

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	21/05/2020	Time in	11:00	Out	11:35
Assessment type	Site Inspection				
Parts of the permit assessed	General Management, Permitted activities, Infrastructure				
Lead officer's name	Park, Liz				
Accompanied by	Rhodri Thomas				
Recipient's name/position	Tim Richards/ Operator	Date issued	10/06/2020		

## 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	C2 - Suspended	2.1.1
C3 - General Management - Materials acceptance	C3 - 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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0</b>
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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 (NRW Waste Regulation Officer) and Rhodri Thomas (NRW Enforcement Officer) arrived on site to undertake an announced visit to assess compliance regarding complying with the steps detailed in Schedule 1 of the Regulation 36 Enforcement Notice to take specified steps in relation to a breach/ anticipated breach of permit condition(s) dated 5 February 2020. At the time of the inspection the weather was warm and dry.

This visit was undertaken following COVID-19 precautions.

Liz and Rhodri met with Tim Richards at the entrance to the site. A site walkover was undertaken.

It is pleasing to see that some progress is being made with regards to complying with the steps in the notice. A significant amount of waste had been removed from the transfer building. This means that there is space for the treatment of waste inside the main transfer building. Tim informed Liz that he is planning on processing all the waste right to the back of the bay and then bring the waste from outside the building inside. Liz and Tim briefly discussed the management of waste to ensure that storage time limits are met.



*Space available in the transfer building for acceptance and treatment of waste*

Some mixed non-hazardous waste remains stored outside, adjacent to the building. Most but not all of this waste is stored on a concrete base. Tim informed Liz that he is planning on sorting this waste by non-mechanical means within the main transfer building before sending the residual waste to landfill.



*Non-hazardous waste stored outside and adjacent to building. Some of the waste is on permeable ground.*

The gypsum bay remains full of the waste destined for landfill that was originally stored outside the building. Tim informed Liz that this waste was not going to be treated and will be going direct to landfill.

The majority of the contaminated soil and stones remains on site. It is understood a small proportion has been treated through the treatment line within the new building (Please see below).

Two adapted IBCs containing assorted paints/ unidentified liquids remained on the former civic amenity site. These are awaiting collection by Mayglothing. **ACTION - Please ensure these are collected if not already by 30 June 2020.**

Tim Richards provided Liz Park with a number of Waste Transfer Notes which show that the following waste has been removed from the site since 6 February 2020.

130 tonnes of waste wood

130 tonnes of residual waste transfer station waste to landfill

### **Building**

A new building has been built over the treatment line where it was in situ on the concrete pad. The treatment line was not in operation at the time of the visit, but appeared to meet the requirement of a building in accordance with the permit, that is ' a construction that has the objective of providing sheltering cover and minimising emissions of noise, particulate matter, odour and litter '. The operation of the treatment line was discussed with Tim and he is aware that if there are emissions from the operation of the treatment line that modifications to the building may be required. This satisfies the second step listed in Schedule 1.



*New building over the treatment line*

### **Fire Prevention and Mitigation Plan**

Version 7 of the Fire Prevention and Mitigation plan has been send to the Mid and West Wales Fire and Rescue Service for review. They have been specifically asked to comment on water supply.

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

A small amount of non-hazardous mixed waste (thought to be destined for landfill) continues to be stored outside and adjacent to the building.

Other non-hazardous wastes including the soil and stones continue to be kept outside.

It is understood that now that there is a building covering the treatment line, the mechanical treatment of waste has commenced.

**Action: Please refer to the Regulations 36 Notice**

#### **C2 - Management System and operating techniques - Permit condition 3.8.1 - CCS Cat 3**

There have been improvement to the FPMP and the storage of waste on site. However further improvements are still required. As such, the waste activities are not being managed and operated in accordance with a written FPMP that follows the current guidance.

You have currently been scored a Cat 3 breach for this non-compliance. As stated above, the Version 7 of the FPMP is currently being reviewed by MWWFRS.

It is understood that the current version ins version 8. NRW have not yet had sight of this version which updated the FPMP to include the new building and treatment line (it was sent by e--mail but an updated EMS was accidently attached).

**Action: Please refer to CAR\_NRW0036418**

#### **Use of inert material to extend the lower yard**

It was observed that the lower yards at the rear of the site has been extensively extended. The deposit of inert material now continues to the rear of the new building on the concrete pad.

There is no authorisation in place for the deposit of inert waste on the site. Therefore, no deposits of waste can be made.

If the material had been processed under the Aggregates from Inert waste protocol, please provide the evidence of compliance with the quality protocol.

In the event that the material has not been processed in accordance with the protocol then the deposit will be considered an illegal deposit and an appropriate enforcement response considered.

Please see the CAR for the site visit on 6/06/2015 which explained that an Environmental Permit was required to extend the area with waste.



*Extension to lower yard behind the new building*

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0036647**

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Operator/Permit holder	Powys Environmental Ltd	Date	21/05/2020

### 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			
C3	C3	Operate in accordance with a written FPMP following the guidance. Please see CAR_NRW0036418 for details.	13/07/2020
A1	C2	Please see details in the Regulation Notice dated 05/02/2020	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.