

Compliance Assessment Report

Report ID:
CAR_NRW0032957

This form will report compliance with your permit as determined by an NRW officer

Site	Cwrt Y Plyffin Landfill	Permit Ref	CP3299FR		
Operator/Permit holder	J G Powell				
Regime	Waste Operations				
Date of assessment	23/02/2018	Time in	10:45	Out	11:45
Assessment type	Site Inspection				
Parts of the permit assessed	Post-operational and monitoring				
Lead officer's name	Moggridge, Lara				
Accompanied by	Sims, Alice,Palmer, Richard				
Recipient's name/position	Gethyn Powell/ Site Manager	Date issued	23/03/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	X	
C2 - General Management - Management system and operating procedures	C3	C1(d)
D1 - Incident Management - Site security	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	F2.2; F2.8; F3.2; F4.7; F5.3

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Officers Richard Palmer, Alice Sims and Lara Moggridge attended site to discuss the permit surrender. Officers met with Gethyn Powell, Gail Powell and the site's consultant Steve Simmonds.

C2: Management Systems and operating procedures - C3 and **G1: Monitoring emissions and the environment - C3**

As discussed, the closed landfill permit is currently undergoing a review. We are reviewing the monitoring submitted in order to assess the impact of the landfill on the environment. Until the outcome of this review we cannot advise on a surrender application. NRW must be satisfied that the site will not cause any adverse environmental impact before we can confirm that the site is able to be surrendered.

Following the site visit, we reviewed your permit and consulted our landfill sector leads and can confirm that your permit is still active (until such time that it is fully surrendered). Therefore, you should be continuing to monitor as per your permit conditions. Monitoring of your facility is vital in order to demonstrate the impact of your waste facility on the environment, without this monitoring we will be unable to assess the impact of the site and therefore unable to issue surrender advice as requested.

You have been breached category 3 breaches for failing to submit monitoring to NRW since 2015.

Action: Our archive system only holds monitoring data up until 2009 - please can you forward by email the monitoring you provided during the site visit, which dates until 2015.

Breaches have been given under the monitoring category for the failure to submit the monitoring, but also under operating procedures because the Root Cause of this non-compliance has been assessed as a failure to have adequate procedures in place, within your management systems/working plan, to ensure compliance with monitoring permit conditions. As this is the first time this issue has been raised with you since 2015, at this time we are only issuing Category 3 breaches and giving advice and guidance in order for you to rectify the non-compliance. Please note, that continued failure to submit the required monitoring data may result in an increase to the categorisation of the non-compliances.

Your permit stipulates monitoring requirements and frequencies under permit conditions F2.2, F2.8, F3.2, F4.7 and F5.3.

A1: Specified Activities - Action:

It was discussed on site that you have brought more waste onto the landfill in order to profile and bring the site up to restoration levels. You have previously been advised in CAR forms and letters in 2013 that you are not permitted to carry out this activity without the submission and approval of a restoration plan. You have never submitted or had approved a restoration plan and therefore you must not accept any more waste onto site. In the CAR form dated 19/08/2013 officer Geraint Richards agreed a quality protocol process, which would enable you to use non-waste in order to restore the landfill. You are only able to use non-waste to complete the process as agreed with Geraint Richards.

Action: An action has been given on this CAR form to emphasise the importance of ceasing waste acceptance, with immediate effect.

EPR Compliance Assessment Report

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Operator/Permit holder	J G Powell	Date	23/02/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
A1	X	Cease acceptance of any waste in relation to restoration of the landfill	23/03/2018
G1	C3	Continue to monitor and submit monitoring data to NRW in line with permit requirements	21/09/2018
C2	C3	Ensure procedures are in place to comply with permit conditions relating to monitoring of emissions and the environment	21/09/2018

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.