

	EPR Compliance Assessment Report	Report ID: 30044/0246864			
This form will report compliance with your permit as determined by an NRW officer					
Site	Merthyr Borough Recycling Centre Ltd-transfer Station		Permit Ref	30044	
Operator/ Permit holder	Merthyr Borough Recycling Centre Ltd				
Date	11/08/2015		Time in	10:00	Out 12:00
What parts of the permit were assessed	All				
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Nick Brannan /				
Officer's name	Adam Ward		Date issued	21/08/2015	

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	A			
	2. Closure & decommissioning	N			
	3. Site drainage engineering (clean & foul)	A			
	4. Containment of stored materials	A			
	5. Plant and equipment	A			
c) General management	1. Staff competency/ training	N			
	2. Management system & operating procedures	N			
	3. Materials acceptance	N			
	4. Storage handling, labelling, segregation	N			
d) Incident management	1. Site security	N			
	2. Accident, emergency & incident planning	N			
e) Emissions	1. Air	A			
	2. Land & Groundwater	N			
	3. Surface water	N			
	4. Sewer	N			
	5. Waste	N			
f) Amenity	1. Odour	A			
	2. Noise	A			
	3. Dust/fibres/particulates	A			
	4. Pests, birds & scavengers	A			
	5. Deposits on road	A			
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	0	Total compliance score (see section 5 for scoring scheme)	0
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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 Ltd.

Introduction

This inspection was conducted as part of the regular compliance assessments required throughout the year. It was also an opportunity for your new regulating officer Adam Ward to complete a site handover with Gareth Danter-Hill.

Permit Variation

You are currently in the process of applying for a permit variation to increase the size of the permitted area to add additional activities and incorporate areas of the site that have previously been used for waste activities authorised by a number of registered exemptions.

The application was not submitted until 22/01/2015 but was assigned to a permitting officer on 23/06/2015 (due to the high volume of applications the department is experiencing). The application was then duly made on 21/07/2015. The determination date has therefore been set for 21/10/2015, but it may be complete before this date.

Exempt Area

You explained that you had been waiting 11 months for the variation and that because NRW had de-registered some of your exemptions, you was confused as to what waste activities you could carry out at the exempt area.

There were a number of wastes stockpiles in the 'exempt' area including waste wood, construction and demolition waste consisting of tiles bricks, ceramics and stone and waste plastics. You was also found to be storing asbestos in an open and an enclosed skip in the exempt area. We request that all asbestos should be stored double bagged inside a clearly labelled and enclosed asbestos container on an impermeable surface with sealed drainage. Incorrect storage is a breach of the Hazardous Waste Regulations and we may be left with no other option than to report this to the HSE in future.

Having checked the public register, it appears that no exemptions are currently registered at your premises. This may be because the remaining exemptions had reached their 3 year term and expired. Please ensure that the relevant exemptions (e.g. S1, S2) are registered so that waste activities occurring outside of the permitted area are authorised.

Please note that it is unlikely that you will be able to comply with previously registered exemptions such as the T5 and U1. You cannot import, treat and export waste under the T5, regardless of whether you achieve end of waste via the aggregates QP. Similarly, it appears that there is no need to continue importing waste under a U1 to increase the levels on site. Please contact me to discuss this further.

It is important to recognise your responsibility as a technically competent manager in the waste industry to understand the waste activities that are authorised by the relevant exemptions in future.

Waste Wood Issue

It was evident that you are experiencing a significant backlog of wood waste on the permitted area of the site, the majority of which you have shredded. You later explained that you are having trouble exporting the wood waste to a 3rd party as they will only occasionally import 2 loads and therefore a build-up of waste wood on site is inevitable. NRW recognises that an increase of waste wood stockpiling is expected during the summer months due to the seasonal nature of export markets. It is therefore extremely important that you are managing the stockpiles effectively and minimising the risks associated with fires and manoeuvrability on site.

You should consider having the dependency for only using one company to export your wood waste and you should specify how you intend to manage the associated capacity issue and fire risks in your Environment Management System.

By registering the S2 exemption for the 'exempt' area of the site, you will be able to legally store up to 100 tonnes of waste wood chip from the permitted area for up to 12 months (see table below). This may help alleviate the issues caused by the waste wood stockpiles on site.

Waste Codes	Waste Description	Tonnage (at any one time)	Period
030105, 170201, 170204*, 191206*, 191207, 200137*, 200138	Wood including telegraph poles and railway sleepers (hazardous and non-hazardous)	100 tonnes	12 months

Transfer Station Fines

Your new picking line and screen has recently been installed and is operational. The positioning of the new plant means that transfer station fines (EWC Code 19 12 12 - other wastes (including mixtures of materials from mechanical treatment of wastes other than those mentioned in 19 12 11)), are being deposited outside of the permitted area.

NRW has previously agreed for you to continue operating this way while the permit variation is ongoing. However, I am requesting that the fines are collected in a skip/container until the concrete pad has been extended to the area used to collect the fines. This decision has been made because it is evident that mixed wastes such as wood and plastic being deposited in a muddy area will pooling water, thus causing a potential to contaminate land and groundwater.



Waste Acceptance

A 3rd party waste carrier deposited waste while officers were on site. They had deposited a fridge amongst other wastes in the area used to store mixed HCl waste. There were also gas cylinders in the mixed waste stockpile which are not authorised and also present a significant fire hazard. When this was raised as an issue, you explained that staff were on lunch but would quarantine these wastes in due course. It is important that all waste loads are inspected while being deposited to ensure you are compliant with your permit in future.

Compliance

Considering the ongoing variation and the confusion surrounding the deregistration of several exemptions on site, we have taken the decision not to breach on this occasion. **However, it is extremely important that you immediately start to improve operations on site to avoid non-compliances in future.** A follow up visit will be conducted to assess your progress by the end of September.

If you have any queries regarding any of the issues discussed in the CAR form, please do not hesitate to contact Adam Ward on 03000 653149 or via email: adam.ward@naturalresourceswales.gov.uk

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Section 3- Enforcement Response		Only one of the boxes below should be ticked	
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.			
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.			X
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.			
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

Section 4- Action(s)			
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			

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 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 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. 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.