

Compliance Assessment Report

Report ID:
CAR_NRW0033678

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	25/07/2018	Time in	11:45	Out	13:26
Assessment type	Site Inspection				
Parts of the permit assessed	Permitted Activities, General Management				
Lead officer's name	Park, Liz				
Accompanied by					
Recipient's name/position	Tom Sheffner/ Site Manager	Date issued	26/07/2018		

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
A1 - Specified by permit	C3	2.1.1
C1 - General Management - Staff competency/training	C3	1.1.1a
C2 - General Management - Management system and operating procedures	C3	2.4.1

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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 met with Tom Sheffner who is the acting site manager on site. At the time of the inspection the weather was hot and sunny. The reason for the visit was to undertake a site inspection concerning a report of flies in the area and to follow up on the fire on the 20/21 June which was notified to NRW by the Mid and West Wales Fire and Rescue Service (MWWFRS) and Powys Country Council.

Tom informed Liz that James Hydes (who was site manager and TCM) had left earlier in the year. And that Liz Crook (officer manager) who completed the waste returns had also left.

Since the previous site inspection in November 2017 the site has become very untidy with waste being stored and managed inappropriately with a potential risk to the environment. The trommel has been removed from the Transfer building and is now on the external impermeable surface and is currently in operation.

Several non-compliance were identified which are detailed below. These are in addition to the ongoing waste fire incident.

The site is currently accepting mixed waste from the bins at the Royal Welsh Show.

Waste Fire

Upon arrival on site Liz could smell waste burning. The fire that commenced on 20/21 June was still burning. The fire is in a waste stack on the impermeable surface at the rear of the site. This stack consists of mixed construction and demolition waste. Inert waste has been placed by the site on top of the stack in an attempt to dampen down the fire. Tom informed Liz Park that the MWWFRS officer who attended the site had said that it could be left as a controlled burn. At the time of the inspection smoke could be seen coming out of the waste stack and the fire within the stack could be heard.

A stack of waste wood was being stored immediately adjacent to the stack containing the fire. Liz requested that a fire break is created between the fire stack and the wood stack. Tom immediately asked a member of staff to undertake this. Due to lack of operational space a gap of approximately 1m was created. Liz asked Tom to consider how this could be increased.

Due to the length of time that the controlled burn had been going on for, Liz said that she would contact the MWWFRS and discuss the incident with them.



Permit breaches

C2 Management System and operating techniques - CCS CAT3 - Permit Condition 2.4.1

Fire prevention and mitigation Plan

Your permit variation dated 09/04/2018 inserted condition 2.4.1 which required you to complete the improvements specified in schedule 1 table S1.3 by the date specified. IPC1 required you, as the operator, to submit a written Fire prevention and mitigation plan (FPMP) by 3 months after permit issue. The permit variation was issued on 09/04/2018 and sent by email on 10/04/2018. The submission of the FPMP was required by 10/07/2018. Natural Resources Wales have not received the FPMP. Therefore you have been given a CAT3 breach under the above condition.

You are required to submit a FPMP within four weeks of the date of the issue of this CAR.

In addition, please note that Permit condition 3.8.1 requires you to manage and operate the activities in accordance with a written FPMP.

C2 Management system – CCS CAT3 - Permit condition 1.1.1a

We have also recorded a second breach of the sub criteria C2 as follows. This is also a CAT 3 breach under the above condition but you are not scored a second time.

The management system is no longer appropriate for the activities being undertaken on site and there is evidence that that procedures are not being implemented. Many of the section are out of date for example EMS/1.3Waste storage locations, EMS/2.3 site security (people have accessed the site). Some sections are not being implemented such as EMSS/3.4. The EMS still refers to the CA site and persons no longer with the company. EMS/3.6 Staff have not been trained. Details of previous updates were detailed in the CAR for the last site inspection on 16 November 2017.

A full review of the management system is required. All staff must be trained appropriately, and training records kept with the management system.

C1 Staff competency and training – CCS CAT3 - Permit condition 1.1.1b

James Hydes the previous site manager who held a relevant WAMITAB qualification and continuing

competence certificate was in attendance on site most of the time the site was operational and was able to direct activities on site as Technical Competent Manager.

Tom Sheffner the current site manager, when questioned, only knew that the site had a permit but had not read the permit and was not aware of any of the permit conditions. Neither has he ever heard of the management system which is required by permit condition 1.1.1. (the site must be managed and operated in accordance with a written management system). Therefore, it is considered that at present the activities are not being managed and operated by sufficient persons who are competent.

Liz briefly explained to Tom what the permit and the management system are. Tom agreed to read both documents along with 'How to Comply with your Environmental Permit'.

All staff must be suitable trained in respect of the responsibilities undertaken by them. Records of all training must be kept.

Whilst Tim Richards hold a relevant WAMITAB qualification he is not in attendance on site for the weekly required percentage of time and therefore cannot be considered to be acting as TCM for the site.

A TCM must be in attendance at this site with immediate effect for the minimum of 25% of the hours that it is operating per week. Please refer to page 37 of 'How to comply with your environmental permit' for further details.

(Please note: Tim Richard's continuing competency certificate expired in March 2018. If he is to act as TCM he must have a valid continuing competency certificate)

You may also wish to consider enrolling Tom on the relevant WAMIAB course.

A1 Permitted activities - CCS CAT3 – Permit condition 2.1.1

You have been given a CAT3 breach under the above condition for two reasons.

Treatment of waste outside a building

Permit condition 2.1.1 authorises the licence holder to carryout the activities specified in schedule 2, table 2.1. In Table 2.1 under the household, commercial and Industrial Waste Transfer Station treatment of non-hazardous waste must be treated carried out within a building. The trommel has been moved out of the transfer building and is now outside on the rear impermeable surface and therefore this condition is being breached.

The treatment of the non-hazardous waste must be undertaken in the building. You may wish to consider varying the permit to undertake treatment outside, please see the end of this report.

Waste stored on hardstanding

During the inspection it was observed that 13 plus skips containing wastes were stored on hardstanding between the transfer building and the impermeable surface, and an additional two skips containing waste were being stored on the lower hardstanding area. You are required to move these skips onto impermeable surface with a sealed drainage system by the date listed on page 4 of this form.

In addition, it was noticed that the Asbestos container was not clearly identified as required.

Advice and guidance

Trommel fines – Royal Welsh Show

The site is currently accepting a mixed waste stream from the Royal Welsh Show. This is being sorted by manual picking and using the trommel. The waste which is coming out of the manual picking line/tommel as shown in the photograph below contains food waste. This waste is attracting flies. Flies can carry pathogens and the transmission of substances on their bodies can pose a risk of pollution as the substances may be harmful to human health.



Therefore this waste needs to be stored in a manner that prevents access to the waste by flies and other pests. You must consider options such as a sealed skip or being stored under tarpaulin.

There is an additional deposit of this waste as shown in the photo below on the lower hardstanding area, this needs to be removed and stored as above.



Trommel fines – oil contaminated waste

Liz identified an oil leak on the machinery. Oil was dripping down onto the trommel fines. Liz informed Tom that all the oil contaminated waste must be removed and consigned as Hazardous waste. Tom agreed to undertake this action.

Trommel fines – storage and waste coding

Trommel fines are not inert and must be store on impermeable pavement with sealed drainage. Wastes from the mechanical treatment of wastes are 19 12 codes. All trommel fines leaving the site must be assigned the correct code and taken to a suitably permitted facility.

Public access to Waste Transfer Station

It was observed that members of the public are being given access to the waste transfer building. This poses a health and safety risk to members of the public and is not in compliance with your management system. The HSE website contains information regarding 'Health and Safety in the Waste and Recycling Industry' which you may find useful. The link is below.

<http://www.hse.gov.uk/waste/index.htm>

Meeting

Should you wish to arrange a meeting to discuss the above including possibly vary the permit, then please contact me.

FPMP

You may wish to consider using an appropriate consultant to assist with the writing of the FPMP. The requirements of a FPMP have been previously discussed with the site.

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EPR Compliance Assessment Report

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Site	The Graig Yffaldau Waste Transfer	Permit Ref	LP3395FJ
Operator/Permit holder	Powys Environmental Ltd	Date	25/07/2018

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			
C2	C3	The operator shall submit a written Fire prevention and mitigation plan for approval	22/08/2018
A1	C3	The treatment of non-hazardous waste outside of the building must stop. All non-hazardous waste stored on hardstanding must be moved and stored on impermeable pavement with sealed drainage.	03/08/2018
C1	C3	TCM must be in attendance as detailed on the CAR. All staff must be trained as appropriate.	03/08/2018

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.