

Compliance Assessment Report

Report ID:
CAR_NRW0026384

This form will report compliance with your permit as determined by an NRW officer

Site	Merthyr Borough Recycling Centre Ltd-transfer Station	Permit Ref	ZP3899FX			
Operator/Permit holder	Merthyr Borough Recycling Centre Ltd					
Regime	Waste Operations					
Date of assessment	08/09/2016	Time in	13:30	Out	15:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Management and Operations					
Lead officer's name	Ward, Adam					
Accompanied by						
Recipient's name/position	Nick Brannan/ Director	Date issued	16/09/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	X	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	1.1.1.
B5 - Infrastructure - Plant and equipment	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.1.1.
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	A	
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
	A	

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Separate Collections Requirements

This visit was conducted to ensure that you are aware of the amendments to The Waste Regulations (England & Wales) 2011 and your obligation to comply as a waste carrier. It was also a chance for your regulatory officer to conduct a general site inspection.

During the inspection, you explained that approximately 90% of the waste you import to site comes from construction and demolition sources and consists mainly of mixed C&D waste including soil, stones, concrete, wood and plastics.

We would like to remind you that since 1st January 2015 waste collection operators including private companies, social enterprises and local authorities are required by statute to provide their customers with separate collections for paper, metal, plastic and glass. This is necessary to improve the quality of recycled material by reducing contamination at the point when the recyclable material is collected. This applies to wastes from all sources, industry (including construction and demolition), commerce (including retail, hospitality and offices), charities and households.

If two or more of these four materials are collected in a mixed or comingled form, the waste collection operator needs to demonstrate that it has assessed whether the recyclable materials it collects and the outputs from the ensuing sorting process are of the required quality for the receiving reprocessing industries (the "Necessity Test"), and that it is not technically, environmentally or economically practicable (TEEP) for it to collect waste paper, glass, plastics and metals separately.

As a minimum we expect waste collection service providers to –

1. Provide a co-mingled recyclable materials collection service in circumstances where separate collection does not appear practicable;
2. Avoid fully co-mingled collection systems which include both paper and glass;
3. Ensure their commercial customers have a residual waste bin for non-recyclable materials;
4. Ensure their commercial customers know what materials are recyclable and how the material is to be presented for collection;
5. Undertake regular checks of recycling bins for contamination and provide feedback to customers in order to maintain or improve the quality of material collected.

Collection service providers who wish to offer a co-mingled service which combines paper and glass must provide us with evidence to demonstrate that the quantity and quality of waste recycled is not significantly less than that which would result from separate collection.

Once the four waste materials for recycling have been separately collected either through separate collections or a comingled collection followed by the necessary materials sorting process at a Material Facility, the regulations require the materials to be kept separately and not mixed with other wastes or other materials with different properties.

Natural Resources Wales is the enforcing authority for these Regulations (the Waste Regulations (England and Wales) 2011) and we may choose to serve Notices to enforce the requirements. Failure to comply with a Notice served under the separate collection requirements constitutes an offence.

Guidance on the Necessity test and the TEEP process is published by Welsh Government document titled '*Guidance on the Separate Collection of Waste paper, metal, plastic and glass*': http://gov.wales/topics/environmentcountryside/epg/waste_recycling/publication/guidance-on-the-separate-collection-of-waste-paper-metal-plastic-and-glass/?lang=en .

Site Inspection

Biomass Boiler

It was found that you are using Grade A waste wood in a bio-mass boiler on site which is used to heat your buildings. You explained that you are authorised by a Part B permit issued by the local authority. Please can you submit specifications for the boiler and proof that it is authorised by the local authority. You also need to provide evidence to prove that the wood waste is untreated and has not been mixed with wood waste from construction and demolition sources. You can demonstrate compliance using your Environmental Management System and waste transfer notes.

Waste Storage

There are ongoing compliance issues with waste storage at your site. This includes the storage of transfer station fines on unmade ground, separated metal and plastic wastes in skips on unmade ground. You are also using inert waste in construction for foundations for the new building, but there is too much contamination in this material. While NRW acknowledges the site is moving in the right direction by improving infrastructure and reducing waste volumes on site, it is important that you aim to achieve compliance during this phase.

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: Your permit does allow you to treat inert waste on hardstanding to enable you to separate lighter waste fractions such as *small amounts* of wood and plastic, but the remaining fines must then be immediately stored on an impermeable surface. 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 of this breach is a failure to follow your own written management system, as specified below;

B1) Infrastructure – Engineering for Control & Prevention of Pollution

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.

Environmental Protection Act 1990

You are currently in breach of Directly Applicable Legislation (DAL), namely Section 33(1)(a) of the Environmental Protection Act 1990, which states you should not deposit controlled waste without an authorisation (e.g. permit or exemption).

While you may be able to use inert waste in construction that is compliant with a U1 exemption (which you must register), the waste used around the near building is too heavily contaminated to comply.

Action: Please ensure this material is removed and screened to avoid possible enforcement action.

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If you have any questions regarding any of the issues discussed in this CAR form, please contact Adam Ward on 03000 653149 or via email on adam.ward@naturalresourceswales.gov.uk

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026384**

This form will report compliance with your permit as determined by an NRW officer

Site	Merthyr Borough Recycling Centre Ltd-transfer Station	Permit Ref	ZP3899FX
Operator/Permit holder	Merthyr Borough Recycling Centre Ltd	Date	08/09/2016

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	X	Submit manufacturers specification for biomass boilers used on site and provide evidence of authorisations from Local Authority. Using written procedures, demonstrate waste acceptance procedures to ensure wood waste used in biomass boilers is Grade A.	28/10/2016
C4	C3	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.	28/10/2016
B1	C3	Ensure all areas intended for the storage and treatment of specified waste types benefit from an impermeable surface with sealed drainage.	28/10/2016

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 reports 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 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.