

Compliance Assessment Report

Report ID:
CAR_NRW0027066

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	17/09/2016 - 22/09/2016	Time in	09:00	Out	16:00
Assessment type	Site Inspection				
Parts of the permit assessed	Management, Site Operations, Emissions & Amenity				
Lead officer's name	Ward, Adam				
Accompanied by	Hughes, Rhys,Sherratt, Kelly,Sarah Jones				
Recipient's name/position	Alun Price/ Director	Date issued	03/02/2017		

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	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	A	
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	C3	3.1.1
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	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 Compost Odour Issues CAR

Introduction

Odour complaints have increased significantly in September and whilst a number of complaints have been attributed to farming activities on site such as landspreading, recent investigations by officers have substantiated compost odours emanating from the site. The dates of these investigations were the 17th and the 21st September 2016.

During a site meeting on 22nd September with your Regulatory Officer Adam Ward and Taff and Ely Industry and Waste Team Leader Rhys Hughes, the quarry area which is used to store stabilised compost was also inspected. Officers witnessed several stockpiles of odorous material which you explained was oversized. These odours were also noticed when inspecting the development of a large bund on top of the quarry boundary. It is reasonably foreseeable that these odours could be caused due to the capacity issue in the quarry, as some stockpiles may be becoming anaerobic due to their size and shape as a result. This issue has been addressed in a previous CAR form (Reference: 160408).

NRW has therefore taken the decision to score a breach against the following conditions of the permit.

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.**

F1) Amenity - Odour

Permit Condition 3.3.1 –states that ‘Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer [of NRW], unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour’. Due to the increase in complaints in recent months, NRW is putting the onus on the operator to demonstrate compliance with the permit, the EMS and the Odour Management Plan. **On this occasion you have been scored a Category 3 breach against this permit condition.**

Action: NRW is requesting that you fulfil your obligations under Section 4.3.1, referring to Schedule 5 Notifications of the permit. You are advised that;

- If an activity occurs that may cause emissions (e.g. moving tunnels, depositing compost in the quarry, screening, shredding and bio-filter maintenance etc.) NRW must be issued a Schedule 5 immediately.
- If 3 complaints are received within a 4 hour period, NRW must be issued a Schedule 5 Notification.

The Schedule 5 Notification must include any composting or farming activities that may give rise to odours or have been linked to the cause of complaints. Where an investigation has substantiated an odour caused by the farming activities, the Local Authority must be notified.

Failure to provide this Notification to NRW, or failure to provide a detailed and accurate report, may result in a breach of the permit against section 4.3.1. Further, failure to follow your own procedures may incur an additional breach (e.g. against section 1.1.1 of the permit) as a ‘root cause’. Please refer to Sections 6.4 and 7.2 and 7.5 of your EMS (also referring to IMS 14-02 accident and investigation).

Other Comments

It has been noted that, since the meeting on the 22nd September, you have begun submitting reports in response to various incident reports. These have been very useful but use of the Schedule 5 Notification is a formalised procedure that must be followed in future.

You have also informed NRW that you have recently begun to further improve management of the compost stockpiles in the quarry in line with guidance provided in previous CAR form (160408). Thank you for your cooperation on this. NRW will make an assessment on your progress in the near future.

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

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EPR Compliance Assessment Report

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Operator/Permit holder	Bryn Recycling Limited	Date	17/09/2016

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.

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			
F1	C3	Improve management of compost maturing in the quarry - refer to guidance provided in CAR form 160408.	27/01/2017
C4	C3	Improve management of compost stockpiles in the quarry storage area to avoid anaerobic condition and reduce risk of odour emissions during movements/screening/shredding etc.	27/01/2017

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.