

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

Site	ABP Fletchers Wharf	Permit Ref	AB3297FT	
Operator/Permit holder	Associated British Ports			
Regime	Waste Operations			
Date of assessment	14/12/2018	Time in	09:00	Out
Assessment type	Site Inspection			
Parts of the permit assessed	part 2			
Lead officer's name	Peppicelli, Claudia			
Accompanied by	Moggridge, Lara, Griffiths, David			
Recipient's name/position	Thomas Butler/ Site manager	Date issued	13/02/2019	

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	Condition 2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

ABP Fletchers Wharf Site Visit, EPR/ AB3297FT) – 14/12/2018

Environment officer Claudia Peppicelli, SEO Lara Moggridge and Industry regulator David Griffiths attended ABP Fletchers Wharf facility at Cardiff docks on the 14/12/2018 and met with TCM Thomas Butler and Tony Davis. The visit was undertaken as part of a pre-app discussion meeting. Thank you for taking the time to attend the meeting and show us all the activities carried out on site. There were 2 minor breaches recorded during the inspection.

1. Compliance A1) Specified by the permit

Condition 2.3 of the permit outlines that all wastes except for specified wastes must be stored in a building or in a secure container. Specified wastes are identified in section 4.4 of the permit. IBA as EWC 19 01 12, is not one of those.

The current APB Fletchers Wharf permit is a Standard Rules Permit (SR 2008 No.1) for the storage and treatment of IBA (manual sorting only) inside a building. As previously discussed, a bespoke permit is required to be able to store the IBA without a building. The site is currently not in compliance with the conditions of the SRP, and a permit variation (normal) is required to achieve compliance.

You have therefore scored a category 3 breach of the permit in this occasion.

1. Compliance C2) Management System. Root cause.

Condition 1.1.1 states that the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises the risks of pollution.

Please provide an EMS to comply with the bespoke permit requirements to include the main environmental risks associated with the activity. In particular, as mentioned during our meeting: release of particulate matter (dust) in the air or in surface water, release of contaminated leachate in run off waters, heat generation due to hydrogen production.

You have therefore scored a category 3 breach of the permit in this occasion.

Action:

We agreed during our meeting that an application for a bespoke permit would be submitted by end of February and we have given for the compliance of these conditions until the end of March to ensure that the application is duly made.

If you have any queries relating to this form, please do not hesitate to contact me on the details below.

Claudia Peppicelli

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**In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body*

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034630**

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Operator/Permit holder	Associated British Ports	Date	14/12/2018

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	provide an EMS to comply with the bespoke permit requirements	31/03/2019
A1	C3	Permit variation	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. 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.