	EPR Compliance Assessment Report	Report ID: 30392/0244870
This form will report compliance with your permit as determined by an NRW officer		
Site	Coed Top Hill	Permit Ref 30392
Operator/ Permit holder	Caerphilly County Borough Council	
Date	24/07/2015	Time in 10:30 Out 11:30
What parts of the permit were assessed	Operational area and reporting	
Assessment	Site Inspection	EPR Activity: Installation Waste Op X Water Discharge
Recipient's name/position	Mr Glyn Gibbs and Mr Gareth Richards	
Officer's name	Laoni Tye	Date issued 30/07/2015

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	C3	2.1.4;
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C3	1.7.5;
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	A	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, 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 Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Environment officer Laoni Tye visited site on the 24th July 2015 and met with Mr Glyn Gibbs, site manager. The purpose of the visit was to introduce myself as the new regulatory officer and learn about the site and its processes. The weather was very wet leading up to and during the time of the visit. Please use the following contact details going forward:

Laoni.tye@naturalresourceswales.gov.uk

03000 65 4492

Breaches recorded

B3 Infrastructure- Site drainage engineering (Clean and Foul). Category 3 breach. Condition 2.1.4 v states that no liquid will run off areas of impermeable pavement other than via the drainage system and; vi the drainage system is sealed so that it does not leak and is capable of collecting and containing liquids draining from the impermeable pavement. Whilst on site we saw that there is an area to the north of the site, adjacent to the dewatering bays that is hardstanding and not an impermeable surface. There is run off from areas of the site where waste is stored and handled that runs down over the hardstanding. This has the potential to permeate into the ground and is therefore not compliant with the permit conditions and is not sealed.

We saw that there were plans to lay tarmac down in this area. However, we would not usually consider most tarmac to be impermeable and therefore you will need to provide us with a CQA – Quality Construction Assurance to prove that it is impermeable and therefore compliant with the permit conditions. However, from experience tarmac has a very low durability and does not last as long as other surfaces such as concrete. We therefore recommend using concrete or another durable surface to save future costs, even if the CQA is satisfactory.

Action: Please provide us with a plan outlining how the site is going to comply with this condition. Please include a timeframe for when the work is likely to be complete. We understand there will be financial implications involved but **please provide this plan/CQA no later than the 29th August 2015.**

C2 Management system and operating procedures. Category 3 breach. Condition 1.7.5 states that any amendments to the working plan needs prior consent from the Agency (NRW) and written notice of those changes. There are a few changes on site that we were not notified of or have been agreed:

The final effluent from the settlement pond is pumped back to the top of the site where it is treated with UV and chlorine for health and safety reasons. This water is then stored and used to wash down vehicles and re-fill the tankers. This has not been identified in the working plan and therefore its risk to the environment has not been justified. Also, please explain to us why Chlorine is used as we would usually consider UV treatment sufficient in most cases and Chlorine can be harmful to the environment.

Action: Please draft up a working plan which includes this information and any risk assessments conducted to show how they are being managed and implemented.

As mentioned in previous CAR forms Report ID: 30392/0226802 there is a vehicle wash down area on site that is not included in the permit or working plan. There have also been recommendations in relation to waste storage procedures that still need to be implemented.

Action: As above, please update the working plan to show this, any risk assessments that have been made and update site drawings accordingly.

We understand that there may be a permit variation for this site in the future in which case a detailed EMS will need to be submitted with the application. However, in the meantime you will need to update the current on site procedures that are missing from the working plan to send to us for comments. Please send an updated version of the plan no later than the 29th October 2015.

Update on waste returns

As discussed on site there is a new spreadsheet that has been created by NRW for submitting waste returns. There are a few changes to the form which we have already discussed such as including the permit reference number NOT the EAWML number. The correct R and D codes need to be used. **If the form is not completed properly, it will be sent back to you to complete.** Please see the spreadsheet attached and complete this going forwards. If you require any help with the form please contact the customer contact centre on 03000 65 3000.

Comments on Q4 waste returns

We have checked your waste returns for the quarter ending 31st December 2014. We can see that there was 2,532.69T of waste input onto site but only 742.34 T removed from site. This means the total volume on site at that time was over the maximum permitted storage volume of 1010 T. Please ensure the site is managed appropriately to ensure waste volumes are not exceeded. We are also missing Q1 returns for the period ending 31st March 2015.

Action: Please submit the waste returns for Q1 and Q2 on the attached spreadsheet. You must ensure volume limits are not being exceeded. We are not breaching you on this occasion but we will have to consider this in the future if the problem continues.

Variation comments

You advised us on site that you are looking to vary your permit to allow the final effluent to be discharged to surface water not foul sewer as it presently states in your permit. As discussed, this is something we will need to look into further with our permitting team as there are concerns over where the effluent is discharging to i.e a seasonal watercourse with low/no flows and the fact that there is landfill leachate in the discharge. We will get back to you in due course with further information on this.

We were advised on site that the only waste now accepted other than the leachate from the landfill is waste type 20 03 03. It may be beneficial to vary the permit to show this, which we can discuss at a later date.

Sampling comments

The sampling regime has now re started which we are pleased to see. You advised us that BoD levels may be high and an aeration pump has subsequently been installed in one of the lagoons to try and alleviate this.


Action: Please let us know what the Environmental Health are sampling for and what the results are. This will help with your investigations into the potential variation the permit and will allow you to see how effectively the treatment system currently operates.

If you have any comments or questions to make please let me know.

Many thanks,

Photo



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		30392
		24/07/2015

Section 3- Enforcement Response	Only one of the boxes below should be ticked
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.	X
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.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B3	C3	Please provide us with a plan outlining how the site is going to comply with this condition. Please include a timeframe for when the work is likely to be complete. We understand there will be financial implications involved but please provide this plan/CQA no later than the 29th August 2015.	N/A
C2	C3	Please draft up a working plan which includes this information and any risk assessments conducted to show how they are being managed and implemented.	N/A

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 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 which 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 fulfill 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 (e.g. 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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.