

Compliance Assessment Report

Report ID:
CAR_NRW0026515

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

Site	Phase 2 Wrexham Recycling Park	Permit Ref	BB3436RA		
Operator/Permit holder	Waste Recycling Limited				
Regime	Installations				
Date of assessment	26/10/2016	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	All Below				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Gary Smith/ Operational Manager	Date issued	26/10/2016		

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
E1 - Emissions - Air	C3	3.2.1 (Table S3.2)

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

E1) Emissions to air

G1 –Monitoring of emissions and environment

Thank you for submitting your bioaerosol monitoring results in accordance with section 3.7 of your permit. Please find the attached response to these results.

1.1 Background

Three reports have been reviewed dated 15th December 2015, 16th March 2016, 2nd June 2016 and 7th September 2016.

D&F Associates Limited (D&F) conducted the bio aerosol monitoring on behalf of the operator.

2 Conclusions

15th December 2015 – MBT

Your report concludes that the mean result for mesophilic bacteria, aspergillus fumigatus and gram negative bacteria were calculated below EA guidance levels for composting processes upwind and downwind of the MBT and downwind of the MBT at the boundary shared with the neighbouring HWRC.

16th March 2016 - MBT

Your reports concludes that the mean results for mesophilic bacteria , Aspergillus fumigatus and Gram negative bacteria were calculated below EA guidance level for composting processes upwind and downwind of the MBT and at the boundary shared with the neighbouring HWRC. The HWRC was upwind of the MBT throughout the assessment.

2nd June 2016 – MBT

Mesophilic bacteria were calculated above the EA guidance level for composting processes upwind and downwind of MBT. Aspergillus fumigatus was calculated above the EA guidance for composting processes level upwind of the MBT and below the EA guidance level at the MBT downwind boundary. Gram negative bacteria were calculated below the EA guidance level for composting processes upwind of the MBT and above the EA guidance level at the MBT downwind boundary. Mesophilic bacteria, Aspergillus and gram negative bacteria were each calculated below EA guidance levels for composting processes at the HWRC. The HWRC was upwind of the MBT during the assessment.

You subsequently on the 20/06/2016 submitted a Schedule 5 and 6 notification regarding breach of limits.

7th September 2016

Mean results for mesophilic bacteria , Aspergillus fumigatus and Gram negative bacteria were below EA guidance levels for composting processes at the upwind and downwind perimeter of the MBT facility, i.e SP1 and SP2
Mean results for mesophilic bacteria, Aspergillus fumigatus and gram negative bacteria were above EA guidance levels for composting processes at the southwest perimeter of the HWRC. I.e SP3. Due to fluctuations in wind directions SP3 was periodically downwind of the MBT facility (phase2) and the IVC red area (phase 1)
The results suggest that there may have been a low to moderate risk of exposure to bioaerosols emissions at the HWRC (SP3).

A schedule 5 and 6 notification form was sent notifying Natural Resources Wales of breach of limits.

Further to this all reports mentioned above have been forwarded to our Air Quality Modelling and Risk Assessment Team. Some issues have been raised in regards to both monitoring standards and methods. A full report including recommendation can be seen in report C204_RP01 attached.

Amongst some of the points raised in the summary of the report are the following -

- Sampling locations for both the Bryn lane IVC facility and the Phase 2 MBT facility do not conform to the requirements detailed in the AfOR standardised protocol for monitoring of bioaerosols

- While concurrent sampling is not essential requirements of the AfOR standardised protocol, due to the variability of meteorological conditions recorded between samples for all submitted reports (possibly due to close proximity of sampling locations to buildings) , it is recommended that concurrent sampling is undertaken to increase confidence in identification of the source(s) contributing to measured ambient bioaerosol levels.
- Due to the close physical proximity of the IVC and MBT buildings to each other , monitoring results alone may not be suitable to identify from which building bioaerosol emissions originate with any degree of certainty. Therefore, it may not be possible to quantify the potential impact from each facility at receptors using ambient bio aerosol monitoring alone.
- Measurements of wind speed and direction may not be representative of prevailing winds dispersing bioaerosols from potential elevated sources (e.g stacks/ vents located on building roofs)
- While there may be some small deviations from the incubation periods recommended for filter capture methods in the AfOR standardised protocol, they are not expected to have a significant impact on the final results.
- Some reported bio aerosol concentration (cfu.m3) for MAS-100 sampled volumes at the Bryn Lane IVC facility require fractional colony counts and are therefore indicative of an error.

Previous monitoring results (some of which are listed above) have been within the EA guidance level, however recent results particularly June 2016 seem abnormally higher than normal indicating that there might be a cause for these high readings. Further to this the results have raised an issue that the current sampling methodology for both IVC and MBT are unable to eliminate each other and narrow down the source of bioaerosols - See report C204_RP01 for further information.

Permit condition S3.2 stipulates bio aerosol thresholds of 1000cfu/m3 for Mesophilic bacteria, 500 cfu/m3 for Aspergillus Fumigatus and 300 cfu/m3 for gram negative. Due to the high mesophilic bacteria readings of 4056 compared to a reading of 2000 upwind noted on the monitoring round on the 2nd June 2016 and due to the foreseeability of this resulting in pollution, a **CCS 3** is applied under E1- Emissions to air. This is still the case when subtracting the downwind reading from the upwind which gives a result of 2056cfu/m3 (i.e 4056 – 2000).

It is acknowledged that the readings were within guidance levels at the nearby sensitive receptor however the location of the SR was upwind. It is recommended that where sensitive receptor is not actually downwind of the bio aerosol source(s), where possible, sampling downwind at a distance equal to that between the source and sensitive receptor should be undertaken.

Your most recent round of monitoring undertaken in September 2016 has also shown that Mean results for mesophilic bacteria , Aspergillus fumigatus and Gram negative bacteria were below EA guidance levels for composting processes at the upwind and downwind perimeter of the MBT facility, i.e SP1 and SP2 however mesophilic bacteria, Aspergillus fumigatus and gram negative bacteria were above EA guidance levels for composting processes at the southwest perimeter of the HWRC. I.e SP3 which was the sensitive receptor which would constitute a breach of CCS 3 which will be consolidated with the above breach.

Please also note that criteria G1 Monitoring of emissions & environment is in breach as condition 3.2.1 stipulates that the operator shall, unless otherwise agreed in writing by Natural Resources Wales undertake monitoring specified in Table S3.2. Table S3.2 Stipulates that monitoring standard and method should be In accordance with the Industry Standard Protocol.

Due to the issues noted by our Air Quality Modelling and Risk Assessment Team it appears that the monitoring standards and methods are not fully complied with.

On this occasion a CCS Score will not to applied, as it would be prudent for Natural Resources Wales to receive a written response from the operator/consultant for the issues and recommendations noted and it would be beneficial following the response that Natural Resources Wales and all interested parties meet up to discuss further.

G1 –Monitoring of emissions and environment – Biofilter

Thank you for submitting your report on the bio filter (reference FCCE16A_03_Final) as per condition Table S3.1 of your permit. The results (1118 OUE m3) are slightly elevated over the current limits of a 1000 OUE m3, however by looking at the overall efficiency of the biofilter it seems to achieve an efficiency of 88% . We advise that the site to continue to monitor closely and ensure that the Odour Management plan is followed.

We are also aware that the site have submitted an odour emission assessment to revise the current 1000 odour limit on the Wrexham MBT , and we are currently waiting for the odour modelling work for the phase 1 facility (IVC).This would help to better understand the actual impact from both emission sources together .

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026515**

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Site	Phase 2 Wrexham Recycling Park	Permit Ref	BB3436RA
Operator/Permit holder	Waste Recycling Limited	Date	26/10/2016

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.

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.

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			
E1	C3	Operator to reply to report produced by Natural Resources Wales reference C204_WD01	16/11/2016

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 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.