

Compliance Assessment Report

Report ID:
CAR_NRW0024796

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	Waste Operations				
Date of assessment	11/01/2017	Time in	11:00	Out	15:00
Assessment type	Site Inspection				
Parts of the permit assessed	Bioerosol monitoring and odour threshold assessments				
Lead officer's name	Ellis, Rhys				
Accompanied by	Neil Davies				
Recipient's name/position	Gary Smith/ Operations Manager	Date issued	14/02/2017		

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
C2 - Infrastructure - Management system and operating procedures	A	
C4 - Infrastructure - Storage, handling labelling and Segregation	A	
E1 - Infrastructure - Air	A	
F1 - Infrastructure - Odour	A	
G1 - Infrastructure - Monitoring of emissions and environment	A	
G2 - Infrastructure - Records of activity, site diary/journal/events	A	
G4 - Infrastructure - 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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

This site visit/ meeting was organised to follow up the odour impact assessments and ambient bioaerosol monitoring reports which Natural Resources Wales have commented and reviewed.

Present in this meeting was Martin Greaves, Garry Smith, Nusruth Mohabuth and Keel Mowby of FCC Environment, Rhys Ellis (Regulatory officer) and Neil Davies (Air Quality Modelling and Risk assessment Team) from Natural Resources Wales, Daniel Sandrof of Small Brook Environmental and Sandra Davies of D and F Associates.

In summary the following actions and discussions were carried out:

Odour.

FCC Environmental submitted two odour impact assessment for Phase 2 (MBT) received on the 12/11/2015 and the IVC submitted on the 21/11/2016. The second report also contained information on considering the impact of the IVC in conjunction with the MBT.

These were completed by specialist consultancy Stratus Environmental Ltd

The reports in summary were submitted to address differences identified in the emission rate used in the modelling carried out in support of the original planning consent application under normal operating conditions, and actual emissions established from sampling carried out.

A written response was submitted to FCC in relation to these referenced as C216_WD01 and C176_RP01.

In summary our check modelling of the submitted odour emissions modelling report generally agrees with the operators predicted results at receptors and will accept the revised figures of 3000 O_{Ue}.m³ for the IVC and 6000 O_{Ue}.m³ for the MBT.

However please note that if the situation on site changes, odour complaints are received in future or odour becomes an issue then the above position will be revised.

It should be noted that optimum biofilter performance is only obtained with good management of a number of variables. You explained during the visit there are management procedures in place to ensure continual monitoring of biofilter performance metrics including temperature, pH, humidity and permeability as determined from depth changes due to decomposition of filter media. Data are plotted as control charts to readily identify changes which may indicate a degradation of filter performance. The sites odour management plan cover contingencies including changing/replenishing filter material, "sniff" tests and notification of regulator. NRW are satisfied that the management of biofilter performance is suitable to accept stated upper limits presented in the submitted odour modelling report which was reviewed by Natural Resources Wales Air Quality Modelling and Risk Assessment Team (AQMRAT).

Following a review of the surrounding industrial estate, a number of off-site odour sources could also be identified which ranged from non-offensive to mildly-offensive. Transient on-site episodes associated with access to the facilities via roller shutter doors could be identified but were short-lived and not expected to result in nuisance.

Bioaerosols

Natural Resources Wales undertook a review of ambient bioaerosol monitoring reports for the IVC and MBT submitted for periods 15th December 2015, 16th march 2016, and 2nd June 2016.

This was followed up with a report reference C204_RP01 and associated compliance assessment forms. Comments and recommendations were put forward and breaches noted against exceedances.

These comments and recommendations were discussed further in the meeting and in summary the following discussions and actions were put forward;

Point 1 :

While fugitive emissions may occur during vehicle movements into and out of the facilities through the automated roller shutter doors, such activities are not frequent and are of short duration. It is agreed that the likely primary source for bioaerosol emissions are the emission stacks associated with the biofilter housing of the IVC and MBT.

Building size, proximity to neighbouring structures, surrounding landscaping/public roads and close proximity of additional bioaerosol sources make it extremely difficult to comply with existing and future (M9) sampling requirements. In addition, the proximity of the IVC and MBT sources preclude identification/apportionment of relative contributions in the event of a breach

identified by ambient monitoring under the majority of meteorological conditions.

Action 1:

- NRW and D&F Associates will agree a future sampling strategy which may facilitate apportionment of bioaerosol contributions to the IVC and MBT facilities under specific meteorological conditions. We concede that as wind direction plays such a fundamental and crucial role in identification/apportionment of relative contributions from the IVC and MBT, it may not be possible to meet the optimum conditions on a recurring basis. Sampling locations should reflect potential impacts at receptor distances and minimise building downwash effects. Additional downwind sampling points should be selected to eliminate any intervening natural source contribution (if applicable) at the receptor distance sampling point. Sampling should be concurrent and use MAS-100 impact samplers. (AQMRAT/ D&F Associates).
- Develop site specific sampling strategy with D&F Associates to accommodate the challenging conditions associated with this site (AQMRAT / D&F Associates);
- Discuss issues associated with this specific site with EA to seek a consensual approach going forward (AQMRAT). DNF/Operator to make contact with Neil Davies (Air quality Team) to discuss how to best proceed with this

Point 2

Limitations of sampling with IOM filter samplers and subsequent impacts on microbiology were acknowledged but it was accepted as a result of using that particular technique in low concentration (CFU/m³) environments. It was clarified that growth media was pre-dried in order to accommodate the larger (>0.1ml) inoculation volume. The use of MAS-100 impact samplers discussed and agreed as optimal for typical observed concentrations but previous communications between D&F Associates and the EA suggested that they weren't acceptable.

Action 2

There was an action for Natural Resources Wales to confirm if they are prepared to accept ambient bioaerosol results obtained from MAS-100 impact samplers

AQMRAT have confirmed that we are now able to accept outdoor ambient monitoring results obtained using the MAS100 sampler with the following provisions relating specifically to the operation of the sampler:

- Sampling should be undertaken using a hemi cylindrical baffle meeting the criteria described in the Standardised Protocol (AfOR 1999) ;
- In order to achieve the theoretical cut-off diameter and avoid excessive drying of the agar when sampling for longer periods, each 100 mm diameter Petri dish should contain a volume of 50ml agar;
- Raw colony counts should not exceed 300 on a single plate;
- Sampling is carried out by suitably trained personnel only.

Any deviations from the methodologies outlined in the AfOR standardised protocol and the Environment Agency's Technical Guidance M9 (when published) for impaction sampling techniques should be recorded in the final report. Reported results should include details of raw and corrected colony counts in addition to the sampling time or volume, along with the final calculated bioaerosol concentrations for both samples and blanks.

Point 3 -Extractive sampling of bioaerosols

It was agreed that in theory, isokinetic extractive sampling of bioaerosols and subsequent dispersion modelling could present a suitable risk assessment for establishing independent impacts from the IVC & MBT biofilter stacks. It was established that while isokinetic extractive sampling of bioaerosols at the MBT biofilter stack would be simple, sampling from the IVC biofilter stack would require a significant financial investment to meet suitable H&S and access requirements prior to sampling. The operator advised that this is currently is not a viable option.

Action 3

Possible future discussion relating to extractive sampling at MBT only to eliminate source from consideration in future breaches (assuming MBT Breach Investigation Report doesn't indicate a potential significant contribution)

[AQMRAT/Rhys/FCC future discussion if ambient sampling remains unable to resolve issues].

Point 4 -Breach of investigation reports

It was agreed that current feedback investigations as part of schedule 5 of the permit are not detailed enough.

Action 4

- Agree a format and procedure for the operator to produce a more detailed "breach investigation" report in response to ambient bioaerosol monitoring results / Odour complaint which as a minimum should include details of site activities (e.g. vehicle movements, roller shutter doors opening etc.), biofilter status and performance metrics (raw data or graph) and site captured meteorology (wind speed & direction) at the time of breach. We would also expect details of the amount of material/waste being treated , details of activities occurring at the time of sampling i.e shredding , unloading of tunnels etc and details of loads accepted etc. [Rhys Ellis / Operator].

Based on recommendation summarised above (not inclusive) operator to forward a draft format of procedure for investigation report by 27 March 2017.

Please also note that the following actions were agreed:

Other Actions:

Action 5

DNF Bioaerosols reports to include Bryn Lane on site meteorological data results from immediate effect and historical data for past reports. Please forward this data by 27th February 2017

Action 6

DNF to submit their own meteorological historical data taken during monitoring events at Bryn lane. Operator to liaise with DNF for this information. Please forward this data by 27th February 2017. (Preferred in raw data if applicable).

Action 7

FCC to forward historical meteorological data for the site. (raw data). Please forward this data by 27th February 2017

Action 8

Rhys Ellis Liaise with evidence Policy Process and Permitting , biowaste treatment and other teams to see if similar issues have been noted on other sites in regards to bioaerosols.

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			

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.