

Compliance Assessment Report

Report ID:
CAR_NRW0033706

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

Site	Llanwern East Waste Management Site	Permit Ref	AB3194CJ		
Operator/Permit holder	Cuddy Demolition And Dismantling Limited				
Regime	Waste Operations				
Date of assessment	11/07/2018	Time in	10:30	Out	11:15
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Michael Launder/ Tata Steel representative	Date issued	01/08/2018		

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Officer Alex BOWDER attended Tata Steelworks, Llanwern East Waste Management Site at 10:30 on Wednesday 11th July 2018 to carry out an inspection of permit **EPR-AB3194CJ** held by Cuddy Demolition and Dismantling Limited. The weather was warm and dry wet at the time of visit. Met with Tata Steel representative Mr Michael Launder and walked around the permitted area.

PERMIT BACKGROUND

The permit is a Tier 2 bespoke which was issued on 05 August 2016, based on the standard rule set SR2010 No12 – for the purposes of treatment of waste to produce soil, soil substitutes and aggregate. This was coupled with a submitted Waste Recovery Plan. Cuddy Group had a contract with Tata Steel Llanwern to restore the former Llanwern East Waste Management landfill site.

The project requires 1m of capping soils to be placed on top of the full 20 Hectare site, leading to a requirement to import 400,000 tonnes of soil to complete the works.

PERMIT STATUS

Cuddy Demolition and Dismantling Limited have failed to pay their Annual Subsistence invoice for 2018, which was issued on the 26th April 2018 at a balance of £6156.60. It is apparent that Cuddy Demolition and Dismantling Limited has gone into administration. NRW will be contacting administrators to see if there is any intention to occupy the permits in due course.

We must pose the question as to who is going to assume responsibility for waste currently deposited on site.

PERMIT TRANSFER

The possibility of transferring the site's permit to Tata Steel was discussed. The business could potentially transport the material to another site to crush and re-use for capping/foundation purposes.

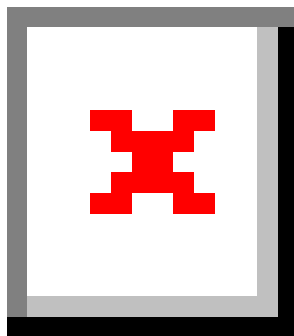
It was mentioned that this activity would require some sort of T7 exemption or a mobile plant permit depending on the volumes involved. Mr Leighton John Hughes was the recorded as the Technically Competent Manager for the site, however this title has recently disbanded due to company status.

JAPANESE KNOTWEED CONTAMINATION

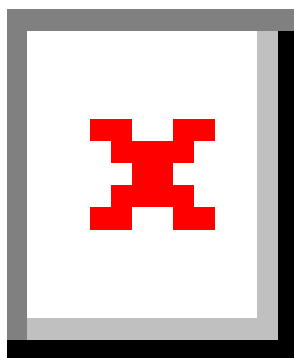
In 2017 Tata Steel discovered that there was contamination of the top soil material that was being brought

onto the site by Cuddy. The material contained pockets of Japanese knotweed which was intended for the Tata Steel's post-landfill closure capping and restoration programme. This raised concerns for the quality of the waste being brought onto site and prompted checks to see if the waste was fit for purpose. Officer Bowder was shown a map which highlighted the various waste piles on the land and the contaminated areas.

Some of the material was large size containing lumps of concrete and so Tata Steel stopped Cuddy bringing anymore material onto the site by suspending their contract until the issue could be resolved.



Picture 1 – showing large material that was being brought onto the site.



Picture 2 – showing Japanese knotweed growing out of the larger capping material

As a result, there has been no material brought onto site under the permit since early 2017 and so it has been non-operational. There were around 100 tyres present in a pile that were said to be used for the purposes of holding down capping sheets.

We spoke about whether the business would be able to cap over the material deposited on site. It was stated that this would require assessment to view whether it meets waste specifications or whether it would be viewed as a product.

WASTE RETURN DOCUMENTS

There has been a lack submission for the Waste Return spreadsheet documents from the business. These must be completed and submitted to NRW every Quarter, even if it is a nil return for that period.

If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

EPR Compliance Assessment Report

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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.

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			

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.