

Compliance Assessment Report CAR_NRW0039648

Permit being assessed: DB3930AB.

For: Rhayader Highways Depot, held by Powys County Council

At: Station Road, Rhayader, Powys, LD6 5AW .

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2001982).

On 18/03/2022 between 10:00 and 10:30.

Parts of permit assessed: Permitted Activities, Management, Amenity

NRW Lead Officer: Ffion Roberts.

Report sent to: Nigel Hicks, Operator on 07/04/2022.

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	Improve operations and provide a procedure for the loading of food waste	06/05/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

On Friday 18 March at 07:23 Natural Resources Wales received a report of an odour emission from Rhayader Depot. Due to the number of previous reports, the Environment Management Duty Officer on duty decided to send a Site Officer to site.

Therefore Ffion Roberts (Environment Officer) physically attended Rhayader Depot and therefore is listed as the lead officer for the site visit.

Liz Park (Waste Regulation Officer) who is the lead officer for Rhayader Depot completed this CAR following a discussion with Ffion Roberts.

Ffion Roberts met with Nigel Hicks (Waste and Recycling Area Manager and TCM) at 10:00. Ffion noticed a very faint odour at the main site entrance, a stronger odour in the vicinity of the reception bays for residual household waste where the doors were open for the removal of waste, and a very strong odour around the back of the main shed in the location of the extraction fans.

Biodegradable Kitchen and canteen waste (Food waste) was deposited in the open on a concrete pad outside the Bulking Shed on the upper yard with a small amount of effluent running off the deposit. Ffion was informed that the food waste had been deposited there for collection later in the day. Ffion detected a strong odour in this location.

Ffion checked the odour assessment forms, and one had been undertaken earlier in the day at 07:00 and no odours were recorded off site in the vicinity of Station Road.

Ffion assessed the odour on Station Road after leaving the site and detected a very faint odour. The doors the the main transfer building were now closed. At the time of her assessment it was mostly cloudy, dry with light winds.

Following this assessment the following non-compliance has been recorded

C2 - Management Systems and Operating Procedures - Permit Condition 1.1.1 - Cat 3

A07 Rhayader Depot Risk Assessment 11/07/13/Reviewed 29/06/15 states:

'Food waste will be tipped directly and stored in a sealed, lidded unit which will be emptied at least twice a week'

Rhayader Waste Transfer Station Odour Management Plan - V3 states:

'Food waste is tipped (from the collection vehicles pods) into sealed skips on site' and has identified that there is a high risk of odour from loading and unloading of the food waste skip, and that 'Food waste is deposited into a sealed skip to also contain the odour. The skip is only opened to load or unload material, the lid is closed at all other times'

The food waste cannot be tipped out of the sealed, lidded unit, the food waste skip, for collection later that day. It must only be removed from the sealed skip when the receiving lorry is on site. There is a risk of pollution in the form of an odour emission and a risk of scavenging birds accessing the waste. It is noted that the loading of the food waste commenced whilst Ffion was on site.

There is currently no procedure written for this operation. Liz Park is aware that the management system is currently being comprehensively reviewed. A date to observe the loading of food waste is planned in April 2022.

ACTION: Provide a copy of a written operating procedure for review for the loading of food waste to reduce the risk of an odour emission and access to the waste from scavenging birds by 6 May 2022.

ACTION: Investigate the cause of the odour complaint, particularly looking at what had occurred between 7:00 when the odour assessment was undertaken and 7:23 when the report to NRW was made by 14 April 2022.

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.