Compliance Assessment Report CAR_NRW0039569

Permit being assessed: LP3395FJ.
For: The Graig Yffaldau Waste Transfer, held by Powys Environmental Ltd
At: The Graig Yffauldau Waste Transfer Station, Llandegley, Llandrindod Wells, Powys, LD1 5UD.

Type of assessment carried out: Report/Data Review, Reason: Routine.
On 15/03/2022.
Parts of permit assessed: Environment Management System

NRW Lead Officer: Liz Park.
Report sent to: Tim Richards, Operator on 16/03/2022.

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	C3 Minor	1.1.1

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
C2	Update and amend the Environment Management System as detailed in the review	25/04/2022

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 had undertaken a review of the Environmental Management System (EMS) dated 10 January 2022.

The following non-compliance was identified:

C2 - Management Systems and Operating Techniques - Permit Condition 1.1.1 - CCS Cat 3

Whilst it is acknowledged that the EMS has been recently updated and better reflects current activities, the review identified an number of sections that still either need adding, updating or amending. Therefore the EMS does not currently fully meet the requirement of permit condition 1.1.1 as it does not identify and minimise all risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints.

ACTION: Submit an updated version of the EMS for review by **25 April 2022**.

General comments

Document Control – Please add a document control section so if can be clearly seen which version of the EMS is in use and what has been updated. If you are unsure what to include, please contact me.

ACTION: Include a document control section

Movement of waste around site – There should be more detailed information regarding the movement of waste around the site, particularly between the two buildings, to ensure that the site is compliant with the permit conditions.

ACTION: Include in the EMS more detailed procedures for waste acceptance, quantities, treatment and storage

Waste hierarchy – There must be procedures in place to enable you to comply with the waste hierarchy of re-use, recover, recycle and dispose

ACTION: Include in EMS

Weather - you must have a contingency plan in your EMS for severe weather.

ACTION: Include in EMS

Incidents, complaints and non-conformance - you must have a complaints procedure. And have a written record as to how incidents and non-conformances are managed.

ACTION: Include in EMS

Contents

EMS 1/1.3 is listed as Hours of Operation but within the document is EMS 1/1.4. And EMS 1/1.4 is missing from the contents.

ACTION: Please amend

EMS 1/1. Site description and location

The EMS mentions secure lockable containers available for the quarantine of unauthorised wastes. These must be available at all times.

EMS 1/1.2 Permitted Wastes

This section contains Table 2.1 Permitted activities and Table 2.2.

It is noted that the EMS still includes the Household Waste Amenity Site. Whilst this activity is still in the permit, it is known that this is no longer undertaken for and on behalf on Powys County Council.

ACTION: Please can you confirm that you are still operating a Household Waste Amenity Site. If you are not, then this must be clarified in the EMS.

EMS 1/1.3 Storage locations and storage limits

The plan included in the EMS is an older version and does not include number 34 the 25,000 water tank. Please also clarify where the asbestos container is kept as it is not included on the site plan.

30 – Carpet cannot be stored in this area against the building as it does not comply with the FPMP guidance. Please amend.

31 – The carboard as a non-hazardous waste must be kept in a building, or within a secure container and on an impermeable surface with sealed drainage.

11 – the tyres as a non-hazardous waste must be kept in a building, or within a secure container and on an impermeable surface with sealed drainage.

ACTION: please amend the Site plan as required

EMS 1/1.4 Hours of operation

Please confirm that these are the correct operating hours in the event that you are not operating a private household waste and amenity site.

EMS 2.1/ Engineered site containment and drainage system

Paragraph two states that ''All external surface water is collected and passed through sediment traps and then through a petrol interceptor before finally being discharged into a drainage ditch''. Any surface water generated on an impermeable surface where waste is stored must be contained and cannot be discharged to a ditch.

ACTION: Please clarify which area/ source of surface water this applies to. For example, this would be acceptable for a parking area. Please note that it is thought you are meaning to refer to an 'oil' interceptor, rather than a 'petrol' interceptor.

Paragraph three relates to clean rubble and soil. This is not considered to be an accurate reflection of onsite activities. Please describe how these waste are stored.

ACTION: Remove reference to exempt area or clarify what is meant by this.

ACTION: Consider what your outlets for this waste stream are. It is known that this waste stream is not removed on a monthly basis. Please amend relevant section in EMS.

EMS 2.2/ Drainage system monitoring and reporting

This section should refer to the drainage plan, so it is being reviewed here. As previously mentioned, an area which drains to the ditch must not be used for the storage of waste.

The leachate tank should checked and emptied before it is full to allow for storage until it can be emptied. This will need to be more than once a week, and after episodes of heavy rain.

The site drainage plan need improving. The location of the permanent overflow tank mentioned must be included. The use of red to indicate foul drainage, and blue for clean uncontaminated water – such as from the roof, should be used.

Guidance for Pollution Prevention GPP21: Pollution Incident Response Planning contains advise on producing a site drainage plan along with other useful information.

gpp-21-final.pdf (netregs.org.uk)

ACTION: Review and update this section of the EMS and produce a clearer site drainage plan.

EMS/2.3 Site security

There are two additional security measures added to the EMS which are nightly security patrols and motion sensor activated floodlights.

You must take a risk based approach to site security dependant upon the environmental risks and the site's location. If you have assessed that these measures are required, then they will need to be provided.

ACTION: Undertake a written assessment of control measures and amened this section

EMS/3.1 Control of mud and debris

This section should include dust, which is not mentioned within the body of the EMS. There is however a section of the risk assessment which refers to dust. Please see comments below regarding the risk assessments.

Action: Add Dust to the EMS.

EMS/ 3.2 Potentially polluting leaks and spills

This section refers to the accident management plan. An accident management plan must be an integral part of the management system. Page 23 of 'How to Comply with your Environmental Permit' explains in full detail what must be included in the accident management plan.

ACTION: Please provide a copy of the Accident Management plan for review

EMS/ 3.3 Fire on site

Please signpost the reader to your Fire Prevention and Mitigation Plan

EMS/ 3.4 Waste acceptance, control and rejections procedures

Please change to the reference to the Environment Agency to Natural Resources Wales. Please change the reference to special waste to hazardous waste.

It is clear that this section has been updated. It is acceptable for loads which you are confident contain only inert waste to be stored directly on hardstanding or an impermeable surface with sealed drainage.

EMS/ 3.5 Waste Quantity measurement system

It is advisable to weigh outgoing loads as well as incoming loads if this is possible. It is acknowledged that the weighbridge was not built for artic trailers.

EMS/ 3.6 Company structure and training

You need to signpost where the training records for all staff are held, evidence that staff are trained to deal with accidents including a full understanding of the relevant sections of the FPMP, and records of training for plant and equipment used.

Please see page 25 of How to Comply for further details.

ACTION: Review and update the EMS as required

EMS/ 3.7 Infrastructure and machinery and vehicle maintenance

As previously mentioned, the site drainage needs to be inspected more than weekly.

EMS/ 4.1 Drainage system monitoring and reporting

The information in this section is already recorded elsewhere within the EMS.

ACTION: Consider amending the format of the EMS to avoid duplication. You can signpost reader to different sections of the EMS.

EMS/ 5.1 Control of odour and noise nuisance

There has not been any known odour or noise issues with the operation of the site. However, odour should be assessed more frequently than once a week. Should odour or noise become an issue, further detailed procedures will be required.

EMS/ 5.2 Control of pests, vermin and scavenging birds

Flies should be included as a possible pest that could cause pollution, hazard or annoyance outside the site.

EMS/ 5.3 Control of litter

Sufficient control measures in place based on normal operation.

EMS/ 6.1 Security and availability of records

Page 50 of How to Comply contains further information on records. Please note how long certain records need to be kept for. This information should be in the EMS.

EMS/7.1 Environmental Risk Assessment – Risk of airborne dust, fibres, powders or particulates

This risk assessment refers to sections of the EMS such as 4.2 that do not exist. As previously mentioned, dust must be included within the EMS.

Monitoring for visible aerial emissions gives working plan EMS/4.1. This needs amending as EMS/4.1 refers to Drainage system monitoring and reporting.

ACTION: Amend EMS

EMS/7.2 Environmental Risk Assessment -Risk of windblown litter

Again, refers to EMS/ 4.2 that does not exist.

EMS/7.3 Environmental Risk Assessment – Risk of generation of polluted surface water run-off

The relevant sections need amending, please see above. Please ensure the risk assessment refers to the correct procedures.

ACTION: Update as required.

EMS/7.4 Environmental Risk Assessment – Risk of deliberate or accidental combustion

There are other wastes on site that are at risk self-ignition, for example - the presence of lithium-ion batteries within residual waste. A more comprehensive list of risks is in your FPMP.

ACTION: Update as required.

Risk Assessment

The risk assessments undertaken are for **Risk of airborne dust, fibres, powders or particulates, Risk of windblown litter, Risk of generation of polluted surface water run-off and Risk of deliberate or accidental combustion.** It is considered that all potential risks may not have been assessed, for example**:** arson/vandalism, protected sites – Site of Special Scientific Interest, odour, noise, scavenging animals and birds, airborne asbestos fibres.

ACTION: Review risks assessments to ensure all risks have been identified and assessed, and procedures put in place as required.

Guidance documents

You may find 'How to comply with your environmental permit useful along with the information available on the following site (we refer customers to this website from our own), useful reference documents.

Develop a management system: environmental permits - GOV.UK (www.gov.uk)

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.