

Compliance Assessment Report

Report ID:
CAR_NRW0032036

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	02/08/2017	Time in	10:00	Out	13:00
Assessment type	Site Inspection				
Parts of the permit assessed	Management, Site Operations, Emissions & Amenity				
Lead officer's name	Ward, Adam				
Accompanied by	Harvey, Caitriona,Rob Salter (FRS)				
Recipient's name/position	Alun Price/ Director	Date issued	16/08/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
E1 - Emissions - Air	A	
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	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

Bryn WTS Audit

This audit was conducted to follow up on actions required by previous CAR forms that were issued in 2016. Thanks you for taking the time to show officers around site.

Senior Officer Adam Ward was accompanied by Team Leader Caitriona Harvey and seconded FRS Officer Rob Salter who met with Directors Alun Price and Jennifer Morgan (Bryn Group) and consultants Beth Jones (JPCE) and Tony Crotty (Green Triangle).

Infrastructure



We began our inspection at the main waste transfer station (WTS) area. You have previously been scored a Category 3 breach against your permit for not maintaining the impermeable surface with sealed drainage system. You have begun repairing areas of damaged concrete at the front the WTS building and further work is planned. This action has satisfied monitoring and maintenance regimes of your EMS.

We discussed the permeable bund that surrounds the WTS area. We have previously highlighted the bund as a concern as it was felt that it was reasonably foreseeable the bund could allow fugitive emissions of contaminated run-off (that could be caused by inclement weather or by fire-water in the event of a fire). You have explained with the assistance of your consultant that the impermeable surface is constructed to allow surface water to drain to the sealed drainage system (large sumps) which should prevent run-off escaping via the permeable bund. We have agreed to monitor the situation and the integrity of the sealed system will be assessed in any event which causes excessive run-off on site.

We also discussed the interceptor and settlement lagoons that collect run-off from the inert waste storage area. We have previously requested that your management system is updated to reflect your monitoring and maintenance regime of these lagoons. Please see **EMS Update** section below for the action.

Wood Waste Stockpiles - WTS Area



There is currently a large stockpile of unprocessed Grade B and C waste wood adjacent to the waste transfer stations building. There are no fire breaks in the stockpile and it is unlikely that the current formation would be compliant with our Fire Prevention and Mitigation Plan (FPMP) guidance. We discussed the potential issues that a fire would cause as, aside from the significant effects smoke would have on the nearby community, it is likely that a large number of waste transport vehicles would have to be turned away from the facility.

Bryn Recycling staff explained that there is a high turnaround of material on site and the current stockpiles would be cleared within 1 week if wood deliveries were momentarily ceased. This high turnaround of material has been witnessed previously by the Regulatory Officer but additional controls are required to reduce the risk of a major fire. These should include considerations for stack size and fire breaks, water

access and supply and detailed monitoring and emergency response procedures.

We discussed the submission of a draft FPMP to NRW by 1st October . We will accept a completed FPMP at a later date following a risk assessment by your external contractors. Please keep NRW updated on the progress of the final plan and consult with us if you have any queries.

Action: Please submit a complete FPMP by 1st November 2017.

Wood Waste Stockpiles - IVC/AD Area





You are currently shredding/chipping and storing large stockpiles of waste wood in the area behind and adjacent to the IVC building. While a large part of this area is permitted under the Bryn Recycling Permit, some wood is being stored outside of the permit boundary and within the Bryn Power AD permitted area. We have raised this as a compliance issue and it will be addressed via a separate CAR form for the AD Plant. You have explained that your intention is to part surrender the AD plant permit to reduce the permitted area and this will allow you to vary the Bryn Recycling permit to extend the permitted boundary. Please contact your regulatory officer for pre-application advice for this work.

There are currently stockpiles of loose Grade A waste wood and larger stockpiles of shredded waste wood that appears to be a mixture of Grade B and C waste wood in this area. The larger stockpiles of shredded waste wood appear to have been there for some time and represent a significant fire risk. Please ensure this area is addressed via your draft FPMP as failure to do so may result in a breach of the permit.

WTS Building



Large stockpiles of mixed C&D / skips waste are stored inside the WTS building. While a large proportion of this material is inert, officers witnessed steam rising from areas which were being dug out by the hydraulic excavator. This material is compacted by the heavy plant and is at risk of being stored for longer than necessary if older material is not effectively prioritised for mechanical separation.

Action: Please ensure you prioritise older material to avoid the build of heat within the waste stockpiles. Your written operating procedures should reflect this practice.

There are mist fans in operation which appear to be helping with the risk of dust within the building. Please ensure your management system has a sufficient dust management plan in place to reduce the risk of dust emissions during periods of dryer weather.

Quarry – Compost Storage Area



At the time of the inspection, the green waste stockpiles in the quarry appeared to be reduced since the last visit, although there still appears to be a capacity issue due to the large stockpiles of so-called oversize and unprocessed compost.

We discussed the removal of the large stockpiles within the quarry which have not been moved or process for a number of years. We understand that you intend you process this material to remove the plastics and oversize and that you will be trialling equipment to achieve this so that some of the material can be spread to land under deployment if deemed suitable.

In a previous CAR form (REF: 160408), we requested that you update your management system to demonstrate how you intend to systematically remove the stockpiles in question, but this action has not been completed. We have previously stated that the stockpiles are causing capacity issues in this area which could have implications for an effective composting process. Furthermore, we have highlighted that there is a fire risk element to some of these stockpiles.

If space was cleared in the quarry, improvements could be made to the composting process by reducing the risk of anaerobic conditions within stockpiles due to the size and shape forced by the space available. It would also allow you to create a 'quarantine' area for fire burnt waste, or waste at risk of catching fire, if a fire did break out. This would greatly benefit your Fire Prevention and Mitigation Plans that we are requesting.

We have continued to score a Category 3 breach of your permit as it is reasonably foreseeable that the capacity issues in the quarry could course odour emissions when stockpiles are disturbed or moved.

Further, an additional aggravating factor is that the capacity issue in the quarry could prolong a fire should one occur (please see compliance section below).

Compliance

C4) Management – Storage, handling, labelling and segregation

Permit Condition 2.3.1(a) – States that ‘The operator is authorised to carry out the activities specified in Schedule 1, Table 1.1 (the “activities”)’. Table 1.1 states ‘Waste stored prior to composting, composted material and material undergoing maturation shall be prevented from becoming anaerobic.’ As stated above, it is reasonably foreseeable that pockets of compost in the stockpiles are becoming anaerobic due to their size and shape as a result of the capacity issues in the quarry. **You have been scored a Category 3 breach against this permit condition.**

Action: Please address these concerns via your management system update by 1st October 2017.

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.’

EMS Updates Required

- Monitoring and Maintenance regime for settlement lagoons which are part of the drainage system for the inert waste storage area.
- FPMP element must be added to EMS before creating the full version required by 1st November 2017.
- Provide a plan to further process and recover/export each of the 3 stockpiles of unprocessed compost, oversize and plastics. Please ensure an up to date site plan for this area is provided along with annotations. You should also have procedures for the composting of green waste which must be an actively managed process.

Several of the above updates and been requested and actions dates were set in previous CAR forms. **You have therefore been scored a Category 3 breach against this permit condition.**

Action: Please update the EMS by 1st October 2017 and refer NRW to the updated sections upon completion.

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

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032036**

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Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE
Operator/Permit holder	Bryn Recycling Limited	Date	02/08/2017

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			
C4	C3	Update management system to demonstrate how this issue will be dealt with and provide procedures for the active management of the compost stockpiles.	01/10/2017
C2	C3	Please update and refer NRW to EMS sections that provide 1) and monitoring and maintenance regime for drainage system for inert waste storage area; 2) Provide an FPMP section in your EMS, and; 3) Provide procedures for dealing with oversize and unprocessed compost and plastics that are causing capacity issues in the quarry.	01/10/2017

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 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 fifteen 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.