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|------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------|--------------|------------|-------------------|
|           | <b>EPR Compliance Assessment Report</b>               | Report ID: 30044/0254784 |              |            |                   |
| <b>This form will report compliance with your permit as determined by an NRW officer</b> |                                                       |                          |              |            |                   |
| Site                                                                                     | Merthyr Borough Recycling Centre Ltd-transfer Station |                          | Permit Ref   | 30044      |                   |
| Operator/ Permit holder                                                                  | Merthyr Borough Recycling Centre Ltd                  |                          |              |            |                   |
| Date                                                                                     | 18/12/2015                                            |                          | Time in      | 10:00      | Out 12:30         |
| What parts of the permit were assessed                                                   | Infrastructure, Management, Emissions and Amenity     |                          |              |            |                   |
| Assessment                                                                               | Site Inspection                                       | EPR Activity:            | Installation | Waste Op   | X Water Discharge |
| Recipient's name/position                                                                | Nick Brannon / COTC & Permit Holder                   |                          |              |            |                   |
| Officer's name                                                                           | Adam Ward                                             |                          | Date issued  | 22/12/2015 |                   |

### Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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

#### Condition(s) breached

|                                                      |                                                      |    |       |
|------------------------------------------------------|------------------------------------------------------|----|-------|
| a) Permitted activities                              | 1. Specified by permit                               | A  |       |
| b) Infrastructure                                    | 1. Engineering for prevention & control of pollution | C3 | 1.1.1 |
|                                                      | 2. Closure & decommissioning                         | N  |       |
|                                                      | 3. Site drainage engineering (clean & foul)          | N  |       |
|                                                      | 4. Containment of stored materials                   | N  |       |
|                                                      | 5. Plant and equipment                               | A  |       |
| c) General management                                | 1. Staff competency/ training                        | N  |       |
|                                                      | 2. Management system & operating procedures          | N  |       |
|                                                      | 3. Materials acceptance                              | A  |       |
|                                                      | 4. Storage handling, labelling, segregation          | C3 | 2.1.1 |
| d) Incident management                               | 1. Site security                                     | A  |       |
|                                                      | 2. Accident, emergency & incident planning           | N  |       |
| e) Emissions                                         | 1. Air                                               | C3 | 3.1.1 |
|                                                      | 2. Land & Groundwater                                | N  |       |
|                                                      | 3. Surface water                                     | N  |       |
|                                                      | 4. Sewer                                             | N  |       |
|                                                      | 5. Waste                                             | N  |       |
| f) Amenity                                           | 1. Odour                                             | N  |       |
|                                                      | 2. Noise                                             | N  |       |
|                                                      | 3. Dust/fibres/particulates                          | C3 | 1.1.1 |
|                                                      | 4. Pests, birds & scavengers                         | N  |       |
|                                                      | 5. Deposits on road                                  | N  |       |
| g) Monitoring and records, maintenance and reporting | 1. Monitoring of emissions & environment             | N  |       |
|                                                      | 2. Records of activity, site diary, journal & events | N  |       |
|                                                      | 3. Maintenance records                               | N  |       |
|                                                      | 4. Reporting & notification                          | N  |       |
| h) Resource efficiency                               | 1. Efficient use of raw materials                    | NA |       |
|                                                      | 2. Energy                                            | NA |       |

**KEY:** C1, C2, C3, C4 = CCS breach category ( \*suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

|                             |   |                                                              |    |
|-----------------------------|---|--------------------------------------------------------------|----|
| Number of breaches recorded | 4 | Total compliance score<br>(see section 5 for scoring scheme) | 16 |
|-----------------------------|---|--------------------------------------------------------------|----|

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

## Merthyr Borough Recycling Centre Inspection

### Introduction

This inspection was conducted as part of the regular compliance inspections required throughout the year. Thank you for taking the time show your regulatory officer around site.

The last inspection was conducted in August which was also a site handover from the previous regulatory officer, Gareth Danter-Hill. At the time, your application to vary your permit to include additional activities and expand the site boundary was being processed. The proposed permit boundary extension would cover the areas where you had previously been operating under various waste exemptions. While several issues were highlighted during this visit, we took the opportunity to provide detailed advice and guidance to help you achieve compliance while the permit was being varied.

Your permit variation is now complete, but a number of compliance issues were highlighted during the inspection. These issues are mainly related to non-compliances with storage and infrastructure conditions specified by the permit.

### Compliance

#### C4) Management – Storage, Handling, Labelling and Segregation

**Permit Condition 2.1.1** - This permit condition refers to specified activities provided by Schedule 1, Table 1.1, which states all hazardous and non-hazardous waste shall be stored and treated on an impermeable surface with sealed drainage system. You are currently storing mixed waste which are essentially transfer stations fines (EWC Code 19 12 12) on incomplete hardstanding. Further, there are several areas used to store skips containing various wastes that should be stored on an impermeable surface. **A Category 3 breach against this permit condition has been scored.**



**Action:** Please ensure all mixed waste, fines and inert material which is contaminated with plastics and wood etc., is stored on the impermeable surface with sealed drainage.

The root cause is of this breach is a failure to follow your own written management system, as specified below;

## **C2) Management – Management Systems and operating Procedures**

**Permit Condition 1.1.1** – referring to Section 3.1.1 of your Environmental Management System (EMS), specifies the design and construction of your yard areas required for various waste activities. The EMS specifies the requirement of an impermeable surface with sealed drainage for the separation of fines. **A Category 3 breach against this permit condition has been scored.**

**Action:** ensure all areas intended for the storage and treatment of specific waste types benefit from an impermeable surface with sealed drainage.

## **E2) Emissions – Air**

**Permit Condition 3.1.1** – states that ‘Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.’ While inspecting the site, I witnessed strong sulphurous odours emanating from stockpiles of transfer station fines. I also witnessed a black leachate coming from one of the stockpiles. It is likely that this odour is caused by Hydrogen Sulphide which is heavier than air, very poisonous, corrosive, flammable, and explosive. The cause of this is the breakdown of organic matter by bacteria in anaerobic conditions in the waste stockpiles. **A Category 3 breach of this permit condition has been scored for releasing Hydrogen Sulphide gases. You have also been given a Warning for this offence.**



**Action:** Please ensure any waste that is causing odours, emissions of Hydrogen Sulphide or leachate is removed from site as soon as practicable. You should consider serious health and safety implications of allowing the build of this hazardous waste on site.

NRW may decide on what enforcement action is necessary if this breach is repeated in future.

### **F3) Amenity – Dust/Fibres/Particulates & Litter**

**Permit Condition 1.1.1** – Referring to Section 6.3.10 of your EMS, which states that visual inspections of the site will be conducted and any litter will be collected by hand. There is litter scattered throughout the site, some of which is mixed in with the 'hardstanding'. The level of litter is unacceptable and is likely to cause long term environmental issues if it is not cleared on a regular basis. **A Category 3 breach has been scored against this permit condition.**



**Action:** Please ensure you comply with Sections 6.3.10 and 6.3.11 of your EMS to ensure you control litter as well as mud and other debris. All deposited material that is contaminated with litter should be dug up and reprocessed to separate bio-degradable wastes (such as plastics and wood) from the inert material.

### **Site Improvement Plan**

You recently varied the permit and have invested heavily in new plant, machinery and infrastructure to expand your existing waste operations. It is clear that you have the potential to achieve compliance if a concerted and focussed effort is made to clear up areas of contamination, to start storing wastes appropriately and continue to expand your impermeable surface. During the inspection, you was cooperation to suggestions on how to achieve compliance. For this reason, NRW will offer you the opportunity to implement a site improvement plan which will allow us to suspend future scoring of breaches while you aim to achieve compliance by meeting agreed milestones and completion dates.

A meeting will be held early in January 2016 to discuss milestones and agree completion dates to help you achieve compliance in a timely manner. If you have any questions in the meantime, please contact your regulatory officer.

### **Other Comments**

You are currently using waste as hardcore to aid in the construction of new areas of impermeable surface. As mentioned above, much of this is contaminated and needs to be reprocessed before being deposited. To deposit clean, inert material legally, you will need to register the U1 exemption for the use of waste in construction. The exemption is free to register, but you must ensure you are compliant with the conditions of the exemption. Non-compliance with the conditions of the exemption will mean the waste deposits are illegal and NRW may decide to serve an Enforcement Notice to remove the waste.

Please visit the following website which provided guidance on registering the U1 exemption:

<https://naturalresources.wales/apply-for-a-permit/waste/waste-exemptions/?lang=en>

Detailed guidance on how to comply with the U1 exemptions can be found on the website below:

<https://www.gov.uk/guidance/waste-exemptions-using-waste>

**If you have any questions regarding this CAR form, please do not hesitate to contact Adam Ward on 03000 653149 or via email on [adam.ward@naturalresourceswales.gov.uk](mailto:adam.ward@naturalresourceswales.gov.uk)**

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| Site                                                                                     | Merthyr Borough Recycling Centre Ltd-transfer Station | Permit                   | 30044      |
| Operator/ Permit                                                                         | Merthyr Borough Recycling Centre Ltd                  | Date                     | 18/12/2015 |

|                                                                                                                                                                                                                                                                                                                                                        |  |                                                     |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------|-------------------------------------|
| <b>Section 3- Enforcement Response</b>                                                                                                                                                                                                                                                                                                                 |  | <b>Only one of the boxes below should be ticked</b> |                                     |
| <p>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.</p> |  |                                                     |                                     |
| Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.                                                   |  |                                                     | <input type="checkbox"/>            |
| 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.                                                                   |  |                                                     | <input checked="" type="checkbox"/> |
| We will now consider what enforcement action is appropriate and notify you, referencing this form.                                                                                                                                                                                                                                                     |  |                                                     | <input type="checkbox"/>            |

| <b>Section 4- Action(s)</b>                                                                                                                                                                                              |              |                         |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------|----------|
| Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done. |              |                         |          |
| Criteria Ref.                                                                                                                                                                                                            | CCS Category | Action Required/Advised | Due Date |
| See Section 1 above                                                                                                                                                                                                      |              |                         |          |
| B1                                                                                                                                                                                                                       | C3           | No action specified     | N/A      |
| C4                                                                                                                                                                                                                       | C3           | No action specified     | N/A      |
| E1                                                                                                                                                                                                                       | C3           | No action specified     | N/A      |
| F3                                                                                                                                                                                                                       | C3           | No action specified     | N/A      |

## 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 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 which could have a <b>major</b> environmental effect       | 60    |
| C2           | A non-compliance which could have a <b>significant</b> environmental effect | 31    |
| C3           | A non-compliance which could have a <b>minor</b> environmental effect       | 4     |
| C4           | A non-compliance which has <b>no</b> 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 twenty 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 the officer's line managers. 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](mailto: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.