

Compliance Assessment Report

Report ID:
CAR_NRW0033960

This form will report compliance with your permit as determined by an NRW officer

Site	Rhayader Highways Depot	Permit Ref	DB3930AB		
Operator/Permit holder	Powys County Council				
Regime	Waste Operations				
Date of assessment	20/09/2018	Time in	11:00	Out	12:10
Assessment type	Site Inspection				
Parts of the permit assessed	1.1 General Management				
Lead officer's name	Starks, Madeleine				
Accompanied by	Park, Liz				
Recipient's name/position	Nigel Hicks/ TCM	Date issued	25/09/2018		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1.a

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Environment Officers Liz Park and Madeleine Starks attended site on Thursday 20th September 2018 to conduct a routine site inspection, with a focus upon section 1.1 of your permit, "General Management". The weather conditions were overcast with spells of heavy/persistent rain.

We were met on site by Nigel Hicks who is the current Technically Competent Manager (TCM) for the site, after taking over from Gary Amor last year.

It is understood that Rhayader depot is operating under a ISO14001 Environment Management System (EMS). Initially we asked Nigel to show us the EMS for the site. Nigel was not familiar with this document when asked and could not locate the correct files on the Powys County Council computer system. All relevant staff on site must be familiar with this document and know where to locate it. An up-to-date 'Pollution Incident Response Plan' was produced, however this plan is lacking a site/drainage plan within it. It is known that this document is available as NRW hold a copy, but Nigel was unable to locate the plan.

These plans are essential in the event of a pollution incident or fire on site to allow staff and/or the fire and rescue service to assess the options for their response. The odour management plan was also up-to-date, however there is still work to be completed to ensure the site-specific risk assessment is available to Rhayader depot staff.

A site specific written management environment system is required to comply with permit condition 1.1.1 that identifies and minimises risk of pollution. Under 140001, this will need to include an aspects and impacts register, register of standards and stakeholders specific to the site, objectives & targets, training and site specific controls. This will need to be communicated, audited and reviewed.

Positively, we did see records of daily site checks and inspections being carried out. There is good practise surrounding any issues noted in these checks as, for example, an oil spill from a piece of machinery was noted on site this morning and this had already been addressed by the time of our visit. There is also a robust complaints procedure. Nigel reported that they had received one odour complaint from a nearby resident during the summer. This was successfully resolved by re-locating the area in which the bin lorries are parked. Please ensure that, though it has been demonstrated this procedure has been successfully implemented on site, it is also written within your EMS.

Following a review of the paperwork, Nigel accompanied us on a physical site inspection. The site was clean, tidy and well organised. While on site we saw the food waste was being transferred using a tipper into a lorry for onwards transportation. The tipping of food waste across the wall on site and subsequent clean-up is one example of a site-specific risk on site and for which a procedure should be formalised within the EMS.

One of the food waste skips had been damaged in recent high winds and so could not shut fully. You must ensure these skips are fully closed when not in use to prevent pests such as birds, reduce the ingress of water and lower the risk of odour issues on site. We were informed that this skip was due to be taken off site for repair that day and would be replaced by a recently repaired unit, currently stored in the yard.

C2 Management System and Operating Procedures – Permit Condition 1.1.1a – General Management –

Category 3 breach

You have been scored for failing to provide evidence of an adequate written EMS on site. A site-specific risk assessment must be included to identify and address environmental risks unique to the site's operations. As mentioned above, all staff should also be familiar with all the documents that form the EMS in regard to both their contents and location. Please submit an updated EMS to NRW by 23rd October 2018 and ensure that staff receive the appropriate training on this document.

EPR Compliance Assessment Report

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Operator/Permit holder	Powys County Council	Date	20/09/2018

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.

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	C3	Please submit an updated EMS to NRW by 23rd October 2018 and ensure that staff receive the appropriate training on this document.	23/10/2018

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.