

Compliance Assessment Report CAR_NRW0042604

Permit being assessed: DB3930AB.

For: Rhayader Depot, held by Powys County Council

At: Station Road, Rhayader, Powys, LD6 5AW .

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

On 18/09/2023 between 14:13 and 15:03.

Parts of permit assessed: Management, Amenity

NRW Lead Officer: Liz Park.

Report sent to: Nigel Hicks, North Poyws Waste & Recycling Manager/ TCM on 16/10/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3 Minor	1.1.2
C2 - General Management - Management system and operating procedures	Action only (X)	
F1 - Amenity - Odour	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
G2	Odour Monitoring is undertaken as per the Odour Management Plan and records kept	16/10/2023
C2	Ensure that if using a paper management system folder that the documents within are up to date and match the electronic versions.	23/10/2023

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 Holly Dyke (Enforcement Apprentice) arrived at Rhayader Depot to undertake an unannounced site inspection focusing on storage of waste and compliance with the Odour Management Plan, and to make an odour assessment.

At the time of the inspection the weather was warm and dry with a gentle breeze.

Liz and Holly met with James Motherwell (Site supervisor), explained the reason for the visit and walked round the site together.

Odour Assessment

An odour assessment was undertaken by Liz Park prior to going onto site. Initially a mild odour on the breeze was noted. At this time all the doors to the main transfer building were closed. Whilst explaining odour assessments to Holly, two doors on the main transfer building were opened. The odour was noticeably stronger. Again, it came and went with the breeze.

Intensity - 2 Faint odour rising to 3 Moderate odour

Duration - 3 minutes

Constant - No

Main transfer building

Liz had explained to James that a stronger odour was noticed when two of the doors to the transfer building were opened. These doors remained open when Liz and Holly were on site. James explained that the baler at the Brecon Transfer Station had broken down and that there was more waste than normal being stored at Rhayader Transfer Station. An extra door was opened to enable the extra plastic to be pushed aside so that the artic lorry collecting the residual waste could reverse into the building to load the residual waste. At the same time, the Powys County Council collection vehicle for recyclates and food waste arrived to unload which required the opening of another door. Therefore, for an extended period of time more than one door to the transfer station was open. The misting system had been activated. At the time of the visit the misting system had added cherry, though Liz did not smell this on site.

Plastic and metal bay on upper yard

The plastic and metal bay was full and there was no space to accept further plastic and

metal inside the building. Liz Park agreed with James that the site would still be below the tonnage limit (45 tonnes) specified in the Odour Management Plan. Liz was informed by James that two loads were going out everyday over the next few days to clear the backlog.



Plastic and cans just beginning to spill out of building

Green waste bay

A small amount of green waste was on site but what was present had been decomposing and was producing leachate which was being collected by the foul drainage system.

Odour assessments

Liz reviewed the log of odour assessments. There were some days where no odour assessments had been undertaken. Liz was informed that this was due to lack of available staff.

Management System Documents

Liz asked to see the current management system documents and was shown a folder containing all the documents. James said that these are the current one. However the first document viewed was known by Liz to have been superseded, this was removed from the folder. James said he would go through the folder with Nigel Hicks, North Powys Recycling Manager and TCM for the site. At the time of the visit the following documents were in the paper version of the management system:

Pollution Incident Response Plan v11 - 17/01/22 - *correct version*

Site layout and drainage plan - Jan 2020 - *correct version*

EP01 - Environmental Working Plan - v4 revision date July 2020 - *this has been superseded and needs to be removed*

EP02 - Accident Management Plan v1 revision date 2018 - *this has be updated and the current version needs to be used*

Odour Management Plan - v7 - *this has been updated and the current version needs to be*

used

Operating techniques v6 - *this has been updated and v7 needs to be included*

The risk assessment was not included

There were two additional documents which unfortunately were not clear enough to view in the photograph taken by Liz Park

Management system document can be stored electronically or in a paper format, but if they are both they must match so that the correct version can be referred to at all times.

Update regarding storage of plastic/ metal recyclates

Update received from Nigel Hicks, Waste and Recycling Area Manager (North) on 29/09/23 informing Liz Park that the baler issue at the Brecon Transfer Station has been resolved and that the Rhayader Depot has been cleared of plastics/ cans. Photographic evidence to that effect was supplied.

C2 - Management System and operating procedures - Permit Condition 1.1.1 - Action only

Ensure that the paper management system folder, if being used, contains all the same documents that form the management system which are held electronically. It is recommended that an overarching document is produced which lists all the management system documents.

Action - Review the paper version of the management system, update documents as required, and inform NRW when this has been completed - by 23/10/23

G2 - Records of activity, site diary, journal, events - Permit Condition 1.1.2 - CCS Cat 3

Rhayader Waste Transfer Station Odour Management Plan v8, Section - 4 Odour Monitoring, states that at least two odour assessments will be undertaken by site staff per day. However there are gaps in the logs showing that not all assessments have been undertaken. The site must undertake the action as specified in the approved Odour Management Plan to prevent or where that is not practicable to minimise odour emissions. Unless the odour monitoring is undertaken as specified, the Operator cannot access whether permit condition 3.3.1 is being complied with and take action if required.

Action - Ensure that all assessments are undertaken as per the Odour Management Plan - with immediate effect

F1 - Amenity - Permit Condition 3.3.1 - Assessed

The Rhayader Waste Transfer Station - v8 details how and when the doors to the Waste Transfer Building are opened. At the time of the inspection, the residual waste was being collected by the Potters Group, and it is understood that the site has little control over when this waste stream is collected. Unfortunately it coincided with the unloading of the vehicles containing the recyclates, and that more recyclates were on site than normal. There were a number of vehicles waiting to unload whilst Liz & Holly were on site. Therefore more than one door remained open for an extended period of time. It is noted that the Odour Management Plan does not currently make reference to this situation. On this occasion Liz

was not able to make a further off site assessment for odour. Therefore, the opening time of the doors will be monitored by NRW under normal operating circumstances and further odour monitoring undertaken if required to check that appropriate measures are being used.

Action - Please consider how the time and the number of doors that remain open can be further minimised , particularly during busy periods, or when the site is busier than usual due to issues at other sites.

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.