

Compliance Assessment Report CAR_NRW0040406

Permit being assessed: HB3390HX.

For: Cwmtwrch HWRC, held by Sundorne Products (Llanidloes) Ltd
At: Cwmtwrch HWRC, Bethel Road, Ystalyfera, Swansea, Powys, SA9 2HW.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 15/09/2022 between 12:25 and 13:53.

Parts of permit assessed: Management; Operation; Maintenance; Infrastructure

NRW Lead Officer: Gillian Coates, accompanied by Liz Park.

Report sent to: Mark Phillips, TCM on 29/09/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C4 No impact	1.1.3
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.3.1 Table 2.3
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	C3 Minor	2.2 .1
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	3.1.3
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
5	16.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Provide full copy of your permit onsite for staff information and reference	07/10/2022
B4	Provide secure lockable storage containers for hazardous wastes onsite. Arrange for regular gas cylinder disposal / recycling.	21/10/2022
B3	Arrange for aco style drainage channel located in waste	07/10/2022

Criteria	Action needed	Complete by
	transfer area of site to be unblocked and allow for drainage to sealed drainage system	
C2	Review and implement management system to comply with 1.1.1 and 1.1.2 of your permit	31/10/2022
C3	Remove and dispose of tyres stored on site. Introduce measures to prevent tyres being brought onto site or apply for variation / new permit to have them added as an additional waste type accepted on site	31/10/2022
C4	Provide containers for cooking oil and engine oil recycling that have secondary containment, are correctly labelled and comply with oil storage regulations. Ensure spills are cleaned up promptly in accordance with your procedures	14/10/2022
D2	Submit Version 4 of FPMP as requested in Liz Park's email of 17/02/2022	31/10/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Gillian Coates (Hazardous Waste Officer) and Liz Park (Senior Waste Regulation Officer) visited the Lower Cwmtwrch Ystradgynlais HWRC site unannounced to inspect the waste activities taking place under Environmental Permit HB3390HX which is a Standard Rules 2008 No.13 permit for a non-hazardous and hazardous household waste amenity site. The weather conditions were dry and bright with good visibility. The HWRC site was in operation during the inspection. Officers were initially accompanied on site by a site operative and later by a site supervisor. Thank you for your assistance with this inspection.

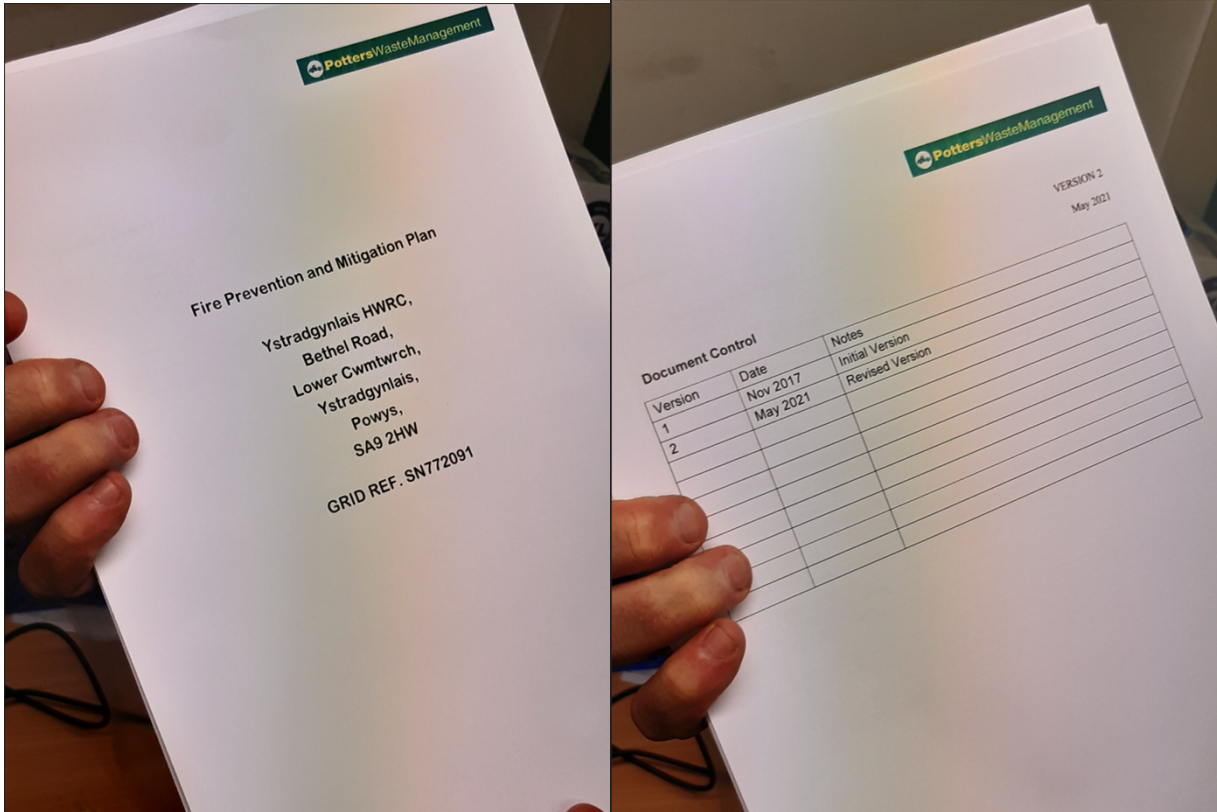
SITE DIARY

This was checked and showed visits on 08/09/2022, 09/09/2022 and 12/09/2022 from Mark Phillips the TCM for the HWRC site.

STAFF COMPETENCE

A current WAMITAB certificate of Continuing Competence for the transfer of Hazardous Waste for the TCM Mark Phillips was displayed in the site office which expires on 19/11/2023. A variety of other competency certificates for site staff also displayed.

FIRE PREVENTION AND MITIGATION PLAN (FPMP)



Version 2 dated May 2021 was available in the site office. Version 4 of FPMP was requested by Liz Park in the email sent on 17/02/2022.

SPILL KIT

This was located in the site office

PAPER RECYCLING BANK

Replacement paper bank delivered during visit. Site entrance closed whilst vehicle movements took place and vehicle reversing alarm deployed during manoeuvres.

The following non compliances were identified:

A1 SPECIFIED BY PERMIT - PERMIT CONDITION 1.1.3 - CCS CATEGORY 4 SITE PERMIT

The three page cover of the site permit was pinned to the notice board in the site office portakabin but did not include the full Standard Rules 2008No.13 permit. Condition 1.1.3 of your permit requires that:

1.1.3 Any person having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.

SCORE: A **Category 4** breach has been scored for non compliance with 1.1.3 because a full copy of your permit was not available.

ACTION: Ensure that a full copy of the site permit is kept on site and is available to all staff by 07/10/2022

C3 MATERIALS ACCEPTANCE - PERMIT CONDITION 2.2.1 - CCS CATEGORY 3 TYRES



Officers observed a pile of worn tyres just inside the security fence which were sat on the soil surface. Officers were informed that the tyres were waiting to be put inside a container in the haulage side of the site.

Condition 2.2.1 of your permit does not allow for vehicle tyres to be collected at your site.

SCORE: A **Category 3** breach has been scored for non compliance with 2.2.1 because tyres had been accepted on site

ACTION: Remove and dispose of tyres collected on site. Introduce measures that ensure that tyres are not accepted on site. Should you wish to accept tyres you must make an application for a new permit / variation to your current permit to include tyres as an additional waste type by 31/10/2022

B4 CONTAINMENT OF STORED MATERIALS - PERMIT CONDITION 2.3.1 TABLE 2.3.3

**- CCS CATEGORY 3
GAS CYLINDER CAGE**



Cage full and gas cylinders being stored outside of secure cage. Officers informed that it was difficult to find a company willing to take certain types of gas cylinder from the site and this had caused a backlog.

BATTERY RECYCLING CONTAINERS



Both household battery containers were damaged at front allowing batteries to spill out onto site floor. Damage such that it would not contain any spillages from damaged batteries. Officers informed that the damaged had been caused by forklift when positioning the containers on site.

VEHICLE BATTERY RECYCLING CONTAINER



Vehicle battery recycling container was checked inside and liquid observed on bottom of

container. pH paper dropped into this liquid changed colour to bright red indicating that the liquid was acidic and had come from battery leakage.
CHEMSAFE



Padlock on floor and chemsafe was not secure at time of visit. Container of antifreeze and other unknown liquids on floor outside chemsafe. Spill of green liquid observed on floor in front of chemsafe. External condition of chemsafe very rusty. Officers requested that chemsafe was opened and the door hatch dropped off when opened due to hinge being rusted through. Chemsafe very full of containers inside and cobwebs in situ.
Condition 2.3.1 Table 2.3 of your permit concerns hazardous waste kept on your site:

Table 2.3 Operating techniques	
1.	Waste shall be stored and treated on an impermeable surface with sealed drainage system.
2.	Cement bonded asbestos waste shall be double bagged and kept within clearly identified, segregated, secure, lockable containers.
3.	Hazardous wastes for disposal must be kept within clearly identified, segregated, secure lockable containers.

SCORE: A **Category 3** breach has been scored for non compliance with 2.3.1 because household batteries had spilled out of the their container, hazardous wastes are not kept in a locked container and the chemsafe is in a poor unsecure condition.

ACTION: Provide secure and lockable storage containers for batteries and hazardous wastes and chemicals on site to comply with your permit by 21/10/2022. Arrange for regular gas cylinder disposal / recycling. Clean up all spillages promptly in accordance with site spillage procedures.

C4 STORAGE, HANDLING, LABELLING AND SEGREGATION - PERMIT CONDITION
3.1.3 - CCS CATEGORY 3
COOKING OIL RECYCLING



Variety of containers in situ to collect cooking oil which was dispensed into them using a funnel. Some containers had Hypochlorite labels on them. Area very untidy with oily residues and spills due to insufficient containment.

ENGINE OIL RECYCLING



Spillages and residue on top of oil bank and floor around base of bank. Oil bank sides bowed out evident that internal bund had breached. Officers expressed concern on site that the poor condition of oil bank risked a major leak and needed urgent replacement. Condition 3.1.3 of your permit requires that:

- 3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

SCORE: A **Category 3** breach has been scored for non compliance with 3.1.3 of your permit because of the lack of secondary containment for the cooking oil, for the cooking oil being stored in wrongly labelled containers, for the spilled oil and residues surrounding both cooking and engine oil containers and for the insecure containment of engine oil in the container with the breached bund.

ACTION: Provide containers for both cooking and engine oil that are correctly labelled, have secondary containment and meet the Oil Storage Regulations by 14/10/2022. Ensure oil spills are cleaned up promptly in accordance with your procedures.

B3 SITE DRAINAGE ENGINEERING (CLEAN AND FOUL) - PERMIT CONDITION 2.3.1
TABLE 2.3 - Action only
TRANSFER SITE DRAINAGE



The 'Aco' style drain in the vehicle transfer area was completely blocked with silt and would not capture surface water to drain to a sealed drainage system in wet conditions. Condition Table 2.3 of your permit requires that:

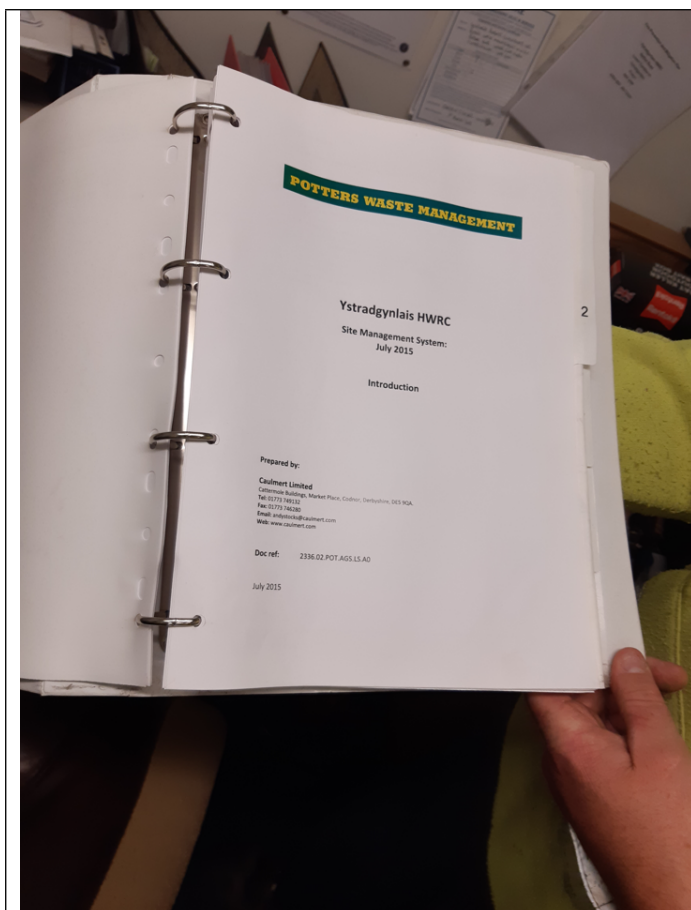
Table 2.3 Operating techniques

1. Waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Cement bonded asbestos waste shall be double bagged and kept within clearly identified

SCORE: This non-compliance is a **Category 3** because the drainage was blocked but hasn't been scored because permit condition 2.3.1 has already been used.

ACTION: Arrange for the drain to be unblocked and restore drainage capability to comply with your permit by 07/10/2022.

**C2 MANAGEMENT SYSTEMS - PERMIT CONDITION 1.1.1 - CCS CATEGORY 3
SITE MANAGEMENT SYSTEM**



Site management system dated July 2015 was available in the site office.

CHECK SHEETS

The HWRC Daily Checklist and HWRC Compactor Inspection Sheet were completed up to date including the day of the inspection. The site operative informed that the checks were normally done by a site operatives.

HWRC Daily Check List
 Site ID: Ystrad
 Month/Year: Sept 22

Tick = OK
 Cross = Requires attention – Detail actions in site diary

Day	Site ID & Perimeter	Surfaces, guards walkways	Asbestos container	Chemical safe	Oil Tank	Litter	Mud/Dust	Odour	Leaks	INITIAL
1	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
2	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
3	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
4	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
5	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
6										
7	CLOSED									RA
8	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
9	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
10	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
11	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
12	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
13										
14	CLOSED									RA
15	✓	✓	N/A	✓	✓	✓	✓	✓	✓	RA
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										

HWRC Compactor Inspection Sheet
 Site: Ystrad
 Month/Year: Sept 22

Tick and Initial as necessary

Day	Operational Checks (Daily)	Cleanliness (Daily)	Cracks or Fractures (Daily)	Oil Level (Weekly)	Grease rigging screws (Weekly)	Oil Hinges (Weekly)	Check Breather Cap (Weekly)	Initials
1st	✓	✓	✓	✓	✓	✓	✓	RA
2nd	✓	✓	✓	✓	✓	✓	✓	RA
3rd	✓	✓	✓	✓	✓	✓	✓	RA
4th	✓	✓	✓	✓	✓	✓	✓	RA
5th	✓	✓	✓	✓	✓	✓	✓	RA
6th								
7th	CLOSED							RA
8th	✓	✓	✓	✓	✓	✓	✓	RA
9th	✓	✓	✓	✓	✓	✓	✓	RA
10th	✓	✓	✓	✓	✓	✓	✓	RA
11th	✓	✓	✓	✓	✓	✓	✓	RA
12th	✓	✓	✓	✓	✓	✓	✓	RA
13th								
14th	CLOSED							RA
15th	✓	✓	✓	✓	✓	✓	✓	RA
16th								
17th								
18th								
19th								
20th								
21st								
22nd								
23rd								
24th								
25th								
26th								
27th								
28th								
29th								
30th								
31st								

*please refer to Manual page 18 for Maintenance guide if required

Your permit requires that:

1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.

The photos above show that the site checklist had been completed for that day before our inspection however the issues identified by NRW officers such as the spills, the chemsafe, the oil containers and the battery containers were not recorded as issues on the checklist.

SCORE: A **Category 3** root cause breach has been scored for non compliance with condition 1.1.1 of your permit because the non-compliances identified during this inspection indicate that the management system is inadequate for the site to be compliant with your permit and / or it is not being implemented.

ACTION: Arrange for the management system to be reviewed and implemented in order to comply with conditions 1.1.1 and 1.1.2 or your permit by 31/10/2022.

Progress made with Actions required prior to issue of this CAR

Following the inspection the TCM has emailed Officers with the following details:

- ***Chemsafe repaired and secured with padlock evidenced with photo showing repaired and secured bank in situ***
- ***Aco style drain unblocked photo sent of unblocked drain***
- ***Engine oil bank replaced and photo sent of new bank in situ, damaged bank being emptied and decommissioned***
- ***Standard Rules permit on site***
- ***Secondary containment for cooking oil banks in situ pending arrival of new bank from a cooking oil recycling contractor***
- ***Acid spill in car battery bank cleaned up***
- ***Management system review and training in progress***

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

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.