

Compliance Assessment Report CAR_NRW0036987

Permit being assessed: LP3395FJ.

For: The Graig Yffaldau Waste Transfer, held by Powys Environmental Ltd

At: The Graig Yffaldau Waste Transfer Station, Llandegley, Llandrindod Wells, Powys, LD1 5UD.

Type of assessment carried out: Site Inspection, Reason: Other.

On 20/08/2020 between 10:00 and 10:55.

Parts of permit assessed: General Management, Permitted activities, Infrastructure

NRW Lead Officer: Liz Park, accompanied by Robert Harding.

Report sent to: Tim Richards, Operator on 01/10/2020.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	3.4.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	8

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Please see the Regulation 36 enforcement notice dated 29/09/2020	26/01/2021
C2	Please see the Regulation 36 enforcement notice dated 29/09/2020	26/01/2021

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Liz Park (NRW Regulatory Waste Officer) and Robert Harding (Environment Officer from the South Powys Environment Team) arrived to undertake an announced visit to assess compliance with the Regulation 36 Enforcement Notice to take specified steps in relation to a breach of permit conditions dated 5 February 2020. At the time of the compliance visit the weather was warm and sunny.

Liz and Robert met with Tim Richards. A walkover of the site was undertaken.

The east side of the main building has remained full of waste destined for landfill. Tim said that it had not been moved. There was space within the main transfer building for the acceptance of waste. There was no cardboard or any other wastes stored in the concreted area adjacent to the building.



View of waste acceptance bay

It was clear that work had been undertaken to ensure that all the soil and stone waste contaminated with mixed waste was stored on the outside impermeable pad. The edges of the pad could be seen. There was a suitable gap between the main transfer building and this waste. There was also a gap between this waste and the new building over the treatment line.

The treatment line had been cleared of waste and look ready for use though it was not operating on the day of the visit. Tim explained that only a small portion of the soil and stone waste had been processed due to lack of staff. He anticipates that it would take three months to clear this waste.

There was no wood stored on the concrete pad. There are some uPVC windows which can be stored under the Low Risk Waste Recovery Option (LRWRO 484).

On the lower yard the deposit of waste destined for landfill was now confined to a small piece of concrete which forms an entrance ramp to the building.



Mattresses (treatment under the T4 exemption must be undertaken for the associated storage) and cardboard (only 15 01 01 & 20 01 01 can be stored under the S1 exemption) were stored in skips on hardstanding on the lower yard. If the exemption criteria cannot be met then these waste must be stored in accordance with the permit. Please note that exemptions on permitted sites are being reviewed.

A small amount of wood was in the west bay of the main transfer building. Tim informed Liz that he had not been using the biomass boiler as the price of 'Grade C' wood was good. Liz reminded Tim that this waste wood was not suitable to be used in the biomass boiler under the U4 exemption.

IBC's containing hazardous paints/ water remained on site but have been moved to the area where the CA site was. Liz was informed by Tim that these would be removed in the next couple of weeks. Please send the Hazardous Waste Consignment Note to Liz Park.

Copies of Waste Transfer Notes for all wastes removed were provided.

Whilst it was pleasing to see the progress that has been made in bringing the site back into compliance, it was disappointing to see that nearly all the soil and stone contaminated waste remains to be processed.

Fire Prevention and Mitigation Plan

Mid and West Wales Fire and Rescue Service have reviewed the Fire Prevention and Mitigation Plan and have made the following comments.

Water supplies:

The mains water supply onsite is insufficient for Firefighting purposes and is not accessible to Mid and West Wales (MAWW) Firefighting equipment. As stated in the FPMP the nearest hydrant is located on the A44 main road and is only 75mm/3". MAWW Operational Tactical Plan (OTP) suggests early consideration by the Incident Commander to request the High-Volume Pump for additional water supply, Water Bowser has been added to the pre-determined attendance (PDA).

Waste stack sizes and separation distances:

These are to be managed in line with NRW guidance.

Fire suppression systems:

The FPMP does not provide any information with regards to a fire suppression system installed on site. Any system would require to be designed and commissioned by competent engineer taking into consideration local water supply and pressure or special extinguishing media required.

Firefighting:

The FPMP states on site staff have received training on using portable firefighting equipment. Emergency action must include calling the fire service straight away regardless of fire size and even if fire is deemed extinguished. MAWW have produced an (OTP) for the site.

Fire Detection:

The FPMP does not provide any information with regards to an automatic fire detection and alarm system on site. The only detection is by human observation, this gives no detection during the times the site is unoccupied.

Managing Water run off:

The FPMP give information regarding two interceptor collection tanks. These tanks have limited capacity and provision is made with a contractor to empty in emergency. There is no mention of any method of regularly checking the current level of water in the tanks prior to any firefighting activity to gauge available capacity. MAWW OTP suggests using foam to knock down fire quicker and thus use less water. NRW to be informed as soon as firefighting commences.

Please review these comments and amend your Fire Prevention and Mitigation plan accordingly.

The provision of a Water supply will be required. This can be in the form of a tank/ lagoon which is sufficient to hold enough water to tackle the initial fire (expected to be approximately 25,000 litres). This is in line with what has been required at other sites across Wales that are required to operate under and in accordance with a written FPMP. A basic tank is relatively inexpensive and there is enough room on site for a tank. This would provide mitigation until such time that MWWFRS are able to arrive with High Volume Pumps.

Action: The requirement for a water supply has been included in the Regulation 36 Notice. Please see below.

Action: Review the comments and amend the FPMP accordingly.

Assessment of the Regulation 36 enforcement notice to take steps to comply with permit conditions.

Natural Resources Wales (NRW) have assessed compliance with the Regulation 36 Enforcement Notice and do not consider that at present that the notice had been complied with. Please find enclosed a Notice of Non-compliance.

A second Regulation 36 enforcement notice will be served. Please see the notice for details.

The following non-compliances were identified which are describe as below:

A1 – Permitted activities – Permit Condition 2.1.1. – CCA Cat 3

A small amount of waste destined for landfill continues to be stored outside and adjacent to the building. Other wastes including contaminated soil and stones continue to be kept outside.

ACTION: Comply with the steps in the Regulation 36 Notice by 26/01/2021

C2 – Permitted activities – Permit Condition 3.8.1 – CCS Cat 3

There have been improvements to the FPMP but further improvements are still required.

Please see details above.

ACTION: Comply with the steps in the Regulation 36 Notice by providing a suitable water supply by 26/01/2021

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.