

Compliance Assessment Report CAR_NRW0036989

Permit being assessed: PP3294FJ.

For: Ffridd Rasus Waste Management Facility, held by Gwynedd Council

At: Morfa Road, Harlech, Gwynedd, LL46 2UW.

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

On 12/08/2020.

Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant.

Report sent to: Steven Edwards, Waste Treatment Service Manager on 30/09/2020.

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	2.3.2
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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	Review procedures for dealing with and monitoring storage limits. If required, apply for a permit variation to allow for an increased tonnage limit to your permit.	Already completed
C1	Please send evidence of TCM qualification to NRW by the specified date	16/10/2020
C2	Review and update EMS where you see fit.	13/11/2020

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This was a desk-top based inspection initially carried out on Wednesday 12th August 2020 by Natural Resources Wales officer Daniel Grant (Hazardous Waste Regulation Officer). During this inspection waste returns submitted over the past year, the site's Environment Management System (EMS) and the current Technical Competent Manager (TCM) status of the site were reviewed.

Discussions initially took place over the phone with Steven Edwards on Friday 10th July 2020.

TCM coverage

The technical competency requirements at the site are currently not being fulfilled. As per the latest waste returns submission (Q1 2020) David Evans is the TCM for the site, however, Mr Evan's WAMITAB qualification expired on the 13th March 2020. In view of Covid-19, we understand that test centres were closed during the lockdown period and Continuing Competence tests were not available. However, with test centres now re-opening the Continuing Competency should be organised.

Could you send evidence of this qualification by the 16th October 2020 please.

EMS

As per the e-mail dated 7th August 2020 by Susan Francis, the latest EMS available for this site is the version from 12th June 2012.

As per this same e-mail correspondence sent by Daniel Grant on the 7th August 2020 it was noted that an updated EMS will need to be sent to NRW by the 13th November 2020. Once this EMS is received, NRW will likely carry out an EMS review and another CAR form will be produced with comments and recommendations if required.

Waste returns

Waste returns from Quarter 1-4 in 2019 were reviewed. I am pleased to announce that there were no issues found with sending these waste returns on time. Please continue to send all waste returns on time. Thank you for your compliance with this.

The following non-compliances were noted and recorded:

Breach of condition 2.3.2 (a). Operating Techniques, Compliance Classification Scheme Category score 3.

As was raised with Steven Edwards on the phone on the 10th July the waste returns submitted in 2019 showed that 5285 tonnes of waste was accepted in 2019. As per e-mail dated 12/09/20 by Steven Edwards, it was clarified that all waste return records from 2019 were for waste accepted to the Civic Amenity site only. As per Table S2.1, schedule 2 of your permit- "The maximum quantity of waste to be accepted on site shall not exceed 5,000 tonnes per year." Therefore, the permitted limit was exceeded by 285 tonnes in 2019.

An e-mail was sent by Daniel Grant to Steven Edwards on the 21/07/20 including advice and guidance on how to vary your bespoke permit to increase the permitted tonnage limit as well as applying for a standard

rule permit for the Civic Amenity site.

Breach of condition 1.1.1 (a). General Management, Compliance Classification Scheme Category score 3.

As per the above condition: "The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints"

Non-compliance is often linked to a weakness in the EMS. Where a management control is missing or has not been followed then NRW must record the non-compliance against the permit's EMS condition. In this case, the previous breach of condition 2.3.2 (a) can be linked to the fact that your EMS hasn't been updated in 8 years. You must continually assess your EMS to monitor the effectiveness of your operations and make changes to it if it fails or when you can see ways of improving it, ideally this should be done annually.

HAR-S-017 and HAR-S-018 of Appendix B in your latest EMS (version dated 12th June 2012) lists your waste acceptance procedure. However, these sections do not make any reference to assessing the storage quantities of waste accepted each year. Including such a procedure could have avoided exceeding your permitted waste storage limit of 5,000 tonnes, and therefore could further explain the breach of condition 2.3.2 (a) noted above. Making changes to include such procedures is something you might want to consider in your updated EMS.

Please ensure that appropriate action is taken in order to return the above detailed non-compliance back into compliance.

Thank you for your time. If you would like to discuss anything mentioned in this report, please contact Daniel Grant using the below details.

Regards,

Daniel Grant, Hazardous Waste Regulation Officer

daniel.grant@cyfoethnaturiolcymru.gov.uk

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.