

Compliance Assessment Report CAR_NRW0039134

Permit being assessed: LP3395FJ.

For: The Graig Yffaldau Waste Transfer, held by Powys Environmental Ltd

At: The Graig Yffaldau Waste Transfer Station, Llandegley, Llandrindod Wells, Powys, LD1 5UD.

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

On 21/12/2021 between 11:00 and 11:55.

Parts of permit assessed: Permitted Activities, General Management, Fire

NRW Lead Officer: Liz Park, accompanied by Jeremy Goddard.

Report sent to: Tim Richards, Operator on 13/01/2022.

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	2.1.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

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	Ensure that the mattresses, plastic, paper and cardboard are stored in accordance with permit condition 2.1.1	28/01/2022

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 (Waste Regulation Officer) and Jeremy Goddard (Team leader - Waste and Enforcement, Mid Wales) to undertake a site inspection. The purpose of the site visit was to assess continued compliance at the site following previous non-compliances.

Liz and Jeremy met with Tim Richards and walked over the site. At the time of the visit the weather was cold and dry.

The walk over started on the upper yard. The main reception bay continued to have space for the acceptance of waste. A small amount of plasterboard/ gypsum was stored in the third bay along with a small deposit of waste in black bags. The remainder of the bay was being used as a maintenance bay.

There was some mixed waste wood stored in the bay next to the biomass boiler. The biomass boiler was in operation as the time of the visit. Wood for the biomass boiler was stored in a container outside the bay and on the lower yard. It is possible for hot air from the biomass boiler to be used to dry the wood but this was not in operation. Tim asked if it was possible to vary the permit to dry mixed wastes. Liz explained that it is possible to submit a permit variation to add the relevant drying waste treatment activity, and that should he wish to discuss this further to request a pre-application meeting.

The WEEE skip was not observed during this inspection, but the paper and cardboard, and mattresses continue to be stored in skips on unmade ground. If these wastes are in secure containers they can be stored outside on the impermeable surface.

The issues regarding registered exemptions and permitted activities within a permitted area was discussed with Tim. It was explained that following a Exemptions consultation there are likely to be legislative changes regarding registered exemptions on and/or adjacent to permitted sites. Tim was advised to consider this when considering the storage of these wastes. Please see below section on the management system relating to the storage of wastes.

[Government response - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

A small amount of silage wrap was stored on the outside impermeable surface.

There was evidence that the picking line and trommel had been in operation, but was not operating at the time of the visit. Please see section below on the management system regarding the movement of waste on site.



Impermeable surface and treatment line



Lower yard

Overall, it was pleasing to see that the continued improvement in site operations.

A1 – Permitted activities – Permit Condition 2.1.1 – Advice and guidance

Ensure that the WEEE skip, paper and cardboard skips, plastic and mattresses are stored in accordance with permit condition 2.1.1.

Please note: The Enforcement Response on this CAR refers to the compliance with the permit conditions assessed at the site on the 21 December 2021 only.

Inert waste

You must ensure that all inert waste leaving the site is transferred to a site authorised to

accept it under an exemption or environmental permit. No further inert waste can be used to extend the site unless under and in accordance with a waste recovery environmental permit.

Fire Prevention and Mitigation Plan (FPMP)

FPMP Version 10 dated 05/02/2021 was written before the removal of non-hazardous waste that was being stored in breach of permit condition 2.1.1. Any sections that refer to this waste can now be updated.

Page 4 - Refers to the storage of compost. The site is not permitted to accept or produce compost and therefore this reference must be removed.

Oxyacetylene and oxygen gas cylinders stored in the maintenance bay have not been included in the FPMP. Their location must be added to the site plan as required by Guidance No.16 Fire Prevention and Mitigation Plan.

Waste Returns

It is noted on the waste return that the site is being listed in Section 2.2 as an A13 Household Waste Amenity site. It is an A11 Waste Transfer Station. Please ensure the correct waste management facility is used on future waste returns.

Environment Management System (EMS)

The environment management system that is currently held by NRW is dated **04/04/17**. It is known that there have been significant changes on site and therefore, if not already undertaken, there are many sections which require updating.

You need to consider in particular the following operations, the storage of waste and the movement of waste on site.

Storage of Waste (EMS/1.3) - The EMS needs to be updated to reflect the current storage of wastes on site. The EMS must clearly detail what wastes are stored where and under what authorisation. For example, uPVC window frames (EWC 17 02 03) are stored under the Low Risk Waste Recovery Option 484, suitable waste wood for use under the U4 exemption etc You are advised to consider the proposals to the use of exemptions on and/or adjacent to permitted sites following the exemption review.

You must consider options within the permitted area and in accordance with the permit conditions for the storage of the paper & cardboard skip, the mattresses, tyres and WEEE. All hazardous and non hazardous waste must be kept within a building or a secure container AND on an impermeable surface with sealed drainage.

Movement of waste - Following to removal of the picking line and trommel from the main building to a separate building, you must now have procedures in place to ensure that the permit conditions are not breached. Waste to be treated and following treatment, must be moved directly between the two buildings.

You will need to include an updated plan of the site in the EMS.

Action: Please provide a copy of the current version of the management system by 21 January 2022 unless the current version is dated 4/4/17. Please inform me if this is the case.

Action: Should the management system require updating following the comments above, please provide the updated version by 25 February 2022

TCM Attendance

It is understood that Tim Richards is the only person providing TCM attendance and is on site nearly all the time the site is open. In order for Tim to be away from the site for a week or longer, then an alternative TCM must be provided. Tim requested how many hours a replacement TCM would need to be on site. This is calculated using the OPRA score as detailed below (please see page 37 of How to Comply).

Attribute	Score	Attendance points	Total
Complexity	C	2	
Location	B	2	
Emissions	B	2	
			6

Therefore TCM attendance is 20% of Operational Hours.

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.