW that the change in operating technique (types of trailer and contract of the food waste trailer) has or may cause pollution.

Permit condition 4.3.1 states:

Natural Resources Wales shall be notified without delay following the detection of:

- a. Any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution.*

I understand from Jemma's email of 13/06/2018 that the cover of the food waste trailer has been fixed.

ACTION: Ensure that you report to NRW any matters detailed in condition 4.3.1 to comply with your permit.

C1 – General Management – Staff competency/training – CAT 3 breach - Permit Condition 1.1.1 b)

You have been given a CAT 3 breach under the above permit condition as it was evident from the breaches of the permit identified on site there is a lack of training causing a breach of the permit condition or the relevant site personnel were unaware of permit conditions and the management system; breaches such as the location of the boundary of the site, reporting requirements and operating procedures regarding the food waste trailer. It was also evident that although a previous action plan was in place, signed by Kier management and Bridgend County Council, to ensure wastes would be stored correctly, these actions have not been completed due to a lack of understanding of the issues and possible miscommunication.

Condition 1.1.1 b) states:

The operator shall manage and operate the activities using sufficient competent persons and resources.

ACTION: Ensure all staff and management are aware of the permit conditions and operating procedures by providing training where required by the date specified in Section 4 of this report.

C2 – General Management – Management System and operating procedures – CAT 3 breach – Permit

condition 1.1.1 a)

You have been given a CAT 3 breach under the above permit condition as it was evident from the breaches of the permit identified on site that poor management procedures have been identified as the root cause of other non-compliances seen during the inspection.

Permit condition 1.1.1 a) states:

The operator shall manage and operate 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.

I understand that there have been a number of staff changes at the site in the last year, and this will have caused some issues. Please ensure that the management system is updated, ensuring it reflects the permit conditions, and all relevant staff are aware of the management system to ensure permit compliance.

ACTION: Ensure a detailed up to date Environment Management System is in place and all staff are provided the information required to ensure permit compliance by the date in Section 4 of this report. Provide a full up to date copy to NRW once complete.

AOB:

Food Waste contract:

As stated in my email to Jemma Thripp, Gareth Barnes and Scott Saunders on 20 June 2018, with regards to the contract for food waste being under the control of Bridgend County Borough Council (BCBC), this causes a non-compliance with your permit. Where you are not in control of the waste activity which falls under your permit, you are not deemed as the “operator” of that activity. Therefore this activity **cannot** continue under YOUR permit in this manner. If BCBC wishes to continue to undertake this food waste activity they themselves must apply for a permit.

ACTION: Provide clarity on this situation by 04/07/2018.

Should a joint meeting be required between all parties to discuss this, I would be happy to facilitate.

Use of standing trailers for waste storage:

Your suggestion to use standing trailers outside the building (as long deemed as “secure”) would need to be placed on an area serviced by a sealed drainage system.

Summary of Actions:

- ACTION: Ensure all wastes are stored within the permitted area by Wednesday 04 July 2018.
- ACTION: Provide an Emissions Management Plan (EMP) to NRW for approval by Wednesday 04 July 2018.
- ACTION: Cease to store wastes in unsuitable locations and provide information regarding timeframes and updates to any planned engineering works by the date specified in Section 4 of this report, provide update by Wednesday 04 July 2018 and cease storing wastes by 30 September 2018 following planned engineering works (please inform me if this changes).
- ACTION: Ensure food waste trailer is fit for purpose and functioning (ongoing at all times)
- ACTION: Ensure that you report to NRW any matters detailed in condition 4.3.1 to comply with your permit, at all times.
- ACTION: Ensure all staff and management are aware of the permit conditions and operating procedures by providing training where required by 31 July 2018.
- ACTION: Ensure a detailed up to date Environment Management System is in place and all staff are provided the information required to ensure permit compliance by 31 July 2018. Provide a full up to date copy to NRW once complete.
- ACTION: Provide clarity regarding the food waste contract with BCBC by 04/07/2018.

Thank you for your time during the inspection.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.
In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033565**

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

Site	Tondu Waste Transfer Station	Permit Ref	GP3690LR
Operator/Permit holder	Kier Services Limited	Date	19/06/2018

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.

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			
G4	C3	Ensure that you report to NRW any matters detailed in condition 4.3.1 to comply with your permit.	04/07/2018
F4	C3	Provide an Emissions Management Plan (EMP) to NRW for approval by Wednesday 04 July 2018.	04/07/2018
C4	C3	Cease to store wastes in unsuitable locations and provide information regarding timeframes and updates to any planned engineering works by the date specified in Section 4 of this report. Ensure food waste trailer is fit for purpose and functioning (ongoing at all times)	30/09/2018
C2	C3	Ensure a detailed up to date Environment Management System is in place and all staff are provided the information required to ensure permit compliance by the date in Section 4 of this report. Provide a full up to date copy to NRW once complete.	31/07/2018
C1	C3	Ensure all staff and management are aware of the permit conditions and operating procedures by providing training where required by the date specified in Section 4 of this report.	31/07/2018
A1	C3	Ensure all wastes are stored within the permitted area by the date specified in section 4 of this form.	04/07/2018

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. 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.