

Compliance Assessment Report

Report ID:
CAR_NRW0036057

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

Site	The Graig Yffaldau Waste Transfer	Permit Ref	LP3395FJ			
Operator/Permit holder	Powys Environmental Ltd					
Regime	Waste Operations					
Date of assessment	29/10/2019	Time in	11:20	Out	12:30	
Assessment type	Audit					
Parts of the permit assessed	All					
Lead officer's name	Dines, Malcolm					
Accompanied by	Fielding, Carol					
Recipient's name/position	Tim Richards/ Owner	Date issued	18/12/2019			

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	C2	2.1.1
C2 - General Management - Management system and operating procedures	C2	3.8.1

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)	62
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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

Malcolm Dines (NRW Waste Regulation Officer) and Carol Fielding (Team Leader Ceredigion Environment Team) arrived to undertake an announced compliance visit to assess compliance with the 'Regulation 37 Enforcement Notice of Suspension and Requirement to take steps' dated 18/07/2019, the deadline for which was the 28th October 2019.

The following non-compliances were identified:

A1 – Permitted Activities – Permit Condition 2.1.1 – CCS Cat 2

Treatment and storage of waste outside a building and non-hazardous waste stored on permeable ground.

At the time of the inspection there was still a significant amount of waste on-site stored both inside and outside the building. It was clear that a substantial amount of mixed waste and some of the gypsum waste had been removed from the central part of the waste transfer building however, the waste remaining on-site is still poses a significant risk. There is still a continuous waste pile from the eastern end of the waste transfer building, where the gypsum waste is stored, to the wood waste at the far west of the site. No fire breaks have been created, although Mr Richards stated that he was hoping to be able to remove more waste and create a fire brake and therefore access route through the stockpile between the mixed waste and cardboard waste parts of the stockpile.





Outside a pathway of approximately four metres width has been created between the western end of the waste stockpile and the sorting line and it is now possible to pass around the western end of the concrete pad and from there access the lower unmade yard. The access to the lower yard is by earth ramp and although it is wide enough for vehicles to pass along it is unclear whether an FRS tender would have the clearance to be able to negotiate the ramp. Some of the waste at the eastern end of the external stockpile (nearest the transfer building) has been moved, but the concrete pad remains full of non-hazardous waste and non-hazardous waste continues to be stored on permeable ground.



Action: Please see the Regulation 37 Notice for details.

C2 – Management System and operating techniques – Permit Condition 3.8.1 – CCS Cat 2

The waste activities on the site are not being managed and operated in accordance with a written fire prevention and mitigation plan using the current, relevant fire prevention guidance which identifies and minimises the risk of fire. Therefore, at present there is a significant risk to the environment caused by fire.

Action: Please see the Regulation 37 Notice for details.

As the deadline for the Regulation 37 Notice has passed, these scores are NOT SUSPENDED.

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EPR Compliance Assessment Report

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Operator/Permit holder	Powys Environmental Ltd	Date	29/10/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
C2	C2	Please refer to the Regulation 37 Notice dated 26/11/2019	17/12/2019
A1	C2	Please refer to the Regulation 37 Notice dated 26/11/2019	20/01/2020

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.