

Compliance Assessment Report

Report ID:
CAR_NRW0000105

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

Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE		
Operator/Permit holder	Bryn Recycling Limited				
Regime	Waste Operations				
Date of assessment	11/03/2016	Time in	10:00	Out	14:00
Assessment type	Site Inspection				
Parts of the permit assessed	Operations and Management				
Lead officer's name	Ward, Adam				
Accompanied by					
Recipient's name/position	Alun Price/ Director	Date issued	08/04/2016		

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	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1.
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling, labelling and Segregation	A	
E1 - Emissions - Air	A	
F1 - Amenity - Odour	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Quarry Inspection and Waste Transfer Station Audit

This inspection was conducted to audit all waste activities in the quarry and Waste Transfer Station area of the permit. Regulatory Officer Adam Ward met with Alun Price (Bryn Quarry Limited), John Perkins (JPCE Consulting), Ben Stevenson (Planning Consultant) and Ruth Amundsman (Principal Planner, Caerphilly CBC). Thank you for taking the time to show us around site and discuss our queries.

Quarry Boundary and Bund Formation

Regulatory Officer Adam Ward was accompanied by Ruth Amundsman, Principal Planner for Caerphilly County Borough Council. The purpose of this assessment was so that the authorities could delineate between activities relating to the regeneration of the landscape in line with the Local Authority planning consent and waste activities that need to be regulated by NRW.

Mrs Amundsman confirmed that the proposed formation of a bund at the boundary of the quarry is authorised in line with the planning consent. The current bund is formed of peat (overburden) which has been scraped back in layers for dewatering which the intention to eventually reveal the bedrock. Ruth agreed to re-attend in 2 months' time to monitor the progress of the bund to ensure it remains in line with the consent.

[NRW had received a complaint regarding a stockpile of overburden on the common. It was initially thought that this was animal bedding, but you have confirmed that the material will be used as part of the construction of the bund. This will be fed back to the complainant, but is likely that NRW will need to inspect the material in the near future to satisfy concerns.]

You explained that the peat is not an appropriate material to construct a bund and you would therefore require inert waste material and dust product from the quarry. There are currently 3x U1 exemptions (use of waste in construction) registered near or in the quarry boundary area. NRW clarified that you could not register multiple exemptions to increase the tonnage limit of the U1, which is 5,000 tons.

Action: Engineering plans for the construction of the bund are requested which provide estimated tonnages and types of material (including waste) that would be required for the bunds construction. NRW will then

be able to make an appropriate Recovery vs Disposal assessment using Regulatory Guidance Note (RGN) 13.

Action: Please ensure that all inert waste material exported from the transfer station is accompanied by a waste transfer note and remains free of contamination (e.g. plastics, metal, wood and mixed fines).

Compost Storage and Windrow /Block Formation

Batches of stabilised compost are sent from the IVC building straight to the storage area of the quarry where they are deposited in stockpiles. NRW recommends that these deposits are initially formed into long A-shaped windrows which promotes the chimney effect and reduces the risk of anaerobic conditions. Concerns were raised over the risks of odour release from moving or screening these stockpiles, but you have confirmed that this only takes place in favourable weather conditions. You also explained that due to a capacity issue, you are currently unable to form long A-shaped windrows. NRW accept that this is a short term issue and with the AD Plant now operational, a reduced tonnage of compost will be processed in the IVC before entering the quarry. Further, we endorse the creation of compost 'block' batches following the cooling and aeration provided by the initial A-shaped windrows.

Action: Your management system should be updated to reflect a gradual phase into the creation of A-shaped windrows, prior to block formation, when there is sufficient capacity.

Compost Leachate

Compost leachate drains to a leachate lagoon and was historically spread to land as use as a fertiliser. NRW enquired as to whether this practise was continuing and if so, whether the leachate is spread under deployment (mobile plant permit) and whether transfer notes were available. You have now confirmed that all leachate is send to the AD plant for processing, rather than being spread to land.

Action: Ensure a duty of care transfer notes are (or a season ticket is) kept for the transfer of compost leachate to the AD plant.

Oversize/Unprocessed Compost Stockpiles

There are currently 2 large stockpiles of oversize and unprocessed compost which are contaminated with plastic. One of the stockpiles is overgrown with vegetation. It is understood that these stockpiles have been on site for several years and have been caused by a combination of a large throughput and a lack of a market/use of the oversize material. Now that there will be a reduced tonnage of compost (food and green as well as green waste only compost) entering the quarry, a plan must be devised on how these stockpiles will be reduced and eventually removed from site. This action is timely as NRW is implementing new Fire Risk Assessment Guidance which states that waste stockpiles should be stored for no longer than 6 months. This will later be written in to all permits in Wales.

You explained that you would be able to process these stockpiles to remove the fully matured compost and separate the plastics from the oversize. It is unlikely that the compost will be PAS100 and the Quality protocol, but is likely that following further processing, you will be able to spread to land under deployment.

Action: Please ensure that a section is written into the management system, detailing how you intend to process this material and the estimated timescales for their eventual removal.

Waste Transfer Station

You are currently importing significant quantities of waste from a 3rd party carrier, but you are confident that you will remain below the 150,000 tons limit of your permit. It is also positive to see the picking belt and trommels inside the building working effectively to separate various waste fractions and reduce large stockpiles of mixed waste. All transfer station fines are currently sent to Trecatti landfill under the higher rate of tax.

You have confirmed that run-off from the impermeable surface surrounding the transfer station drains to sumps which is then exported from site in tankers. The inert storage area drains to interceptors before discharging to settlement lagoons that later enter surface water. There is currently no inspection and maintenance regime in place for these lagoons.

Action: You are advised to implement a regime via the management system to ensure potentially contaminated run-off is not entering the watercourse.

Topsoil Production

You are currently producing topsoil using a mixture of PAS100 Compost, quarry 'dust' and soil excavated from your land. Using the information you have provided with regard to the materials used and formation of the soil, NRW is satisfied that the material is not a waste and therefore the usual waste controls do not currently apply. If in future you produce topsoil using waste soils from third party construction and demolition projects, NRW will need to make a further assessment to determine what controls are required.

NRW had been alerted to an incident where transfer station fines had been accidentally mixed with topsoil and sent to a residential property. You explained this was caused by a member of staff not ensuring that the machine bucket was clean after moving fines before being used to move the topsoil. You have since remediated the premises where this contaminated soil was deposited and the complainant is satisfied with the outcome.

Action: Please ensure the risk of cross-contamination between fines and topsoil is highlighted in the management system and demonstrate how you intend to manage this risk in future.

Environment Management System

Your EMS is currently out of date, but you have explained that you are for the variation of the permit to produce a new system. The current system does not include a plan for the transfer station building which houses the picking station and trommels, nor is a qualitative risk assessment provided. A number of the issues highlighted above can be attributed to the management system and for that reason, the following breach has been scored against the permit;

C2) Management – Management Systems and Operating Procedures

Permit Condition 1.1.1(a) - States, 'The operator shall manage and operate the activities; in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.'

The current management system is out of date and has failed to effectively manage various risks posed by the operation. **NRW has therefore scored a Category 3 breach against this permit condition.** This is a minor breach of the permit, which reflects the positive feedback received when highlighting issues as it appears that a number of the issues raised can be easily rectified by the operator.

Action: Please ensure the management system is updated within 3 months of the issuing of this CAR form.

If you have any questions relating to this Compliance Assessment Report (CAR) form, please do not hesitate to contact Adam Ward on 0300 653149 or via adam.ward@naturalresourceswales.gov.uk

EPR Compliance Assessment Report

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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.

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.

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	EMS update required by 08/07/2016.	08/07/2016

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.