

Compliance Assessment Report

Report ID:
CAR_NRW0026642

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	06/09/2016	Time in	15:13	Out	16:15
Assessment type	Site Inspection				
Parts of the permit assessed	Specified activities, Management				
Lead officer's name	Park, Liz				
Accompanied by					
Recipient's name/position	James Hydes/ TCM	Date issued	17/11/2016		

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
B4 - Infrastructure - Containment of stored materials	C3	1.1.1

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

This site inspection was in response to two incidents reports. One was concerning water in battery containers and general housekeeping. The second was in relation to the biomass boiler. This has been dealt with separately and the details recorded on CAR (E) 160906/000366.

At the time of the inspection the weather was warm and dry

The following non-compliance was identified.

B4 – Containment of stored materials – Permit Condition 1.1.1 – CCS Cat 3

EMS/1.3 requires household and lead acid batteries to be stored in sealed purpose built container. The containers are appropriate however rainwater has been allowed to accumulate in the containers. This water may have become acidic. This poses a risk to human health and the environment. At the time of the inspection the water could not be tested to see if it had become acidic as it was discoloured. Should the water be acidic it would need to be disposed of appropriately. This was discussed with James Hydes. Please ensure measures are put in place to ensure rainwater does not enter the battery containers.

Storage of waste on Household, Commercial and Industrial Waste Transfer Station

At the time of the inspection insufficient standards of storage of the following wastes was noted:

WEEE that was stored in the sorting shed were being covered with trommel waste. WEEE must be stored in accordance with the technical requirements on Annex III of the WEEE Directive.

Gypsum/ Plasterboard waste storage which may have been collected separately was mixed in with other waste. Waste containing identifiable gypsum-based materials e.g. plasterboard cannot be landfilled with biodegradable waste. Gypsum based materials should be kept separate from other waste at the site of production so that it can then be recycled/ reused or disposed of properly at landfill.

Orphaned gas cylinders

Orphaned gas cylinders were stored outside the permitted area to the north of the site in an open skip on hardstanding. Gas cylinders present a health and safety risk. Please see the links below regarding the orphaned gas cylinders on site and how to get them returned. All gas cylinders must be stored within the permitted area.

<http://www.hse.gov.uk/pubns/waste03.pdf>

http://www.bcgga.co.uk/pages/index.cfm?page_id=91&title=cylinder_recovery_and_disposal

Permitted area

Thank you for providing a scanned copy of 34 Application site and 36A Site layout. These has been looked at and it is agreed that the site boundary does include the concrete pad. As you rightly state it does not include all of the area to the north of the buildings. Please find attached a plan which has been produced using our mapping system. The green outline is the new concrete pad. The blue outline is the area to the north of the concrete pad currently used to store empty skips and some waste streams. This was produced by superimposing an aerial photograph from 2014/15 onto the map. The red outline is approximately where it is considered that the current permit boundary is. It is suggested that you submit a new plan following the guidance in section 5 of the guidance document for approval. This new plan would then need to be included in your EMS until such time that your permit is updated. If you wish to increase the area you would need to submit a permit application.

http://naturalresources.wales/media/678707/part-b2_guidance_final.pdf

Fire risk

Please find enclosed a copy of NRW's Fire Prevention and mitigation guidance. There is a phased implementation into Environmental Permits of the requirement in this guidance. This waste facility has been assessed by Natural Resources Wales has been at high risk of fire. We will therefore be seeking to undertake a joint visit with the Mid and West Wales Fire and Rescue Service in the near future.

EPR Compliance Assessment Report

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Operator/Permit holder	Powys Environmental Ltd	Date	06/09/2016

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			
B4	C3	Please ensure measures are put in place to ensure rainwater does not enter the battery containers	01/12/2016

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.