

Compliance Assessment Report

Report ID:
CAR_NRW0034223

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

Site	The Graig Yffaldau Waste Transfer	Permit Ref	LP3395FJ		
Operator/Permit holder	Powys Environmental Ltd				
Regime	Waste Operations				
Date of assessment	17/10/2018	Time in	10:30	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted activities, Management				
Lead officer's name	Park, Liz				
Accompanied by	Moscrop, Caroline				
Recipient's name/position	Tim Richards/ Operator	Date issued	15/11/2018		

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
A1 - Specified by permit	C3	2.1.1

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

Liz Park and Caroline Moscrop (Team Leader, Natural Resource Management Team, Radnorshire) met with Tim Richards (Manager, Company director and TCM). At the time of the inspection the weather was cool and overcast. This was a pre-arranged inspection to check progress towards compliance since the last inspection on 25/07/2018 and to discuss Fire Prevention and Mitigation Plans, Management Systems and any potential permit variation.

A significant amount of waste was being stored on site at the time of the inspection. This was both within the building and on the outside storage area. Due to the amount of waste being stored there was little segregation between waste streams. Liz and Caroline were informed that this was due to the current financial situation of the company. The company were financially unable to remove any of the waste from the site. Tim said that the company was in the process of receiving a significant investment which would enable all the wastes to be removed from the site over the next week. Liz Park was shown a letter to this effect.

Several non-compliances were identified which are detailed as below.

A1 – Permitted activities – CCS Cat3 – Permit Condition 2.1.1

Treatment and storage of waste outside a building

Permit condition 2.1.1 referring to Table 2.1 Household, Commercial and Industrial Waste Transfer Station requires the treatment of non-hazardous waste to be undertaken inside a building. The metal sheeting above the trammel does not in itself constitute a building. As discussed on the site, the building must be able to minimise emissions noise, particulate matter, odour and litter. Therefore, this permit condition is still being breached. In addition, all bulking of transfer of non-hazardous waste must be carried out inside a building, and non-hazardous wastes must be kept in a building or within a secure container, on impermeable surface with sealed drainage.



Waste being treated outside the building

Natural Resources Wales hold a copy of the planning permission dated 6 April 1993 which was submitted with the permit (licence) application. This planning permission requires that all storage and treatment of waste to be undertaken within a building. No waste is to be stored outside of the building. Unless the planning permission has been updated (which may have been the case for the civic amenity site) then you may be in breach of your planning permission. The local planning authority, Powys County Council Planning, have been informed of the above.

Please note that should you wish to submit a permit variation to undertake the treatment of non-hazardous waste outside a building we do not need to see your planning permission. However, in light of the above you may wish to contact your local planning authority.

We record all breaches of permit conditions. These records contribute to an annual compliance rating that affects your annual subsistence charge.

During the site visit options to bring the site into compliance were discussed which we find reasonable. While you carry out these steps we will continue to record your site as non-compliant on our database. However, we are prepared to 'suspend' these ongoing permit breaches so that they do not count toward your annual compliance rating.

Please complete and return the attached Action Plan specifying your proposed actions with appropriate completion dates. Your proposals should be clearly set out and achievable.

Once we agree with your proposals and timescales for action then we will suspend non-compliances from that point forward for a period no longer than six months. However, we reserve the right to cancel the suspension and count all permit non-compliances toward your compliance rating should you fail to follow the actions specified or should you cause pollution to the environment.

Action: Inform Natural Resources Wales in writing the steps you will undertake to comply with the above by completing and returning the Action Plan by 14/12/2018.

Action: Store all wastes in accordance with the limits of activities in Table 2.1 by 14/03/2019.

Action: Undertake all treatment of non-hazardous waste within a building by 14/03/2019.

C2 Management System and operating techniques – Advice and guidance – Permit Conditions 2.4.1 and 3.8.1

Following the last inspection, a Fire Prevention and Mitigation Plan (FPMP) was submitted to Natural Resources Wales (NRW). The plan had not been produced in line with the standards set out in Fire Prevention and Mitigation Plan guidance – Waste. It does not meet the requirements of permit condition 2.4.1 and 3.8.1.

Therefore, the requirement to have a FPMP was discussed with Tim Richards. NRW had previously gone through the requirements of a Fire Prevention and Mitigations Plan with Powys Environmental Ltd when a joint inspection was undertaken with the Mid and West Wales Fire and Rescue Service on 16 November 2017. However, Tim Richards was not present and James Hydes who was the site manager at the time has since left the company.

Tim Richards is now fully aware of the information that is required in the FPMP and that he is required to operate the activities in accordance with the plan. A copy of the FPMP guidance – waste was left on site.

A time frame for submitting the FPMP was discussed. Tim Richards was reminded that it was due to be submitted to NRW by 10/07/2018.

You have been given advice and guidance on this occasion. Failure to submit a FPMP to NRW by the date specified below will result in a breach of permit condition being recorded and further enforcement action being considered.

Action: Tim Richards agreed that it would be submitted within four weeks of the date of the meeting. As this CAR was not issued until 15/11/2018 this has been extended until 14/12/2018.

C2 Management system – Advice and guidance – Permit Condition 1.1.1a

Tim Richards seemed to be unaware of the contents of the current management system. Liz Park emphasised the importance of the management system to identify risk of pollution and how this is minimised. For example waste should be managed in accordance with the management system to ensure that it is stored correctly not mixed as shown below. The current version does not reflect the activities currently being undertaken on site and must be reviewed and revised to comply with permit condition 1.1.1a.



Plasterboard/ Gypsum mixed with other mixed wastes

Action: Please send the latest version of the written management system to NRW by 14/12/2018.

C1 Staff competency and training – Advice and guidance – Permit condition 1.1.1b

Technical Competent Manager (TCM) attendance was discussed following the breach of permit condition recorded at the last inspection. Tim Richards has provided a copy of his continuing competency certificate which was awarded on 9/04/2018 and therefore is able to act as TCM. He confirmed during the inspection that he does not attend the site on a weekly basis and seemed unaware that TCM attendance is required weekly. Please refer to the guidance document 'How to Comply with your environmental permit' which can be obtained from the link below. Page 37 has a site attendance guide for TCMs. If Tim Richards is not available to attend the site every week then alternative TCM attendance must be sought.

The current OPRA score for the site is as follows:

Complexity – A11

Location – B

Emission – B

Please note as you currently accept hazardous waste you should be an A9 site. This will affect your OPRA score.

You have been given advice and guidance on this occasion. However, TCM attendance will be checked when the site is next inspected and if adequate TCM attendance is not provided then you will be scored for a breach of permit condition.

<http://naturalresourceswales.gov.uk/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

Permit boundary plan

The permitted area to which the permit relates to is described as land as edged on red on the Drawing number 34 submitted with the waste management licence application dated 11 March 1996 as stated on the original front sheet for licence number SEW/201 which became licence reference EAWML 30191, then permit number EPR/LP3395FJ. I have found James Hydes email dated 10 February 2016 in which he attached 34 Application Site and 36a site layout. Unfortunately this 34 does not have the outline in red. Therefore, please can you look to see if there is another version of drawing 34 that would have been submitted. I will review any original plans you have at the next site inspection or meeting.

EPR Compliance Assessment Report

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Operator/Permit holder	Powys Environmental Ltd	Date	17/10/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
A1	C3	Submit an action plan by 14/12/2018. All waste to be stored and treated in accordance with limits in table 2.1 by 14/03/2019	14/12/2018

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.