

Compliance Assessment Report

Report ID:
CAR_NRW0025280

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	27/07/2016	Time in	14:00	Out	16:00
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Ward, Adam				
Accompanied by	Dafydd Robins-Hill				
Recipient's name/position	Alun Price/ Director	Date issued	13/07/2017		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	3.1.1.
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	X	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
E1 - Emissions - Air	A	
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	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

Bryn Waste Return Audit

This audit was carried out to ensure that the recycling processes on site, including the importing and exporting of waste materials, are accurately reflected by the waste return data you have submitted and the recycling figures that the relevant local authorities are reporting.

Your regulatory officer Adam Ward was accompanied by Dafydd Robins-Hill of the National Waste Audit Team, who met with Alun Price (Director, Bryn Group) and Beth Perkins (JPCE Consulting) for the site inspection, then Jennifer Morgan (Bryn Power Ltd) and Rob Morris (Bryn Group) to discuss waste return data in more detail.

The audit began with a site inspection to demonstrate waste storage and treatment activities to the officers before discussing and auditing details of the waste return data.

Waste Wood

Large stockpiles of Grade B and C waste wood were witnessed adjacent to the transfer station building in which is directly deposited from 3rd parties or manually and mechanically separated from mixed waste. You explained that you had recently experienced a backlog of waste wood due to a decrease in market demand, but that you are now exporting significant volumes each week. It is therefore not envisaged that the waste wood stockpile will be an ongoing issue. However, the wood stockpiles will be subject to a future fire risk assessment in line with our new Fire Prevention Plan guidance.

Picture 1 – Waste Wood Stockpile



Grade A waste wood is being stored separately on a concrete pad at the rear of the IVC building. We have established that this area is currently permitted under the Bryn Recycling permit and you are able to continue storing Grade A, untreated waste wood (03 01 05 and 15 01 03) at this location. Please ensure any treatment (e.g. shredding or chipping) of this material occurs inside the permit boundary and does not causes dust and particulate issues.

NRW has requested that you provide a section in your management system which clearly demonstrates how waste wood is graded and kept separate from other grades upon entering site. This is particularly important if you intend to comply with the PAS 111 protocol (for use in a proposed biomass boiler) and will help NRW make appropriate assessments in future. *To ensure only grade A is used for such purposes, best practice dictates that rigorous segregation takes place and as near to the site of production as possible. You are therefore advised to establish quality procedures to ensure the relevant wood grades are used for appropriate markets.*

Caerphilly Local Authority report in WasteDataFlow some wood waste is recycled by via “wood for composting”. During the meeting it was established that no wood was input to the composting procedure. This is therefore a reporting issue with the Local Authority which will be addressed in validation of their next WasteDataFlow submission.

It was also noted that waste wood destinations do not match up with Caerphilly Local Authority reporting. You explained that this may be as a result of providing a head office address or due to issues surrounding confidentiality. However, we must assert that it is your duty of care to provide actual destinations to ensure accurate reporting in future.

Inert C&D waste

There is a large stockpile of inert construction and demolition (C&D) waste stored on site. You explained during the inspection that this waste comes in from C&D sources and is kept segregated which enables you to achieve compliance with the WRAP Aggregates Quality Protocol. However, it was noted that the stockpile did not appear to be graded to meet a specified criteria and there was no evidence of QP aggregates on site. The process used to achieve end of waste status will be assessed at a future inspection. It would also be beneficial to provide a written process in your management system to help with future assessments.

This point is particularly important as your waste returns suggest that *all* imported 'rubble' meets end of waste criteria and none is exported from site or re-used on site as a waste under U1 exemptions. We would expect to see a certain percentage of processed waste material which is unable to meet QP criteria. Please ensure that any 'rubble' which is compliant with and used in U1 exemptions on the farm and quarry is recorded using duty of care transfer notes in future.

It was identified on the waste returns that inputs to Bryn Recycling showed entries of EWC 17 05 04 (soil and stone) to Caerphilly and Merthyr Tydfil and entries of EWC 17 09 04 (mixed C&D waste) also to Caerphilly and Merthyr Tydfil that had the same tonnages. It was identified that these wastes were not Local Authority waste, and as the site is on the boundary of Caerphilly and Merthyr it is sometimes difficult for the site to identify the exact origin of the waste. It was also discussed that as some skips are received on Annual Transfer Note tickets, the exact split of tonnages between Local Authority origins for each quarterly return is not easily identified. You have explained that you have a "total input" for the two waste codes, but then apportion it 50/50.

Picture 2 – Inert (C&D) Waste Stockpile



Transfer Station Fines

Waste Outputs on the Bryn Recycling waste return were discussed, with attention drawn to the Disposal of EWC 17 09 04 to the Merthyr Tydfil destination area (Trecatti landfill). This waste would be better categorised as EWC 19 12 12, as the waste has undergone a treatment / sorting process.

As with waste 'rubble' there is currently no evidence of transfer station fines (EWC Code 19 12 12) leaving your site, although it is clear that significant quantities are produced via mechanical sorting processes on site. You have previously explained that transfer station fines are mixed with bulky waste materials that are sent to landfill, but your waste returns do not demonstrate this. Further, this suggests that you are re-mixing waste that you have been separated to reduce the cost of disposal.

The fines you are producing on site visually appear low in organic/carbon based and bio-degradable waste. It may be possible that the fines could pass a loss of ignition test and be sent to landfill under the lower rate of tax.

Picture 3 – Transfer Station Fines 1



Picture 4 - Transfer station Fines 2



Additional Waste Return Comments

Please ensure that all future returns are submitted under Bryn Recycling Ltd, as the return submitted for WB3993HE_L05_1_2016 states Bryn Quarry on the spreadsheet. This may have an effect on data reported by the Local Authority.

We discussed onward destinations and apportionments of waste. Only an input tonnage is reported to Caerphilly Local Authority, with onward tonnages apportioned by the Local Authority using their own apportionment values, which was identified as one of the main reason for onward tonnages not proportionately matching the waste return (as well as waste treatment lag-time on site). Onward destinations are updated periodically as and when they change or when the Local Authority request information.

During the inspection, it was mentioned that mattresses were being sent for disposal. In Jan-March 2016's data, Caerphilly reported mattresses as being recycled but had not obtained the destination as yet. You are advised to discuss this waste stream with the LA to ensure they're reporting what actually happens to it. I am aware of a mattress processing facility in the RCT area which could be a recycling outlet for this waste stream.

Infrastructure

It was very positive to see that you have improved infrastructure at the rear of the transfer station building by clearing waste stockpiles and laying new concrete to provide an impermeable surface. You also informed

officers that you have repaired the interceptor which collects run off from the inert waste storage area. Thank you for your cooperation on these matters.

Picture 5 – Newly Concreted Area



There remains some concerns regarding the integrity of the sealed drainage system as many storage areas outside of the transfer station building are surrounded by an earth bund. To ensure a fully sealed system, bunds should be impermeable (e.g. concrete). You explained that the concreted areas were designed with gradients to ensure potentially contaminated run-off is directed toward the interceptors or sumps. This was highlighted during the meeting as it may have implications should you come to surrender all or part of the Bryn Recycling Permit in future.

Further, there are areas of concrete at the front of the transfer station building that are badly damaged. While no waste appears to be stored or treated in this area during normal operation, there is evidence of black leachate in these cracks caused by run-off from the waste operation. You should ensure that these cracks are reported and recorded in the site diary and/or the management system and demonstrate that you are compliant with the monitoring and maintenance procedures specified by your management system.

Compliance

B2) Infrastructure – Engineering for prevention & control of emissions

Permit Condition 3.1.1 – States ‘emissions of substances not controlled by emissions limits (excluding odour shall not cause pollution’. You have been scored a Category 3 breach against this permit condition as it is reasonably foreseeable that contaminated run-off can leach into the environment via cracks in the impermeable surface or via the permeable earth bund during inclement weather.

Action: Please ensure you comply with inspection and maintenance procedures specified by your management system. Please discuss proposals for a fully sealed and impermeable system in areas used to store or treat waste with your regulatory officer.

Non-permit breaches of Directly Applicable Legislation (DAL)

Category 4 breaches of the following legislation has been recorded for failing to provide sufficient evidence of the end use of rubble and transfer station fines. Accurate records of ALL movements of waste in and out of site must be kept in line with the above legislation.

- Section 35 of the Waste Regulations (England and Wales) 2011
- Section 34(5) of the Environmental Protection Act 1990

Action: Please submit a written explanation of the procedures on site that generate inert waste and transfer station fines, resulting in their impending reuse and/or disposal. NRW is also requesting evidence in the form of duty of care transfer notes to demonstrate the final destination of the waste specified. Please submit this evidence by 25th November 2016.

Final Comments

The previous audit that took place on 11th March 2016 requested that the Environment Management System was updated within 3 months of receiving the CAR form (Ref: 160408). You explained that the management system update is almost complete and you would submit the new version to your regulatory officer in due course. Please ensure that the updated version includes responses to ALL actions included following the previous audit (see CAR form 160408). A full EMS audit will be completed upon submission of the updated version.

If you have any queries regarding 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_NRW0025280**

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	Date	27/07/2016

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			
C2	X	Submit updated EMS so that it can be audited by the regulatory officer.	30/09/2016
B1	C3	Demonstrate inspection and maintenance regime and ensure damage areas of concrete are recorded and repairs are planned. Determine long term plans for creating an impermeable bund.	25/11/2016

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 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.