

Compliance Assessment Report CAR_NRW0042093

Permit being assessed: XP3199VX.

For: Pen-y-bont Highways Depot, held by Powys County Council

At: Pen-y-bont, Llandrindod Wells, LD1 5UA.

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

On 22/06/2023 between 15:40 and 16:10.

Parts of permit assessed: Permitted activities/ Infrastructure

NRW Lead Officer: Liz Park, accompanied by Christopher Gilbey.

Report sent to: Carl Stephens/ Stephen Smith, TCM/ Area Manager on 06/07/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C1 - General Management - Staff competency/training	C3 Minor	1.1.4

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
C2	Review, update and follow management system to identify and minimise risk of pollution	27/07/2023
C1	The named TCM must be booked onto a continuing competency test and NRW provided with a copy of the booking email. Until such time as this is passed, an alternative appropriately qualified named TCM must provide cover.	13/07/2023

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) and Christopher Gilby (Tackling Waste Crime Officer) arrived to undertake an unannounced compliance visit. At the time of the visit the weather was very warm and dry.

Liz and Chris met with Stephen Smith (Area Manager) and the depot supervisor. The TCM, Carl Stephens, was not on site at the time of the visit.

The following non-compliance was identified:

C2 - Management System and operating procedures - CCS C3 - Permit Condition 1.1.1

The site is not being managed in accordance with a management system that identifies and minimises the risk of pollution. The drain for the dewatering bay was blocked and had not been cleared after heavy rain resulting in a risk of pollution.

Action - Review and update management system documents and have procedures in place to ensure that they are followed at all times to prevent the risk of pollution - by 27/07/2023

Action - Submit a copy of any updated/ new management system documents to Liz Park for review - by 27/07/2023

C1 - Staff competency and training - CCS C3 - Permit Condition 1.1.4

A review of the named TCMs qualification's has shown that the continuing competence test has not been taken which was due by 23/09/2022. Until such time this has been taken and passed, an alternative TCM is required.

Action - Provide Liz Park with the name of the covering TCM - by 13/07/2023

Action - Provide Liz Park with a copy of the email showing confirmation of booking for the appropriate continuing competence test

Liz and Chris inspected the de-watering bay. The drain for the dewatering bay was completely hidden and blocked with street cleaning residues. Street cleaning residues had been washed out of the bay, over the raised concrete lip and into the yard. The street cleaning residues were then collecting around a second drain. Had this also blocked there is potential for contaminated water to escape the sealed drainage system. It is known that there was a heavy downpour of rain on Sunday 18 June which could have caused the

blockage and washing out of street sweepings. However, this should have been rectified on Monday 19 June. Furthermore, Liz and Chris were informed by Stephen that a weekly assessment is carried out on a Wednesday, yet no action had not been taken to rectify the situation.

A similar issue occurred at the last site inspection on 09/01/2020.

Liz Park asked to see the inspection sheet but Stephen was unable to locate the file with the management system for the site.



Dewatering bay with drain completely covered with street cleaning residues



Second drain partially covered with street cleaning residues

Management System

NRW has been provided with an updated site plan (05 Penybont site layout and drainage plan), Risk assessment (05 EMS RA Penybont depot 120321) and Pollution Prevention Plan (05-EP01-PPP-Penybont 130121).

NRW have been provided with the overarching document for the Management System MS01 (for ISO 9001:2015; ISO 14001:2015 and OHSAS 18001:2007). As well as EP01 - EP06 for all Powys Country Council waste environmental permits. However, this is out of date as it list waste sites no longer covered by ISO 14001.

As above, please provide copies any updated management system documents relating to Pen-y-bont Depot including a copy of the inspection sheet for the site checks. The management system should include checks after adverse weather conditions and details on how the waste is dewatered, and how the length of time the waste is stored is managed

Technical Competent Manager

Carl Stephen, the named TCM, was issued with the Primary Award certificate on 23/09/2020. To remain competent he is required to undertake a continuing competence test every two years.

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.