

Compliance Assessment Report

Report ID:
CAR_NRW0036022

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	21/11/2019	Time in	12:00	Out	13:00
Assessment type	Site Inspection				
Parts of the permit assessed	Infratructure, Management				
Lead officer's name	Park, Liz				
Accompanied by					
Recipient's name/position	Nigel Hicks/ TCM	Date issued	04/12/2019		

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

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	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

Liz Park undertook an unannounced site inspection. This was undertaken following the Powys County Council/ Natural Resources Wales Local Liaison meeting which was held at the Rhayader Dept.

Liz Park met with Nigel Hicks - TCM.

C2 - Management System and Operating Procedures - Permit Condition 1.1.1 - Cat 3

There continues to be improvements required to the management system. The ISO14001 is for Powys County Council Highways Transport and Recycling. Therefore, the site specific elements of the management system are produced by the Quality Team for all the permitted sites. This was discussed at the Powys County Council/ Natural Resources Wales local liaison meeting. Details are recorded below.

The following documents which form part of the management system for Rhayader depot were submitted to NRW in December 2018 and January 2019:

EP01 - Environmental Working Plan (March 2018 v1) (Generic document for all sites)

Site Specific Risk Assessment (19 December 2018)

Drainage Plan - Preliminary Drawing

EP02 - Accident Management Plan

Management System Manual (Main EMS ISO 19001, 14001 and OHSAS 18001 Management system document)

EP03 - Odour Management Plan 9 (Revision Date April 2018 v1)(Generic document for all sites)

There are other supporting documents but these have not been provided and have not been reviewed.

EMS - Drainage Plan

The drainage plan that was submitted as part of the management system is a preliminary drawing. It does not show the actual surface and foul drains. An updated drainage plan must be used. In addition, as well as showing the drainage, there should be a site plan which the location of any waste activities, the location of any oil and chemical storage facilities and important or sensitive local receptors are shown.

Site Specific Risk Assessment (19 December 2018)

Odour - This section needs to be updated following the commencement of the acceptance of residual waste.

Loading of food and other waste - There is a risk of birds picking up food waste on the wall at the Rhayader depot when vehicles are loaded. This risk should be identified in the risk assessment and procedures put in place to reduce this risk. At the time of the inspection birds were in the vicinity.

EP01 - Environmental Working Plan

This document refers to a site plan. However one has not been provided for Rhayader Depot (the version provided for the permit variation is a proposed site plan). Please see drainage plan above.

Please provide a copy of MSR 03 - Waste Stream Risk Register.

Please provide a copy of EP04 - Fire Action Process.

Please provide a copy of EP05 Non-conforming waste process

EP02 - Accident Management Plan

There are a number of omissions from the Accident Management Plan. For example there is not a site plan identifying location of

emergency kits or equipment for fire, or a list of key contacts and their numbers. It is noted that other extreme weather events such as extreme snow or cold has not been included.

Please provide a copy of EP06 - Spill response.

Please note 'Fire' should refer to EP04 and not EP05.

Daily Check sheet

Daily Check sheet - The Daily check sheet was be completed. However it is considered that the second column currently labelled 'Complaint' should actually be 'Compliant'. Nigel was recording on the daily check sheet whether or not there had been a complaint received about the aspect he was checking, rather than recording whether the aspect was compliant. Should the check reveal that the aspect being checked has an issue, this should then be recorded together with actions taken/ to be taken. The Daily checksheet must be amended. It is understood that the same checksheet is used at the other permitted depots. The use of this document must be check at these sites and an amended version provided.

Commencement of acceptance of residual waste

The commencement of the acceptance of residual waste was discussed with Nigel. He explained procedures they were considering to ensure that residual waste is stored without causing issues such as odour. Liz Park advised that a procedure should be written for the management of this waste stream.

Bulky waste

Bulky Waste was observed being stored in a skip on unmade grounds. Bulky waste is not listed in Schedule 2 of the Permit. To continue to accept bulky waste at this site a permit variation must be submitted to add the correct EWC code. Bulky was must be stored on an impermeable surface with a sealed drainage system.

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 County Council	Date	21/11/2019

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.

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	Make improvements to the management system as detailed in report.	06/01/2020

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.