

Compliance Assessment Report

Report ID:
CAR_NRW0034332

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

Site	Rhayader Highways Depot	Permit Ref	DB3930AB		
Operator/Permit holder	Powys County Council				
Regime	Waste Operations				
Date of assessment	06/12/2018	Time in	11:10	Out	11:40
Assessment type	Site Inspection				
Parts of the permit assessed	1.1. General Management				
Lead officer's name	Starks, Madeleine				
Accompanied by					
Recipient's name/position	Nigel Hick/ TCM	Date issued	10/12/2018		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1a - General Management

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

On Thursday 6th December Environment Officer Madeleine Starks conducted a routine site inspection of the Rhayader Depot. Weather conditions were overcast, but mild, with light, intermittent drizzle. It must be noted the previous day had seen a substantial and prolonged rainfall event.

Upon arrival on site, I signed into the site diary and was accompanied by the depot manager while conducting my inspection. The Technically Competent Manager (TCM) for the site, Nigel Hicks, was on annual leave at the time of my visit.

Overall the site was clean, tidy and well organised. There was a greater quantity of waste held on site than during my previous visit, with the shed now being put to use to store paper and cardboard recyclable waste.

The drain situated within the bunded area, directly below the lorry loading tipping point for food waste, had become blocked. I was informed that this issue was first noted yesterday afternoon and I could see evidence of this being recorded in the morning's site checks. Nevertheless, due to the aforementioned heavy rain, the bunded area had already filled with contaminated water and had begun to overflow, discharging to a drain outside of the bunded area.





I was told that a contractor was due to arrive to rectify the issue that afternoon. Please ensure this incident is addressed as soon as possible and that the root cause is identified. This will allow you to review possible changes to your response to prevent contaminated water escaping the bund if this issue was to reoccur.

The ongoing issue relating to the site's Environmental Management System was once again raised. It is understood that Rhayader depot is operating under a ISO14001 Environment Management System (EMS). Though currently there is an over-arching EMS in place for all Powys County Council highways depot and waste sites, this does not contain site specific information such as site specific management plans or risk assessments. A site specific written management environment system is required to comply with permit condition 1.1.1 that identifies and minimises risk of pollution. Each site will have it's own individual risks and working practices. I was informed that this document is currently being developed and should be ready by next week – though at the moment no site specific information is available for staff. Consequently you have been scored for failing to provide evidence of an adequate written EMS on site.

C2 Management System and Operating Procedures – Permit Condition 1.1.1a – General Management – Category 3 breach.

You have been scored for failing to provide evidence of an adequate written EMS on site. A site-specific risk assessment must be included to identify and address environmental risks unique to the site's operations. As mentioned above, all staff should also be familiar with all the documents that form the EMS in regard to both their contents and location. Please submit an updated EMS to NRW as soon as this document becomes available, but no later than Monday 28th January 2019. Please ensure that all staff receive the appropriate training on this document.

EPR Compliance Assessment Report

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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.

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	C3	Please update your Environmental Management System to include a site specific risk assessment and working procedures	28/01/2019

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.