Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0040710

Permit being assessed: LP3395FJ. For: The Graig Yffaldau Waste Transfer, held by Powys Environmental Ltd At: The Graig Yffauldau Waste Transfer Station, Llandegley, Llandrindod Wells, Powys, LD1 5UD. **Type of assessment carried out:** Site Inspection, Reason: Routine. On 14/11/2022 between 13:20 and 14:20. Parts of permit assessed: Permit Activities, Storage of Wastes, Infrastructure **NRW Lead Officer:** Liz Park. **Report sent to**: Tim Richards, Operator on 28/11/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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	Store Asbestos skip on an impermeable surface with sealed drainage	05/01/2023
C2	Review and update EMS, AMP and FPMP as required	05/01/2023

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

Liz Park (Senior Officer - Waste Regulation) arrived on site to undertake an announced site visit. The purpose of the site visit was to access compliance with previous non-compliances, improvements to management system documents including the Environment Management System (EMS), Accident Management Plan (AMP) and Fire Prevention and Mitigation Plan (FPMP), and continued compliance with the permit conditions. At the time of the inspection the weather was mild and dry though it had been raining heavily prior to the visit.

The following non-compliances were identified:

A1 - Permitted activities - Permit condition 2.1.1 - CCS Cat 3
You have been given this Cat 3 breach under the above condition as the Asbestos skip was stored on unmade ground. Please see below for further details.
Action - Store asbestos skip on impermeable surface with sealed drainage by **5 January 2023**

C2 - Management Systems and Operating Techniques - Permit Condition 1.1.1 - CCS Cat 3
You have been given this Cat 3 breach under the above condition following a review of the EMS. It is acknowledged that the EMS and AMP along with the FPMP that have been improved though there are still areas that require further information. Please see below for details.
Action - Update EMS, FPMP and AMP by **5 January 2023**

Liz met with Tim Richards. Tim provided Liz with updated copies of the EMS, AMP and FPMP. Liz and Tim then walked over the site.

A small amount of gypsum/ plasterboard was stored in the third bay separated from other wastes. The main reception bay had space for the acceptance of waste. Prior to Liz arriving on site, site staff had emptied a skip into the bay before taking a break. Liz, Tim and the other staff all arrived at the bay at the same time. Liz noticed that there was an unknown black liquid coming out from the recently deposited waste. A staff member went and got the sawdust shavings kept for spills to place over the black liquid. Liz and Richard then left the staff to remove the source of the black liquid from the rest of the waste and returned later. Upon returning to the bay, it was found that the liquid was coming from a crushed IBC. Tim immediately got in contact with the company that the waste had come from to ask what it was. Whilst it had the appearance of oil, and the IBC had a label saying waste oil, it did not smell like oil. The company thought it was molasses or balsamic vinegar (though it is unknown as to why they would produce this waste). To prevent any further loss of liquid, the IBC was kept in the bay and Tim was going to ask the company to remove the unpermitted waste. The situation was dealt with in accordance with the EMS.

Action - As discussed, please provide the relevant documentation to show that the waste was removed.

There was some mixed waste wood in the bay next to the biomass boiler.

At the time of the inspection, the biomass boiler was not in operation.

The paper and cardboard skip and skip for mattresses were stored on the outside impermeable pavement that benefits from sealed drainage. There was a small amount of silage wrap.

The outside impermeable surface clear of waste except for farm plastic and skips

The picking line and trommel had been in operation. There was a large deposit of inert waste at the outfall. None has recently been removed from site. Tim is considering treating the waste to achieve non-waste status.

The sealed asbestos skip was stored on the lower yard on unmade ground. All hazardous and non-hazardous waste must be kept on an impermeable surface with sealed drainage. . As waste cannot be stored up against the building (where the asbestos skip has been previously) an alternative suitable location will need to be found. Please also ensure that the skip is secure and clearly labelled as asbestos.

The orphaned gas cylinders were stored on the lower yard.

Overall, it was pleasing to see the continued improvement in the site operations and management.

FPMP dated 28/10/2022 v11

A brief review has been undertaken. Please note, throughout the document there are references to version 10.

Notifications
In the event of a fire at the site you must inform NRW on the incident hotline 0300 065

3000. This number is written in the Useful contacts sections but not as an action is response to the detection of a fire.

Action - Add contacting NRW as an action in the FPMP.

Managing water run-off, during and after an incident

Consideration needs to be given to managing firewater on the former household waste area of the site. Any fire water on this area of the site would drain straight to the watercourse. The FPMP need to mention this and include what actions would be taken to prevent the discharge of firewater. It is stated in the EMS that bungs are available.

Action - Update FPMP to include details on managing firewater in the former household waste area.

Biomass boiler

The FPMP states that all waste is a least six meters away from the biomass boiler. This is not the case on site. You may wish to consider the use of fire walls. Please see page 12 in the FPMP Guidance for details on Waste stored within a building.

Action - Review and amend accordingly

Environment Management System - Dated 28 October 2022

This has been re- reviewed following the comments on NRW0039569 dated 16 March 2022. Additional comments are in italics.

General comments

Document Control – Please add a document control section so if can be clearly seen which version of the EMS is in use and what has been updated. If you are unsure what to include, please contact me - *The EMS has a date reviewed but not a document control section. Please see the front of 'How to comply with your environmental permit (HTC)' for an example.*
Action: Include a document control section

Movement of waste around site – There should be more detailed information regarding the movement of waste around the site, particularly between the two buildings, to ensure that the site is compliant with the permit conditions. *The level of detail in the EMS is not adequate. There is no mention of the second building.*

Action: Include in the EMS more detailed procedures for waste acceptance, quantities, treatment and storage

Waste hierarchy – There must be procedures in place to enable you to comply with the waste hierarchy of re-use, recover, recycle and dispose. *See pages 22 & 40 in HTC*.

Action: Include in EMS

Weather - you must have a contingency plan in your EMS for severe weather. *There is a plan in EMS/4 - Severe weather contingency plan.*

Incidents, complaints and non-conformance - you must have a complaints procedure. And have a written record as to how incidents and non-conformances are managed. *There is no detail on Incidents/ complaints and non-conformance.*
Action: Include in EMS

The Drainage Plan provides refers to a petrol interceptor not an oil interceptor. Liz is aware that Tim knows the difference.
Action: Please provide an amended plan.

Contents

EMS 1/1.3 is listed as Hours of Operation but within the document is EMS 1/1.4. And EMS 1/1.4 is missing from the contents. *This has been amended*.

EMS 1/1.2 Permitted Wastes

This section contains Table 2.1 Permitted activities and Table 2.2 which includes the HWRC. *The EMS has been amended to state that this is not currently operational.*

EMS 1/1.3 Storage locations and storage limits

The site plan has been amended. Please record the date of review and version on the site plan.

EMS 2.1/ Engineered site containment and drainage system

Following the site visit and reading the updated EMS, it is confirmed that the surface water from the concreted area to the east of the site drains to surface water via an oil interceptor.

At present there is oil which is now mainly generated as part of the business and a small number of fridges/ freezers stored in this location. As per the permit condition 2.1.1, all hazardous and non-hazardous waste must be kept and treated on impermeable surface with a sealed drainage system. If you wish to use this are for the storage of wate you would need to vary the permit to include an authorised discharge from this area.

The monitoring of the leachate tanks is still weekly, but details of the overflow tank have been included. This still need checking more frequently than once a week particularly after heavy rain. Any checks should be recorded in the site diary.

EMS/2.3 Site security

This section has been amended to remove the reference to night patrols and floodlights.

EMS/3.1 Control of mud, debris and dust

The title for this section has been amended to include dust, but there is not specific mention of dust in the text.

Action: Add controls for Dust to the EMS

EMS/ 3.2 Potentially polluting leaks and spills

The AMP has been submitted for review.

EMS/ 3.3 Fire on site

The reader is signposted to the FPMP.

EMS/ 3.4 Waste acceptance, control and rejections procedures

This section still refers to the Environment Agency and special waste. Please amend.

EMS/ 3.6 Company structure and training

This section has been updated

EMS/ 3.7 Infrastructure and machinery and vehicle maintenance

As previously mentioned, the site drainage needs to be inspected more than weekly

EMS/ 5.2 Control of pests, vermin and scavenging birds

Flies have been included

EMS/7.1 Environmental Risk Assessment – Risk of airborne dust, fibres, powders or particulates

This section has been amended.

EMS/7.2 Environmental Risk Assessment -Risk of windblown litter

This section has been amended

EMS/7.3 Environmental Risk Assessment – Risk of generation of polluted surface water run-off

This section has been amended

EMS/7.4 Environmental Risk Assessment – Risk of deliberate or accidental combustion

It is strongly suggested that you consider the potential for lithium-ion batteries to be present. The following link contains further information.

INFO-08.pdf (wishforum.org.uk)

Risk Assessments

No further risk assessments have been produced.

Action: Review risks assessments to ensure all risks have been identified and assessed, and procedures put in place as required.

Accident Management Plan dated 12 April 2022

Page 23 in 'How to comply with your environmental permit' contains information on AMPs. The majority of the required information is within the AMP. The site plan does include the location of drain bunds but not the location of the spill kit which is known to be available and equipment for fires. This needs to be included.

The AMP/ EMS must detail how you will record and investigate complaints, pollution incidents or breaches of your permit and the actions taken. Please see previous action under EMS.

TCM - Continue competence
Tim Richard's continuing competency ends on 2/12/2022. A test has been booked.

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.