

Compliance Assessment Report

Report ID:
CAR_NRW0032485

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	16/11/2017	Time in	10:00	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	3.4 Fire, 1.1. General Management				
Lead officer's name	Park, Liz				
Accompanied by	Starks, Madeleine				
Recipient's name/position	James Hydes/ Site Manager	Date issued	23/11/2017		

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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 Madeleine Starks attended a joint site visit with the Mid and West Wales Fire and Rescue Service (MWWFRS) on Thursday 16th November 2017 to conduct a fire audit. This audit was in regards to the upcoming fire prevention conditions to be added to the site's permit. Powys Environment Ltd have been assessed as a "High Risk" site in regards to fire risk, due to the quantities of flammable waste materials stored on the premises. Also present at the visit were Rhys Mullen and Rob Luke from FRS and Geraint Jenkins of Dyfed-Powys Police, seconded to the FRS. The weather conditions were cold and cloudy, with periods of moderate rain. We arrived on site at 10:00 and were accompanied by James Hydes, the site manager and TCM, throughout the course of the visit.

Fire Audit

Site specific fire risks were discussed. Geraint was happy that the site was not at direct risk with regards to security, with sufficient security measures in place, however advised that the broken shutter doors on the main storage shed were replaced or repaired as a priority.

In the case of a fire on site, no clear storage area was identified for run-off firefighting water. The capacity of both the interceptor and the leachate tanks are too small to be used for this purpose. Discussions to take place between the FRS and NRW to assess whether a controlled burn of waste stored outside the building, in particular waste wood, would be more appropriate due to these limitations, and if not, what plan needs to be put in place with regards to the waste water.

No other site specific risks were identified. A Fire Prevention and Mitigation Plan (FPMP) must now be written to be compliant with the new permit condition due to be added to your permit – fire condition 3.4.1. Once this variation to your permit has been made, you will have 4 weeks from the date of receipt to submit your FPMP to us. If this has not been submitted, we will score this as a Category 3 breach under "(C2) Management system and operating procedures".

General Inspection

Overall, we were happy with the condition and management of the site, with significant improvements made to the quantities of waste stored since our previous routine inspection in September 2016. No further complaints from the public had been received. The Civil Amenities (CA) section of the site is now closed, however a small amount of CA waste remains on site to be gradually removed and transported to

the new CA site located in Llandrindod. This includes a small amount of Waste Electricals and Electronic Equipment (WEEE), one container of batteries and a few orphaned gas cylinders. These were, however, stored correctly and safely, with a cover on the battery store to prevent rain water entering.

Environmental Management System

Whilst we are now confident all waste is being stored within the permitted area of the site, the Environmental Management System (EMS) is still lacking an accurate and up to date site plan. An up to date version of the EMS was provided whilst we were on site, however contains only minor amendments regarding the storage and handling of construction and demolition waste. A site plan is required both by site staff who need knowledge of the boundary to ensure they are compliant with the permit, and by us to fairly regulate site activities. A basic site plan has been submitted, however contained insufficient detail. James Hydes will liaise with the FRS who plan to construct a more detailed plan for the FPMP, which may also be used in the EMS.

The EMS will also now need to be updated to reflect the closure of the CA site, with CA related procedures omitted from it. As James Hydes reported some uncertainty over the future operation at the site, if there are additional procedures these must also be listed in the EMS.

The following areas require updating/ further information:

EMS/2.1 – This refers to a petrol interceptor. These are normally referred to as oil interceptors. Waste rubble/ soil must be stored within the permitted area. Inert waste can be stored on hardstanding/ impermeable surface.

Skip Waste Procedure – Still refers to ‘special’ waste. This should be non-permitted and/or Hazardous waste.

Commercial waste delivered to the transfer station – refers to just waste transfer notes. You are permitted to accept hazardous waste and reference to Hazardous Waste Consignment notes should be added. Again, refers to special waste. Reference to Environment Agency remains.

EMS/1.3 Storage locations and storage limits – This section requires updating and additional information. For example, there is insufficient detail as to where the waste streams should be stored. It does not specifically mention how gypsum/ plasterboard should be stored. This should be stored in a building/ sealed skip to prevent the ingress of water.

Once the management system has been updated, please provide an electronic version by email.

Accident Management Plan

This document also requires some updating. This includes a review of the emergency contact numbers. Please note the new NRW Incident Response Number is 0300 065 3000.

Please provide an electronic copy of the Accident Management Plan.

EPR Compliance Assessment Report

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Operator/Permit holder	Powys Environmental Ltd	Date	16/11/2017

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.

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			

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.