

Compliance Assessment Report

Report ID:
CAR_NRW0035724

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	21/01/2020	Time in	10:14	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	General Management, Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by	Dines, Malcolm				
Recipient's name/position	Tim Richards/ Operator	Date issued	04/03/2020		

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	C3	2.1.1
C2 - General Management - Management system and operating procedures	C3	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)	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

Liz Park and Malcolm Dines (NRW Waste Regulation Officers) arrived on site to undertake an announced compliance visit to assess compliance with the 'Regulation 37 Enforcement Notice of Suspension and Requirement to take steps dated 26 November 2019. The final date for steps to be completed in Schedule 2 was 20/01/2020. At the time of the inspection the weather was clear and cold with temperatures below freezing.

Liz and Malcolm met with Tim Richards. A walkover of the site was undertaken. It was clear that significant improvements had been made but that there was still actions to be taken before the site would be fully compliant with the permit conditions. Waste plasterboard/ gypsum were being removed from the site as the time of the visit. Please see below for full details.

Liz was provided with copies of WTNs for all the wastes removed from the site since the last compliance visit.

The following non-compliances were identified which are described below:

A1 - Permitted activities - Permit Condition 2.1.1 - CCS Cat 3

It was observed that whilst a considerable amount of waste continues to be stored outside the building it has been reduced. The amount of non-hazardous waste stored on unmade ground has been significantly reduced. It is now possible to drive a vehicle between the transfer building and the concrete pad. The amount of wood waste on the concrete pad has also been reduced and it is possible to drive a vehicle onto and through the waste stored on the concrete pad.

Cardboard continues to be stored against the building. Tim Richards informed Liz and Malcolm that he had hoped that this would have been removed by this visit, he considers that it should be removed by the following week.



Photo showing cardboard stored adjacent to building and separation distance between the building and the outside concrete pad.

The picking line/ trommel continues to be in place on the outside concrete pad. Liz and Malcolm confirmed that should a building

be provided for the picking line then the treatment of non-hazardous waste would be within a building as required in Table 2.1
Licensed activities, permit condition 2.1.1



Photo of the picking line/ trommel

The contaminated soil and stones waste which needs to be treated remains in situ on the concrete pad. There is now access around this waste.



Photo of contaminated soil and stones with access around the waste

Malcolm discussed the permit variation process with Tim Richards.

Action: As the plasterboard/ gypsum was in the process of being removed from inside the transfer station building, space was becoming available for the storage of waste inside the building. Tim Richards was asked to consider the feasibility of moving the remainder of the non-hazardous waste currently stored outside and adjacent to the building on permeable ground to inside the building. Tim agreed to look into this and considered that it would be potentially be possible. (A further site visit had already been arranged and was undertaken on Wednesday 29 January 2020).

Action: Tim Richards needs to consider how he will treat non-hazardous waste in accordance with the permit condition.

C2 - Management System and operating techniques - Permit Condition 3.8.1 - CCS Cat 3

There have been significant improvements concerning the storage of waste in accordance with a written fire prevention and

mitigation plan using the current fire prevention guidance. Tim Richards informed Liz and Malcolm that he had made improvements to the FPMP and showed them a copy of version. Unfortunately due to some technical issues, Tim Richards only had one copy of the FPMP and was unable to pass the document onto NRW. He said that a copy would be emailed. (Note: A copy was not received by email but NRW were provided with a hard copy during the site visit on the 29/01/2020).

There are certain sections that require further work such as water supply, and the removal of waste stored adjacent to the building. However the waste activities are not being managed and operated in accordance with a written FPMP using the current, relevant fire prevention guidance which identifies and minimises the risk of fire.

A full review will therefore be provided following submission of Version 7 to NRW. You have currently being scored a Cat 3 breach for this non-compliance. This may change following discussions with the MWWFRS concerning water supply. Please refer to the CAR for the 29/01/2020 for details.



Photo of the fire hose provided by the site

Compliance with the Regulation 37 Notice of Suspension and Requirement to take steps

Natural Resources Wales assessed compliance with the Regulation 37 Notice. Please see the CAR for the visit that was undertaken on Wednesday 29 January 2019.

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.

EPR Compliance Assessment Report

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Operator/Permit holder	Powys Environmental Ltd	Date	21/01/2020

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	C3	Operate in accordance with a written FPMP following the current guidance. Please see full details in the review of FPMP v7 which will be provided at the same time as the issue of this CAR. Please see details in the Regulation 36 Notice dated 5/02/2020 re water supply.	27/03/2020
A1	C3	Remove all non-hazardous waste from outside the building to either inside a building and kept on impermeable surface with sealed drainage or within a container kept on impermeable surface with sealed drainage Place the picking line within a building.	03/08/2020

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.