

Compliance Assessment Report CAR_NRW0042100

Permit being assessed: LP3395FJ.

For: The Graig Yffaldau Waste Transfer, held by Powys Environmental Ltd

At: The Graig Yffaldau Waste Transfer Station, Llandegley, Llandrindod Wells, Powys, LD1 5UD.

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

On 22/06/2023 between 14:40 and 15:25.

Parts of permit assessed: Permitted activities, Infrastructure

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

Report sent to: Tim Richards, Operator on 17/07/2023.

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	1.1.1a
C1 - General Management - Staff competency/training	C3 Minor	1.1.1b
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.8.1

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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	Remove all non-hazardous waste from outside the building to either inside the building or to within a secure container kept on an impermeable surface	07/08/2023
C2	Review and update EMS to include what action to take in the event of a plant and equipment failure. Review waste acceptance procedure and update as necessary.	18/08/2023
C1	Ensure that all staff are competent in respect of the responsibilities to be undertaken by them	07/08/2023
D2	Remove waste that is currently stored up against the building	07/08/2023

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 Chris Gilbey (Tacking Waste Crime Officer) arrived at Graig Yffaldau Waste Transfer Station to undertake an unannounced visit. At the time of the visit the weather was very warm and dry.

Liz spoke to Tim Richards (Operator and TCM) on the telephone from the site office before going onto site. He informed Liz that the picking line/ trommel had broken down and that was why there was so much waste on the outside pad, that it should be fixed this week and the waste cleared the following week.

Liz and Chris then undertook a site walkover accompanied by the site supervisor.

The following non-compliance was identified:

A1 - Permitted activities - Permit condition 2.1.1 - CCS Cat 3

Mixed non-hazardous waste consisting of inert waste and soil & stone waste contaminated with other wastes such as glass and plastic was stored on the outside concrete pad awaiting treatment.



Photo of mixed waste stored loose on impermeable surface outside a building

Mattresses are stored in skips on hardstanding.

Paper and cardboard skips are stored on hardstanding.

An open skip containing tyres was stored on the outside pad.

Plastic wrap was stored on the concrete pad and on hardstanding.

An open skip containing metal waste was stored on the outside pad.

An open skip containing metal waste was stored on hardstanding.

Several unsealed skips awaiting processing were stored on the former CA site on a concrete pad which does not have sealed drainage.

Permit condition 2.1.1, Schedule 2, table 2.1. Licensed activities - Household, Commercial and Industrial Waste Transfer Station states that all non-hazardous waste must be kept in a building or within a secure container, and kept on an impermeable surface with sealed drainage.

Action - Move all non-hazardous waste to within a building or place within a secure container on an impermeable surface with sealed drainage by 07/08/2023

C2 - Management System and operating procedures - Permit condition 1.1.1a - CCS Cat 3

A review of the management system has found that there is no Contingency Plan procedure in place in the event of plant and equipment failure

A review of the management system has found that the waste acceptance procedure has not been followed in that full skips accepted at the site are not being taken directly into the

sorting shed but are being stored outside on an impermeable surface without sealed drainage.

Furthermore, the management system does not account for waste arriving at site that is going to be mechanically sorted using the picking line/ trommel.

Please note that **inert wastes only** can be accepted and directly taken to and kept on hardstanding or on an impermeable surface with sealed drainage.

Action - Review and update management system with details on what to do in the event of a plant and equipment failure and review waste acceptance procedure and update as necessary by 18/08/2023.

Action - Consider options for managing the waste on site to ensure that you can comply with the permit conditions at all times including during plant and equipment breakdowns

C1 - Staff competency/ training - Permit condition 1.1.b - CCS Cat 3

At the time of the compliance visit the TCM and site supervisor were not on site, and an operative who oversees the unloading/ sorting of waste was managing the site. This operative was unaware of the environmental permit and the permit conditions or management system. In undertaking this role the operatives needs to be aware of the permit requirements and the management system and receive appropriate training. This must be recorded in staff training records. It is understood that they were aware that the site has a Fire Prevention and Mitigation Plan.

Action - Ensure that all staff are competent in respect of the responsibilities to be undertaken by them and record this in training records which are available for inspection by 07/08/2023

D2 - Accidents, Emergency and Incidents planning - Permit condition 3.8.1 - CCS Cat 3

A small amount of mixed waste is stored up against the building on the biomass boiler side: a small amount of wood waste is also being stored up against the building on the former CA site. Please refer to the Guidance No. 16 Fire prevention for details on separation distances between buildings and waste.

Action - Remove all waste stored up against the building by 07/08/2023

Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.

Waste Oil tank

It was noticed at the time of the visit that the waste oil tank was bulging in places. Please

check the integrity of the tank. If the inner skin has failed, and oil is being contained by the outer skin, then the oil tank needs replacing with immediate effect. Please inform Liz Park when this check has been undertaken and the outcome.

Action - Check integrity of waste oil tank - With immediate effect

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.