

Compliance Assessment Report

Report ID:
CAR_NRW0026903

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	24/11/2016	Time in	10:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	See Below					
Lead officer's name	Wakeford, Sally					
Accompanied by	Morgan, David					
Recipient's name/position	Adam Jones/ Operations Manager		Date issued	14/03/2018		

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	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3 - Suspended	2.3.1
E5 - Emissions - Waste	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	Schedule 9, Part 2, Chapter 2, 7 (3 & 4)

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	3	Total compliance score (see section 5 for scoring scheme)	4.1
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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 24 November 2016 a site inspection was conducted at Tondy WTS by Sally Wakeford and David Morgan. The site inspection mainly focussed around compliance with MRF Regs.

You also provided copies of some of the sampling sheets to compare with the samples recorded on the Q2 2016 MRF Waste Returns you submitted.

During the analysis of the waste return for Q2 and Q3 2016 it was noted that you are not calculating (or reporting) the Standard Deviations. The standard deviation is the variation from the average of the samples. All your samples for outputs are of the same magnitude in each sample. You should calculate the standard deviation from each sample taken across the quarterly period.

G4 – Monitoring and records, maintenance and reporting – Reporting and notifications to Natural Resources Wales – CAT 4 – The Environmental Permitting Amendment (England and Wales) 2014 Regulations Schedule 9, Part 2, Chapter 2, 7 (3 & 4).

As discussed via email - you have been scored against the above criteria as during the inspection of your waste returns you have been failing to complete the MRF reporting adequately – sampling is being completed but reported incorrectly.

Advice and Guidance will be provided at a meeting in the New Year to assist in the process going forward. Also please contact me prior to submitting the next returns if you have any issues. The weights of the plastic samples appear to be being under-reported, following comparison with your sampling sheets.

You are required to take the following action by the date listed in Section 4 of this report:

ACTION: Report sampling correctly in waste returns completed for the regulator.

Inputs

The inputs to the MRF are targeted at plastic and metal. Glass and paper are not “target materials”. Therefore in your inputs it would appear that you need to add the glass and paper found within the sampling into the “non-target recyclables” percentages.

ACTION: Improve reporting: discuss this during our meeting in the New Year.

Site Inspection

In the last CAR From (CAR_NRW0026431) from site inspection on 09/09/2016, you were scored under the following compliance summaries and permit conditions as you continued to store waste on surfaces which drained to surface water. This is continuing to happen and as such has been noted below.

It was previously discussed with Sian Hooper (BCBC) that you have had confirmation from DCWW to proceed with the connection to the foul drainage system. The tender price for completing the works has not been received back yet, however the funds are available to Bridgend County Council to complete the works.

I requested information regarding confirmation from DCWW, via Sian Hooper and received a short update in November on the completion for the drainage works. As such the score will be suspended as the inspection was carried out within 6 months of the previous score, and you are currently working towards compliance.

C4 – General Management – Storage, Handling, Labelling & Segregation – CAT 3 breach – Permit condition 2.3.1 – suspended.

You have been given a CAT 3 breach under the above condition because during out inspection it was noted that wastes (cans, plastics, paper/cardboard) were being stored outside the building without any containment. The baled wastes were stored outside on an area of pavement serviced by surface water drains.

Condition 2.3.1 Table 2.3 states:

b) all wastes shall be stored in a building or within a secure container.

c) all waste shall be stored and treatment on an impermeable surface with sealed drainage system.

You are required to take the following action by the date listed in Section 4 of this report:

ACTION: Cease to store waste on surfaces with drainage systems which are unsuitable.

ACTION: Provide regular updates on the progress of the drainage works.

You have also yet to amend your EMS for the activities at Tondu, as per the requirements of the last CAR form. As such you will be scored again.

C2 – General Management – Management system & operating procedures – CAT 3 breach – Permit condition 1.1.1

You have been given a CAT 3 breach under the above condition because during our inspection it was observed that waste was being stored and bulked outside the building. The management system in place for waste control does not reflect the related conditions in the permit, where all waste should be stored on impermeable pavement with sealed drainage system, and waste should only be bulked inside a building.

The operator shall manage and operate the activities: in accordance with a written management system that identified and minimises the risks of pollution...

You are required to take the following action by the date listed in Section 4 of this report:

ACTION: Ensure management procedures are adequate to ensure full compliance with permit. Submit updated EMS to NRW. Including the requirements for the food waste trailer.

Other observations

There was some escaping litter from the back side of the waste piles off the pavement, as shown in the photograph below. Please ensure the areas are kept clean and tidy.

Jason Reeves has been taken on by Kier as the new TCM.

The remainder of the site was clean and tidy and organised.

The food waste trailer was not leaking, and located over the foul drain. It was also covered.





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.

EPR Compliance Assessment Report

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Site	Tondu Waste Transfer Station	Permit Ref	GP3690LR
Operator/Permit holder	Kier Services Limited	Date	24/11/2016

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			
C2	C3	Ensure management procedures are adequate to ensure full compliance with permit. Submit updated EMS to NRW. Including the requirements for the food waste trailer.	31/03/2017
C4	C3	Cease to store waste on surfaces with drainage systems which are unsuitable, Provide regular updates on the progress of the drainage works	31/03/2017
G4	C4	Report sampling correctly in waste returns completed for the regulator.	30/04/2017

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.