

## Compliance Assessment Report

Report ID:  
CAR\_NRW0033610

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

|                              |                                                          |             |            |     |       |
|------------------------------|----------------------------------------------------------|-------------|------------|-----|-------|
| Site                         | Tythegston Civic Amenity Site                            | Permit Ref  | FP3893VN   |     |       |
| Operator/Permit holder       | Kier Services Limited                                    |             |            |     |       |
| Regime                       | Waste Operations                                         |             |            |     |       |
| Date of assessment           | 19/06/2018                                               | Time in     | 14:00      | Out | 14:45 |
| Assessment type              | Audit                                                    |             |            |     |       |
| Parts of the permit assessed | General Site Inspection                                  |             |            |     |       |
| Lead officer's name          | Wakeford, Sally                                          |             |            |     |       |
| Accompanied by               | Thomas, Ffion                                            |             |            |     |       |
| Recipient's name/position    | Jemma Thrupp, Owain York, Gareth Barnes/ Site Management | Date issued | 11/07/2018 |     |       |

### 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                                              | A            |                           |
| C2 - General Management - Management system and operating procedures  | C4           | 1.4.2                     |
| C3 - General Management - Materials acceptance                        | C3           | 1.2.1                     |
| C4 - General Management - Storage, handling labelling and Segregation | C3           | 1.1.1a) Table 1.1 & 2.1.2 |

**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>3</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>8.1</b> |
|------------------------------------|----------|---------------------------------------------------------------------|------------|

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

A site inspection was conducted by Sally Wakeford and Ffion Thomas on 19 June 2018. We were accompanied on site by Jemma Thripp, Gareth Barnes and Scott Saunders. Roger was the lead operative on site.

It was noted on site that inappropriate storage of waste was occurring on site. The asbestos, plasterboard, glass (bottle bank) and paper waste were stored on an area of pavement which is NOT serviced by sealed drainage. The staining from the bottle bank leachate could be seen on the pavement heading towards unmade ground/grassy area.

### **C4 – General Management – Storage, handling, labelling and segregation – CAT 3 breach – Permit Condition 1.1.1 a) (Table 1.1) & 2.1.2**

You have been given a CAT 3 breach of the above permit conditions as during the site inspection it was noted that wastes were being stored off the impermeable pad with sealed drainage system, namely asbestos, plasterboard, glass and paper. The non-ferrous metal skip was on unmade ground. Furthermore, the small area of impermeable pavement for the fluorescent tubes and batteries was damaged allowing the possible escape of fluids through the crack and joints. The drains on this pad also required cleaning out.

*1.1.1: No Waste management operations shall be authorised by this licence unless: a) specified in and undertaken in accordance with the limitations in section 1.1 of the working plan and in the following table: Table 1.1: Storage iv) All skips, drums and other mobile tanks or containers being used to store waste shall only be placed upon impermeable pavement in accordance with section 2 of the working plan.*

*2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, maintained and meet the standards specified in Table 2.1 below.*

*Table 2.1: Area of impermeable pavement, bunding and sills shall be constructed and maintained in accordance with Section 2.1.2 of the working plan so as to prevent fluids running off the pavement and the transmission of fluids through the pavement or joints.*

No wastes should be stored, treated or handled in any area other than on impermeable pavement with sealed drainage system. The root cause of this breach is that the management procedures are not sufficient to ensure compliance with the permit and the EMS requires an update to ensure it reflects permit conditions.

During the site inspection we discussed the previous decision to change the drainage at the site. Please note that following any change in engineering of the site NRW will require sight of a CQA report (Condition 2.1.4). Please inform NRW of the confirmation from Welsh Water that the additional capacity can be accepted into the foul system.

In September 2016 Kier and Bridgend County Borough Council signed an Action Plan for this same issue. At the time it was discussed that interim measures would be put in place prior to the site being closed, due to a new site being developed. Following delays with the new site, Kier are required to review the Action Plan and complete actions to ensure compliance with your permit conditions.

Attached to this CAR form is a copy of the signed Action Plan from 2016 for your records.

During the site inspection conducted by Ffion Thomas on 11 July 2017, it was discussed that Mark Kirk would provide a copy of site layout to confirm procedural changes to layout that confirm no waste would be stored off the sealed system, which was justification for not undertaking engineering works to connect to foul. CAR form FP3893VN\_CAR\_NRW0032129 is attached to this report for reference.

On 22 November 2017 a meeting was held at Tondu and Mark Kirk was actioned to confirm procedural changes to the layout to confirm that no waste would be stored off the sealed system as justification for not undertaking the engineering works to connect to foul.

No plan has been received to date and waste continues to be stored on areas without impermeable pad with sealed drainage.

The Action Plan signed by Kier and BCBC is still in place. Actions, including the drainage works, should have been completed by March 2017 unless otherwise agreed in writing.

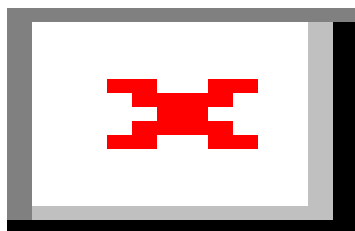
**ACTION: Confirm the actions Kier and BCBC will undertake to achieve each STEP of the Action Plan by 31 August 2018.**

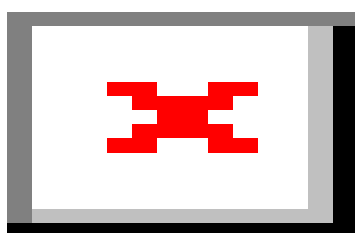
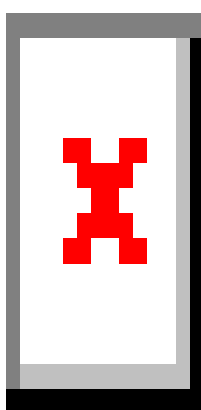
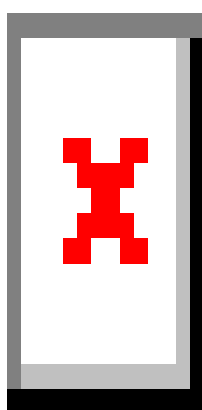
**ACTION: Agree new timescales with NRW for completion of all steps of this Action Plan by 31 August 2018.**

**ACTION: Ensure the small area of impermeable pad and sealed drainage is maintained by 31 August 2018.**

If you wish to discuss how to proceed with this, please don't hesitate to contact Sally Wakeford.

If this is not completed, NRW will have to consider other enforcement options.





**C2 – General Management – Management Systems and operating procedures – CAT 4 breach – Permit Condition 1.4.2**

You have been given a CAT 4 breach of permit condition 1.4.2 as it was observed during the site inspection that no copy of the permit or EMS was available on site.

*1.4.2 Availability of licence. A copy of this licence shall be kept available on site for reference when required by all site staff carrying out work under the requirements of the licence.*

**ACTION: Ensure a copy of the licence and EMS are available on site at all times by 31 July 2018. Please provide updated copy of EMS to NRW.**

**C3 – General Management – Materials Acceptance – CAT 3 breach – Permit condition 1.2.1**

You have been given a CAT 3 breach of the above permit condition as following a review of your waste returns, batteries under EWC code 16 06 02 (Batteries Automotive) were accepted on site during the Q3 reporting period of 2017. The EWC code 16 06 02 does not appear on your list of waste in Appendix A of your permit.

*1.2.1 Permitted categories and types of waste. No wastes other than those, which are categorised below in Table 1.2 and specified in detail in Appendix A to these conditions shall be accepted at the site.*

**ACTION: Cease accepting wastes which are not listed in Appendix A of your permit, vary your permit to allow you to accept these wastes or register the relevant S2 exemption by 31 August 2018.**

NOTE: An S2 exemption has been registered at the site on 20 June 2018. Action has been completed.

**Storage of wastes:**

Currently there are issues with the offtake of mattresses from site. Mattresses are usually taken to Bryn Pica, which is currently full.

Following a review of the permit and the waste types, even if Kier change the drainage on the site, you may still have issues with the requirement for ALL wastes to be stored on an impermeable pavement with sealed drainage system.

Following the registration of the S2 exemption, several the waste streams on site could be stored under this exemption (if the waste is categorised as the same EWC code). The exemptions cover low risk waste activities. The exemption allows different storage methods compared with your permit for certain wastes. As such, it would be a pragmatic approach to allow storage of certain wastes to be in line with exemption conditions, if quantity of wastes stored come within the limits of the exemption, to ensure the waste streams on site do not need to be restricted.

Waste streams such as the textiles/clothes and paper/cardboard could be considered low risk. We can discuss storage in line with the exemption requirements at next inspection.

Other wastes on the side pavements are required to be stored in line with the permit conditions (fluorescent tubes, hardcore etc).

**Waste returns:**

Please could you confirm if Q4 of 2017 waste returns were submitted. They do not appear on our system.

**ACTION: Confirm Q4 2017 waste returns were sent or send by end July 2018.**

**Permit Review:**

NRW are considering reviewing the permit for Tythegston HWRC. We are required to periodically review permits and due to its age, we are considering the requirement for the modernisation of the permit to modern conditions.

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\_NRW0033610**

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

|                        |                               |            |            |
|------------------------|-------------------------------|------------|------------|
| Site                   | Tythegston Civic Amenity Site | Permit Ref | FP3893VN   |
| 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 |              |                                                                                                                                                                                                                                                         |            |
| C3                  | C3           | Cease accepting wastes which are not listed in Appendix A of your permit, vary your permit to allow you to accept these wastes or register the relevant S2 exemption                                                                                    | 31/08/2018 |
| C2                  | C4           | Ensure a copy of the licence and EMS are available on site at all times by 31 July 2018. Please provide updated copy of EMS to NRW.                                                                                                                     | 31/07/2018 |
| C4                  | C3           | Confirm the actions Kier and BCBC will undertake to achieve each STEP of the Action Plan<br>Agree new timescales with NRW for completion of all steps of this Action Plan<br>Ensure the small area of impermeable pad and sealed drainage is maintained | 31/08/2018 |

## 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](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.