Compliance Assessment Report

Report ID: CAR_NRW0035627

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	13/08/2019	Time in	11:24	Out	13:15
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by	Dines, Malcolm				
Recipient's name/position	Tim Richards/ Operator	Date issued	29/08/2019		

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 - Suspended	2.1.1
C2 - General Management - Management system and operating procedures	C2 - Suspended	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)	0

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 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 following non-compliances were identified which are described below:

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.

It was observed that there remains a significant amount of waste on site stored outside and inside the building. Whilst it is acknowledged that some waste has been removed from outside the building the significant risk remains. It remains impossible to walk around the waste on the concrete pad which remains full of non-hazardous waste. No fire breaks have been created. There is a continuum of waste from inside to the outside of the building. 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 an 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 a Regulation 37 Notice is currently active, these scores have been SUSPENDED.

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

Natural Resources Wales have assessed the compliance with the Regulation 37 Notice and consider that a significant risk of pollution remains. Therefore, the notice remains in place. Please see below for details.

It is acknowledged that a minimal space has been created to sort waste by manual treatment inside the building. This however in itself, does not decrease the significant risk of pollution. It will allow any unsorted waste on the site to be treated as required by the permit, within the building.

Details of compliance visit

Liz and Malcolm met with Tim Richards (Operator) and Tom Sheffner (Supervisor). A short meeting was held before going onto the site. Tim informed the NRW officers that he has had 100 tonnes of waste removed since the 4 June 2019. That they now have their own artic unit so that they are able to haul their own artic trailer without relying on another company. Tim Richards provided copies of waste transfer notes for the removal of plasterboard, wood, cardboard and general waste [landfill waste]. Tim informed the NRW officers that he had spent in the region of £30,000 on waste removal. A summary is provided below.

Description of Waste	EWC	Amount	Destination	Notes
Wood	19 12 07	Two loads – weight unknown	UPM Shotton	Details missing from Waste Transfer Notes
Mixed wood	20 01 38	Three loads **TOTAL 43.44 tonnes**	Cartwrights Waste Disposal Services Ltd, Telford	Details missing from Waste Transfer Notes
Cardboard	20 01 01	22,740 – Unit unknown	Cartwrights Waste Disposal Services Ltd, Telford	Details missing from Waste Transfer Notes
Mattresses	Not provided	2520 kg	AAT Recycling, Whitchurch	Documentation provided is not a WTN
Plasterboard	Only provided on one note as 17 08 02	Three loads **TOTAL 43.96 tonnes**	New West Gypsum Recycling \(UK) Ltd, Weston-Super-Mare	Details missing from Waste Transfer Notes
Plastic	Not provided	4820 kg	Wye Valley Skips Ltd, Hereford	Documentation provided is not a WTN
General Transfer Station Waste	19 12 12	11 loads **TOTAL 144.92 tonnes**	Biffa Waste Services Ltd, Trecatti Landfill	Loads from 04/06/19 – 12/06/19 hauled by Mayglothing Waste Ltd.
General Transfer Station Waste	19 12 12	Two loads **TOTAL 17.52 tonnes**	Biffa Waste Services Ltd, Trecatti Landfill	Loads from 09/08/19 – 13/08/19 hauled by JPR Recycling Ltd (Company owned by Tim Richards)

It is noted that all the Waste Transfer Notes provided have the holder of the waste as JPR Recycling Ltd. The holder of all the waste kept/ stored under permit LP3395FJ is Powys Environmental Ltd. Please ensure all future waste transfer notes/ hazardous waste consignment notes have the correct permit and producer details.

A Waste Transfer Note was also provided for the emptying of the septic tank.

Tim Richards informed Liz and Malcolm that if we [Natural Resources Wales] do not let them take in waste from today or tomorrow than they will look to shut their doors.

Tim and Tom stated that they are undertaking the following: Aiming to remove all the waste for landfill from outside the building in the next month; making space in the shed for the sorting of waste; are expecting to remove 3 to 4 artic loads of wood waste in the next week or so.

Liz and Malcolm informed Tim that if he would like NRW to return to assess compliance with the Regulation 37 Notice in the next few days then this can be arranged. No return visit was requested.



Waste stored between the building and the impermeable pad with no access in between. The waste over the wall is on permeable ground.



Waste stored on impermeable ground. No fire break between the building and waste stored outside.



Minimal space provided in the building for the manual treatment of waste

Mixed rubble

Tim still intends to sort the mixed rubble pile outside following a permit variation. To date, a permit variation had not been received.

Fire Prevention and Mitigation Plan (FPMP)

At the time of the compliance visit, the Fire Prevention and Mitigation had not been amended/ updated to reflect the current situation as required by steps in the Regulation 37 Notice. It was agreed that an updated FPMP would be submitted to NRW for review by Tuesday 20 August 2019.

Liz and Malcolm were informed that the Mid and West Wales Fire and Rescue Service (MWWFRS) had visited the site. Liz Park said that she had informed the MWWFRS that there was a significant amount of waste on the site. It was unclear if the visit was a routine visit or in response to NRWs notification. This will be followed up by Liz Park.

The required for fire tender access around the site was discussed. There should be easy access for emergency vehicles around the whole site.

An amended FPMP (Version 3) was submitted on 14/08/2019. This was briefly reviewed. It was not sufficient and did not satisfy permit condition 3.8.1. The FPMP did not adhere to the Fire Prevention and Mitigation Plan Guidance – Waste Management. In addition, Version 3 did not make any reference to the current situation on the site, and therefore did not meet the Step in Schedule 2 of the Regulation 37 notice "Submit an updated Fire Prevention & Mitigation Plan to account for waste stored outside and waste being moved into the building".

A further amended FPMP (Version 4) was submitted on 16/08/2019. This will be fully reviewed, and feedback will be provided.

Hazardous Waste

The two IBC on the impermeable pad that contained paint cans, paint and oily water have been removed. Please provided copies of the Hazardous Waste Consignment Notes by Friday 6 September 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.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0035627**

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	13/08/2019

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 18/07/2019	28/10/2019
A1	C2	Please refer to the Regulation 37 Notice dated 18/07/2019	28/10/2019

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.