Compliance Assessment Report CAR_NRW0037864

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 15/04/2021. Parts of permit assessed: see below **NRW Lead Officer:** Daniel Grant. **Report sent to**: Steven Edwards, Waste Treatment Service Manager on 16/04/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C2 - General Management - Management system and operating procedures	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
0	0

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?

No action required.

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

As per the latest CAR form issued by officer Daniel Grant, dated 30th September 2020, it was requested that an updated EMS was sent to us (NRW). Although an initial deadline was set as the 13th November, officer Daniel Grant agreed with Susan Jones that this could be extended to the end of January 2021 due to further

unforeseen circumstances with the pandemic that occurred. Natural Resources Wales received Ffridd Rasus's EMS (Version dated as January 2021) and associated documents on the 26th January 2021. This was the document which has been reviewed. The document was reviewed against the standards set out in the current Natural Resources Wales "how to comply with your environmental permit" document dated October 2014 as well as your environmental permit. This piece of Natural Resources Wales guidance sets out what must be and should be included within a site EMS. Findings and actions from the review are summarised below:

1. Site plans

It is good to see you provided a site plan at the end of your EMS (under "Figures"). Although your plan does not have to be highly technical, it does need to represent accurately all the main features of the site. We suggest you think about providing further detail on the civic amenity/ waste transfer station aspect of the site. Think about implementing the following missing elements into your site plan(s), where they are relevant to your activity:

- the activities carried out and any discharge points.
- a drainage plan which identifies both surface and foul drains and the final destination of any drain (such as the one found in Appendix J).
- the location of any waste activities such as storage areas for skips (full and empty).
- the location of any oil and chemical storage facilities.
- the location of spill kits.
- important or sensitive local receptors such as neighbours, sensitive wildlife areas, rivers, underlying groundwaters.
- potentially contaminated land on your site.

It is also a good idea to clearly signpost this site plan(s) or situate it at the beginning of your EMS for ease of finding as it is often a good summary of important aspects to the site.

2. Operations

Appendix B contains details on some of your operational procedures which we understand is still being finalised. We recommend that you consider reviewing the following comments:

The initial operational procedures provide detail on specific waste streams the site is permitted to accept such as asbestos and fridges. However, not all waste streams that you are permitted to accept are listed here. It is suggested that you consider addressing the operational procedures for missing waste streams.

As per your permit you are also required to manage risks from other nuisances such as dust, pests and vermin. We can see that there are operational procedures to address these nuisances, but it was noted that these are specifically written for the landfill (e.g. HARS-0-29). Therefore, no operational procedure directly addresses these requirements at the civic amenity site. We strongly recommend you consider implementing such operational procedures and even consider linking these with the relevant section in your EMS (such as section 3.12-3.14).

Section 3.5 concerning Waste acceptance makes reference to Appendix B which includes the waste acceptance procedure for the site. This section should be updated as it contains outdated information such as the incorrect permit number and reference to the Environment Agency. We would also suggest that you consider clearly summarising the waste types and quantities the site is permitted to accept (as per your permit) under this procedure.

Section 3.1 clearly summarises a list of all permitted waste activities that are authorised at the site. However, you could consider providing an operational procedure for how each activity is carried out. You should strongly consider providing details on the waste storage at your site as is briefly introduced for some waste types at the beginning of Appendix B. This is where a site map indicating storage areas for specific waste types could also prove to be effective to clearly demonstrate this.

Appendix C which contains your aspects register summarises environmental risks that your permitted site could face and some control measures. You should consider linking your control measures with live documents which provide the procedures and contingency actions required to deal with certain environmental incidents.

3. Maintenance

Section 2.1.12 of your EMS makes reference to your maintenance plan which refers to a maintenance checklist in Appendix J. However, it seems there is no checklist in section J as of yet. It is very important that a planned maintenance programme is followed as many pollution incidents reported to us can be traced back to a maintenance failure. We recommend that you re-visit these sections and think about including further detail into how the site's infrastructure, equipment and machinery is maintained. You should also consider specific timescales for carrying out certain maintenance checks, for example will you check certain aspects on a daily, weekly or monthly basis?

4. Accidents and Incidents

Accidents and/or incidents can cause significant pollution. You must put measures in place to deal with them, typically, this is called an Accident Management plan and it must form an integral part of your EMS. We can see you have included this in Appendix J of your EMS. However, it seems like this accident management plan is written only for "potential accidents associated with landfill gas". Although this is a good start, a detailed Accident Management plan should identify all potential accidents associated with the whole site including the Civic amenity site and not just the landfill. You should aim to include the following:

• all potential accidents and put in place measures to minimise them happening

• events or equipment failures that could damage the environment, for example fires, vandalism, flooding or other extreme weather events such as drought, heat waves, strong winds, snow or extreme cold (We can see that this has been described in your aspect register in Appendix C- you might want to signpost or consolidate this section to your accident management plan?)

• how likely these events or failures are to happen

• the consequences if they do happen

• the steps needed to minimise them happening

• the steps needed to minimise any impact if they do happen

As mentioned previously your site plans are missing key elements. Important to note for dealing with accidents/ incidents is that your site plan should include the location of any emergency kits or equipment for fire, spill kits and drain caps. This has not been included in your current site plan, we strongly suggest you consider changing this.

You might also want to consider signposting other important documents relevant to your accident management, such as HAR-S-012 (Spill Procedure) and HAR-FIRE (Fire procedure).

Another key element of the Accident / Incident Management plan is that it should include a list of key and emergency contact details. We can't see such a list in your EMS. We strongly suggest you implement this into your EMS including not only key internal contact details, but also external parties such as (but not restricted to) any utility providers, welsh water and us (NRW).

We highly recommend that you take time to consider this information and think about implementing a more consolidated Accident Management plan into your EMS. Once an Accident Management plan has been fully established in your EMS you should ensure that it is communicated to all employees, managers and contractors who work at the site.

We also recommend that you test your Accident/ Incident Management plan using regular drills or exercises. A procedure for doing this is something you might also want to consider including in your EMS.

5. Site Security

You must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access. You should be clear about the level of security needed at your site and make a written assessment of your control measures in your EMS.

Section 2.1.8 in your EMS makes reference to some security measures that are in place on site such as the fencing. However, this does not address what approaches you actually take on site if any vandalism or theft were to occur which could result in a fire, equipment damage or unauthorised deposit of waste.

6. Non-compliance

Non-compliance or non-conformance refers to any activity on a permitted site that does not meet the relevant permit condition or relevant legislation. Section HAR-S-035 in Appendix B of your EMS briefly outlines the procedure for dealing with any non-permitted waste types on site. This section doesn't seem entirely accurate, the waste types listed seem to specify procedures at the landfill only but should also include the rest of the site.

You might also consider expanding on this Section to explain if any non-compliances were to occur, how you would:

• consider whether you need to change any operations on site in response to the review of the non-compliance (part of your continuous improvement process)

• amend the EMS to reflect changes

• make sure staff and managers are aware of changes

• tell us (NRW) about the changes.

7. Closure

It is good to see that you have thought about the closure of your site as per section 3.8 of your EMS. However, it appears that this section is once again only written for the landfill. We understand that closure is the last thing on your mind, however, it is inevitable that at some point your operation will close. Therefore, we highly recommend that you consider putting plans in place that could make the process of closure cheaper and more efficient. This is because when you apply to surrender a permit, you will be asked to show that the state of contamination of the land when you close your site is no worse than when you began your operations. One way you will have to do this is by demonstrating this on a "Site Condition Report". Keeping a site condition report up to date during the life of your permit will help you demonstrate this.

The guidance for the site condition report can be found using the following link:

https://cdn.naturalresources.wales/media/1215/environmental-permitting-regulations-guidance-for-applicants-h5-site-condition-report-guidance-and-template.pdf?mode=pad&rnd=131467627130000000

8. Complaints

We could not find any section within your EMS designated to dealing with complaints. You must take complaints you receive seriously and take the necessary actions to investigate the complaint. We advise that you include a section on complaints, some aspects you might consider as a procedure for dealing with complaints could be:

• identify the cause

• minimise the impact of the activity causing the problem

• investigate the root cause of the problem

• take steps to ensure the problem is not repeated, this may include changing a piece of equipment or procedure

• record the complaint and what you did to investigate and resolve it

• amend your EMS to reflect any changes.

Providing feedback once the problem has been resolved will help complainants feel they can report problems directly to you as the operator and get them resolved rather than reporting it to us.

9. Competent persons, training

We can see that training records are kept in Appendix D of your EMS which also includes evidence that Technical Competency requirements are currently met on site. Your training record also contains a summary of when all members of staff last received specific sets of training.

You must have enough trained and competent staff or an appropriate maintenance contract, to manage and operate your site to ensure you comply with your permit. Any staff working on your site must also have the skills and knowledge they need. All staff working on permitted activities must be trained on what your EMS means, and It must be easily available to staff and contractors.

With the above in mind, you might want to consider adding further detail into Appendix D and/ or including a section on training in the main body of your EMS. Some details you might want to think about including might be:

• evidence that you have enough staff to run the site

• list the roles and responsibilities of all your staff

• a list of the skills and training your staff need (If not all the skills and training are on your current training record).

• evidence that staff are trained in aspects that can lead to pollution and the measures to be taken to prevent that pollution

• evidence staff are aware of your responsibilities under your permit and under your active EMS

• appropriate induction training for site visitors or temporary contractors.

10. Records

You must keep records to demonstrate that you are operating and managing the activities in compliance with your EMS. We can see that Section 3.17 details the type of records you carry out at your site including your site diary which is completed on a weekly basis. This is also accompanied by section 3.18 which further highlights the records that you are required to send to us including the quarterly waste returns.

You might also want to consider using this section of your EMS to explain where these records are kept on site.

As part of the continuous improvement of your EMS we expect you to record the changes you make to your EMS and the dates they happen. You might find it beneficial if such a record was situated at the beginning of your EMS as a clear overview of all the alterations and drafts that have been produced.

11. Other

You need to ensure that the EMS is kept up to date, it must be continually assessed to monitor its effectiveness against your operations, and you should make changes to it if it fails or when you can see ways of improving it. This should help you to achieve and maintain compliance with your environmental permit(s). Please ensure this is carried out continually and not left until prompted by NRW. As mentioned in the previous section (“10. Records”) you might consider implementing a log of version changes and dates at the beginning of your EMS as an effective way of keeping track of changes and when they are required.

We understand that not all the EMS has been completed, however, we recommend that you revisit the sections already written as they incorrectly include old agency names including “The Forestry Commission” and “Environment Agency”.

Please note, that we cannot approve your EMS but we can recommend that you consider adding or amending the information and procedures detailed above.

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.