

Compliance Assessment Report CAR_NRW0041560

Permit being assessed: BP3396SL.

For: Williams Plant Hire Ltd, held by Williams Plant Hire Ltd

At: Aberbechan Wharf, Newtown, Powys, SY16 3AW.

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

On 15/03/2023 between 11:05 and 12:00.

Parts of permit assessed: Permitted activities, infrastructure

NRW Lead Officer: Liz Park.

Report sent to: Keith Williams, Operator on 17/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.5.1
A1 - Specified by permit	C3 Minor	2.1.1
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
3	12

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
D2	Install tank for fire water and alarm system, and undertake amendments to FPMP as detailed.	23/06/2023
A1	Move all skips containing waste onto an impermeable surface with sealed drainage within a building.	17/05/2023
C1	Re-sit continuing competency test. This has been achieved.	Already completed

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This CAR has been amended after it was originally issued on 27/04/2023

A Warning letter has been issued for the non-compliances identified. Please see CAR-NRW0042299 for details.

Some minor errors have also been corrected.

Liz Park arrived at Williams Plant Hire Ltd to undertake an announced compliance visit of the permit. At the time of the visit the weather was wet and drizzly. Liz met with Keith Williams (Operator and TCM). Liz and Keith walked around the site.

Skips of waste on site

There were a number of skips of waste containing waste either mixed wastes accepted under the permit, or containing waste following the sorting on waste such as aluminium and plastic which were being stored without the benefit of a impermeable surface with sealed drainage and not inside a building.

Green waste was also stored outside the building on unmade ground.



Inside of skip containing mixed waste stored outside of building

The permitted area sits within a yard that is also used for a plant hire business. Keith has recently been undertaking work to clear unwanted equipment etc from this side of the business so some of the full skips on site contain waste produced on site. This waste can be stored under the Non Waste Framework Directive Exemption 2 temporary storage at place of production. It should be made clear which skips contain your own waste produced on site.

Storage of waste in the building - Drainage

The drainage tank for the building had recently been inspected. Please ensure access to the tank inspection chamber is kept clear.

The drainage channel in the middle of the the main building where waste is sorted was blocked. Whilst the area benefits from a raised kerb preventing the escape of liquid effluent, the drainage channel needs to be cleared to ensure any liquid effluent drains to the tank.

Provision of storage tank for the containment of fire water

The current Fire Prevention and Mitigation Plan (FPMP), Williams Plant Hire 2020 v4 FPMP, states under Section 17 Improvement Program that an underground water storage tank connected to sealed drainage system would be installed in 3 months. The Permit variation which inserted the #Fire' conditions was issued on 15/09/2020. No tank has been installed.

Section 17 also states that a Fire detection and alarm system to UKAS specification would be installed in 3 months. The system has not been installed though Keith states that he has contacted a supplier.

Technical Competent Manager - Continuing Competency

Keith Williams failed his continuing competency test on 8 August 2022 and therefore at the time of the visit there was no TCM. Keith informed Liz said he had issues viewing the screen at the testing centre. At the time of the visit he was booked into an alternative test centre on 23 March 2023. This was achieved. Please send a copy of the Continuing Competence Certificate for our records.

The following non-compliances were identified:**D2 - Accidents, emergency and incident planning - Permit Condition 3.5.1 - CCS Cat 3**

The site is continuing to not manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention and mitigation guidance.

Non-hazardous waste in skips continues to be stored on unmade ground, and in the event of a fire, firewater would not be contained.

The site still has not been provided with a tank for the containment of fire water and alarm system as stated within the FPMP.

These were scored as a non-compliance on 20/08/21 (CAR_NRW0038301). A Regulation 36 Enforcement Notice to comply with Permit Conditions will now be issued.

A review of the FPMP was also undertaken. Please see details below.

Action - Install tank for the containment of fire water and fire alarm system as detailed in Williams Plant Hire 2020 v4 FPMP by 23 June 2023.

Action - Review and update FPMP following review by NRW and submit a copy to NRW for assessment by 23 June 2023.

A1 - Permit Activities - Permit Condition 2.1.1, Table S1.1, Section A1 - CCS Cat 3

Permit condition 2.1.1 requires all non-hazardous waste to be stored and treated on an impermeable surface with sealed drainage system and the storage and the storage and treatment of all non-hazardous waste to be carried out inside a building. You have received this non-compliance as waste including skips of mix unsorted waste and green waste are being stored outside the building on unmade ground.

Please note this also includes the storage and shredding of 15 01 03, 17 02 01 19 12 07, 20 01 38 and 20 02 01. The permit does not permit the storage and treatment of these waste outside of a building.

Action - remove all non-hazardous waste currently stored outside the buildings on unmade ground and store in accordance with permit condition 2.2.1 inside a building on impermeable surface with sealed drainage by 17 May 2023.

C1 - Staff competency/ training - Permit Condition 1.1.4 - CCS Cat 3

Continuing competence certificate was out of date at time of visit. This has now been achieved. No further enforcement action will be taken with respect to this non-compliance.

Action - No action required

Fire Prevention and Mitigation Plan Review

Section 5 - Fire Prevention and Mitigation Plan Contents

The FPMP does not detail the amount and type of waste received daily and how it is managed. Please review and amend accordingly.

The FPMP does not detail the location within the site where each type of waste will be stored on the site plan and only mentions 'skips'. There is some detail in the text. Please review and amend accordingly.

The FPMP states the maximum time each type of waste will be stored but there are no details as to how this will be managed. For example, how will the operator know how long the green waste has been stored, and how First in / First out will be managed. There was no evidence of any management on site. Please review and amend accordingly.

The FPMP does not mention applying water to cool unburned material and other hazards, taking care to prevent the water causing or adding to water pollution and/ or increasing air pollution though the removal of unburned material from the fire is along with the provision

of a water bowser. Please review and amend accordingly.

The FPMP does not assess the full scale and nature of the environmental hazards on site, particularly the plant hire business. This must be included. Please review and amend accordingly.

Section 5 - Site Plan

The site plan does not state the location of plant, protective clothing and pollution control equipment and materials. Fire extinguishers are mentioned in the text but their location is not recorded on the plan. Please review and amend accordingly.

As already mentioned, the fire plan does not specify where wastes are stored/ treated. Please review and amend accordingly.

Section 12 - Waste stored within a building

The current site plan for the FPMP does not refer to waste types. This will be re-assessed once a new plan that identifies where all wastes by type are stored. In accordance with the permit all the waste types that the FPMP is required for are MUST be stored in a building with an impermeable surface and sealed drainage system.

Stacks of waste currently stored outside the building

The stack of green waste outside the building must be managed in accordance with the Guidance until it is removed. Please see action above.

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.