

Compliance Assessment Report CAR_NRW0038501

Permit being assessed: DB3930AB.

For: Rhayader Highways Depot, held by Powys County Council

At: Station Road, Rhayader, Powys, LD6 5AW .

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2105089).

On 23/06/2021 between 14:40 and 15:10.

Parts of permit assessed: Amenity

NRW Lead Officer: Liz Park.

Report sent to: James Hutton-Motherwell/ Ashley Collins, Site supervisor/ Senior Manager on 05/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Action only (X)	
F1 - Amenity - Odour	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?

Criteria	Action needed	Complete by
C2	Improve Odour Management plan to make monitoring clearer and more comprehensive	18/08/2021

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.

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

Liz Park arrived on site unannounced after monitoring odour off site on Station Road. The compliance visit was in response to four odour reports on the 12,12,17 and 18 June 2021,

Liz met with James Hutton-Motherwell who is the new site supervisor, and Paul McCarly (TCM). At the time of the visit it had just started lightly raining.

Liz explained that she had just been monitoring the odour off site on Station Road over the previous 20 minutes, and that she detected an odour off site, that it was intermittent, and that whilst it was mild it would be considered a loss of amenity.

James and Tim explained that during the time period that Liz experienced the odour, the door to the transfer building was open as vehicles were arriving and depositing waste. Whilst it is accepted that the receipt of waste requires the door to the transfer building to be open, the duration that the door is open must be kept to a minimum.

Liz walked up to the transfer building. The left hand door was closed. The middle door was open. At the time of the visit, no odour could be detected on site. A small amount of municipal 'black' bin waste was on site.

A further assessment of the odour off site with the doors closed would have been undertaken, however it started raining whilst on site, and therefore a comparison could not be made.

Following the visit Liz reviewed the monitoring section of the Odour Management plan - EP03 Odour Management Plan V1 - which was provided to Natural Resources Wales on 18 November 2020.

(Please ensure all documents have document management controls on the front cover. This need to include date issued, date last reviewed, and date document is to be reviewed).

James and Paul explained that they had been monitoring odour inside the site boundary. The odour management plan states that odour will be monitored 'along the site boundary'. Odour needs to be monitored outside the permit boundary and not just inside. Permit condition 3.3.1 states that 'Emissions shall be free from odour at levels likely to cause pollution outside the site...'.

Therefore the odour management plan need to be made clearer. Liz discussed the site producing a plan for off site monitoring. Liz suggested having specified locations where odour is monitored, that odour should be monitored at different times of the day and that additional information such as weather, temperature, wind direction and speed should be recorded. The monitoring section of the odour management plan need to be updated to reflect any changes. How to Comply with your environmental permit and the horizontal guidance H4 Odour Management - How to comply with your environmental permit explains more about the required detail in the odour management plan.

There have been a number off complaints of odour being detected on Station Road. A comprehensive odour monitoring plan will, in the event that an odour emission is detected,

help to identify any possible cause of odour and enable appropriate measures to be put in place. It will also help to establish if there are any other sources of odour in the area. Please note that as per the permit condition, provided that the operator has used appropriate measures, then an odour emission off site does not necessarily mean that a permit breach has occurred.

C3 - Management Systems and Operating Procedures - Permit Condition 1.1.1 - Advice and guidance

In Schedule 1 Operations, Table S1.2 of the Environmental Permit, the odour management plan is listed as Rhayader Depot Odour Management Plan (EP68 - Issue 3). Due to a change in the management system from Green Dragon to ISO14001:2004, the current odour management plan is EP03 - Odour Management Plan v1.

The odour monitoring section of EP03 - Odour Management Plan is not clear as to how monitoring should be undertaken. Due to the number of odour emission reports and an authorised officer detecting an odour emission, comprehensive odour monitoring is required.

ACTION: Review and update the Odour Management plan with reference How to Comply with your Environmental Permit and H4 Odour Management - How to comply with your environmental permit and provide a copy to NRW.

F1 - Odour - Permit Condition 3.3.1 - Assessed

Whilst odour was detected off site, it is considered on this occasion to be due to normal operations. The site must continue to take steps to minimise odour by ensuring that the door to the transfer building is opened only when necessary, and for the shortest time practicable.

Environment Management System

It is understood that the current management system is being reviewed. This may require Table S1.2 to be varied. This will be addressed in due course.

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.