

Compliance Assessment Report CAR_NRW0039173

Permit being assessed: JP3698FK.

For: LAS Waste Ltd., held by L.A.S. Recycling Limited

At: Tregaron Road, Lampeter, Ceredigion, SA48 8LT.

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

On 15/11/2021 between 10:00 and 12:00.

Parts of permit assessed: Fire Risk, Hazardous Waste Storage, Impermeable Pavement, Flood Risk

NRW Lead Officer: Malcolm Dines.

Report sent to: Danielle Parry, EHS Manager on 17/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C4 No impact	2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	1.1.2
D2 - Incident Management - Accidents, emergency and incident planning	C4 No impact	4.7.1

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

Total number of non-compliances recorded	Total non-compliance score
3	4.2

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
B1	Submit timescales by when work to repair the surface of the lower yard will be completed.	01/04/2022
B1	Review and submit an updated version of your Flood Risk Action Plan. This must assess and mitigate the risk of flood waters entering the site at the northern side of the Household Waste Recycling area of the site. You must also provide a plan and timescales for any mitigation work to be completed	01/06/2022
D2	Review fire prevention measures and submit updated version of FPMP that	01/06/2022

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

This was a routine compliance visit carried out by Malcolm Dines who met with Danielle Parry (EHS Manager), Lianne Timmermann (TCM) and Gareth Danter-Hill (Consultant) all of whom accompanied me around the site. The weather was overcast but dry and all external areas of site were viewed as well as the Hazardous Waste Storage Area as this was an area needed to be viewed in order to understand how hazardous wastes were kept separate from other wastes

Permit Breaches

B1 - Engineering for prevention and control of emissions - Cat 3: Permit Condition 1.1.2

You have been given this category 3 breach under the above condition because during our inspection it was observed that, in the event of a flood, there was the potential for the Afon Dulas to enter the area of the site within the Flood Warning Area due to a damaged or insufficient wall along the northern boundary of the Household Waste part of the site. A previous compliance visit highlighted that there was a "hole" in the wall of the Household Waste Yard, with the concern being that this needed to be repaired to prevent any contaminated water leaving the site and entering the Afon Dulas. However, as discussed during the site visit, that area of the site is designated as being within a Flood Warning area and so the greater risk is that of flood water entering and inundating the site. The Flood Warning Area extends for the whole of the far (eastern) end of the Household Waste Recycling yard. Permit Condition 1.1.2 requires that you have a Flood Risk Action Plan that has procedures to mitigate the impact of polluting substances entering controlled waters.

A Category 3 breach of permit condition 1.1.2 has been scored.

Actions – Review and submit an updated version of your Flood Risk Action Plan. This must assess and mitigate the risk of flood waters entering the site at the northern side of the Household Waste Recycling area of the site. You must also provide a plan and timescales for any mitigation work to be complete. It is clear from NRW's Flood Risk Map that the whole of that side of the site boundary is within the Flood Warning Area and therefore it is expected that some mitigation will be required.

A deadline of 1st June 2022 has been specified for this action to be completed.

B1 - Engineering for prevention and control of emissions - Cat 4: Permit Condition 2.1.1

During the compliance visit it was noted that the impermeable pavement of the lower yard outside the recycling baling shed is in poor condition. Liquids running down from the upper yard were seen flowing across the damage surface. Although there is no evidence that the

damage to the surface passes through the entire concrete surface, please ensure that the surface in this area of the site is assessed and repaired if no longer impermeable or there is risk that it will no longer prevent the transmission of fluids to the ground below.

A Category 4 breach of permit condition 2.1.1 has been scored

Actions – It has subsequently been confirmed by yourselves and by your consultant that the repair of the surface of this yard has been approved by management and that you will now find the most appropriate time to action the improvements so that the impact on business can be reduced as much as possible. Submit timescales by when work to repair the surface of the lower yard will be completed.

A deadline of 1st April 2022 has been specified for this action to be completed.

D2 - Accidents, emergency and incidents planning - Cat 4: Permit Condition 4.7.1

With regards to your Fire Prevention and Mitigation Plan you must review how waste bays are designed and laid out – such as the need for a clear 1 metre of freeboard at the top of the bay – to ensure that the Guidance is being followed properly. At the time of the compliance visit the wall at the rear of the site backing onto the Afon Dulas did not appear to be high enough and they did not appear to be designed as fire walls. Properly designed and constructed Fire Walls remove the need to have a free air gap around the perimeter of the site. You also need to consider the risk of the trees along the northern perimeter of the Household Waste Yard catching fire in the event of a fire starting in one of the bins located below the trees. Although you can move the bins away from the site perimeter, given how close the trees currently are to the bins you may not have time to move the bins before the trees catch fire.

A Category 4 breach of permit condition 4.7.1 has been scored

Actions – Submit a report that assesses whether the bays as detailed above are designed, constructed and used in accordance with the latest Fire Prevention and Mitigation guidance and what improvements, if any, are needed to ensure you meet current standards. You must also review and update if necessary, your Fire Prevention and Mitigation Plan.

A deadline of 1st June 2022 has been specified for this action to be completed.

Other general observations/comments

Hazardous Waste Storage

Following a previous review of waste returns, it was felt that an on-site review of the storage of Hazardous Waste at the site was required in order to fully understand where on-site the storage was and how material was stored. As this was not something that could be fully understood through the EMS that was on the NRW document management system. Hazardous waste is stored behind a locked roller-shutter door and the TCM required the member of staff responsible for the hazardous waste bay to open the locked door in order to see inside. All wastes were stored separately and clearly identified and with the door locked when not in use the system appears very secure. It is advised that the EMS is updated in order to make it clear how the process works and that hazardous waste is stored securely and separately.

Drying of wastes

Currently heat from the biomass boiler, as well as being used to heat the Waste Transfer Buildings, is being used to dry various wastes in order to facilitate onwards transport of the waste by reducing bulk and weight. This environmental permit does not include the heat treatment or drying of wastes as an authorised activity, but NRW understands that the drying is a listed activity in your Schedule 13 permit for the Biomass Boiler. NRW have concerns that the heat treatment and/or drying of wastes is not a waste treatment activity that can be authorised by a Schedule 13 Permit and that this activity must be authorised by an Environmental Permit issued by NRW. At present NRW accept that you believe you are carrying out this activity legally in accordance with a permit issued to you by a regulating authority. NRW will be looking into the permitting of such activities to ensure that these activities are correctly regulated under the Environmental Permitting Regulations 2016 (as amended) and will advise you of the outcome of these discussions.

From discussions on site it became clear that waste accepted into this yard is being reported on the waste returns. As this waste stream is accepted directly to the exempt yard, the material should not be reported through waste returns.

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.