

Compliance Assessment Report

Report ID:
CAR_NRW0035307

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	04/06/2019	Time in	15:40	Out	17:30
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by	Lloyd, Julia				
Recipient's name/position	Tim Richards/ Operator	Date issued	10/07/2019		

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
-----------------------------	---	--	----

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 Julia Lloyd arrived to undertake an unannounced inspection. At the time of the inspection it was mild and lightly raining.

Upon arriving at the site black smoke could be seen billowing through and behind the building. After signing into the site, Liz and Julia immediately investigated the source of the smoke. This was coming from the biomass boiler which had it's door open. When the staff noticed us on site they closed the door. Prior to arriving on the site, at the entrance to the lane up to the site, both Julia and Liz detected an unpleasant burning odour. On the site the smoke was catching the back of their throats requiring them to move out of the vicinity of the biomass boiler and building until the smoke had cleared.

Please see the separate letter concerning the biomass boiler.

The following non-compliances were identified which are described as below.

A1 - Permitted activities - Permit Condition 2.1.1 - CCS Cat 2

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

It was observed that there was a significant amount of waste on site which was greater than that observed on the 17 October 2018. The inside of the building was full of wastes including mixed waste, plasterboard and wood. Outside of the building waste non-hazardous waste was stored in the following locations: on the concrete pad which was full of non-hazardous waste, on the area between the concrete pad and building, and on the lower area to the north of the building. Due to the amount of waste on site it was impossible to walk around the waste on the concrete pad, or through the area between the concrete pad and the building. There were no fire breaks in the stack. And there was a continuum of waste from inside to outside the building.

In addition, mixed wastes were stored in skips on unmade ground.

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 the written fire prevention and management 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.

A series of photographs of the waste on the site was taken.



Mixed waste stored in area between building and impermeable pad with no access in between



Mixed non-hazardous waste stored outside the building



Mixed non-hazardous waste stored on permeable ground

It is noted that at the time of the inspection two Manitou were loading an artic trailer with waste.

At 16:30 Tim Richards arrived on site. Tom Sheffner (Supervisor) was also present. Tim explained that the financial offer he received in October 2018 had been withdrawn. He went on the mention that a competitor was trying to put a CCJ on him (Country Court Judgement). He explained that he now had an offer of finance from his family and they were working to clear the waste as quickly as possible. The mixed non-hazardous waste is being carried by Mayglothing to Trecatti Landfill, Merthyr Tydfil. The wood is going to Vulcan, Telford (note: no record of a Permitted facility by this name can be found). Tim said that he had reduced the amount of waste coming into the site.

Liz Park explained that NRW would be considering serving a notice to comply with permit conditions. Liz asked Tim to consider a timeframe for removing the waste outside the building. He said it would take 3-4 months. But that he would not be able to remove the waste soil contaminated with other wastes as he was not able to currently treat the waste and that it was too expensive to remove as it currently is. Liz Park said she would discuss the notice with the NRW legal team. .

The use of regulatory notices to bring the site back into compliance has been discussed with legal. Powys Environmental Limited will be contacted shortly concerning the use of Notices.

Tim Richards requested that NRW revisit the site in a month.

The following were also discussed:

Hazardous Waste

Two IBC on the impermeable pad were observed to contain paint cans and were full of paint and oily water. These must be removed as Hazardous waste to a suitably permitted facility. Please provide copies of the Hazardous Waste Consignment Notes.



Variation pre-application discussion

A brief pre-application discussion was undertaken regarding varying the permit to include the storage and treatment of non-hazardous waste outside the building. It is understood that the site now has planning permission to undertake this activity. Details of your OPRA score are in the CAR dated 15/11/2018. A FPMP for activity would be required.

Identification of designated sites

Below is a link to the LLE Portal. This is the Geo Portal for Wales. This link is for the SSSI layer. Other layers are available.

<http://lle.gov.wales/catalogue/item/ProtectedSitesSitesOfSpecialScientificInterest/?lang=en>

Aggregates from waste

Please find below a link to the Aggregates from waste protocol

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296499/LIT_8709_c60600.pdf

Training

All new staff must be trained so that they are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.

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

**Report ID:
CAR_NRW0035307**

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	Date	04/06/2019

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	Reduce risk of fire by ensuring all waste is stored in accordance with the FPMP guidance whilst the waste outside the building is removed	25/07/2019
A1	C2	Remove all non-hazardous waste stored outside the building. Stop accepting waste until this is completed.	11/10/2019

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.