

Compliance Assessment Report CAR_NRW0039642

Permit being assessed: ZP3899FX.

For: Merthyr Borough Recycling Centre Ltd-transfer Station, held by Merthyr Borough Recycling Centre Ltd

At: Merthyr Borough Recycling, Dowlais, Merthyr Tydfil, Glamorgan, CF48 2TA.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 01/03/2022 between 14:38 and 16:10.

Parts of permit assessed: 1.1.4; 2.1.1; 2.3.1a

NRW Lead Officer: Gillian Coates, accompanied by Laoni Tye.

Report sent to: Nick Brannan, SITE MANAGER on 17/01/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1 The operator is only authorised to carry out the activities specified in Schedule 1 table S1.1 (the "activities")
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	Condition 2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in Schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.
C1 - General Management - Staff competency/training	C3 Minor	1.1.4 The operator shall comply with the requirements of an approved competence scheme.

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	12

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Waste drying activities to cease with immediate effect. An application to vary this permit to include this activity has been submitted by the operator. Application to be determined.	08/04/2022
B3	Submit site improvement plan detailing actions to reinstate site surface to comply with permit requirements by 08/05/2022. Site surface to comply with permit requirements by 31/10/2022 Submit site drainage plans by 08/05/2022	08/05/2022
C1	Engage a TCM qualified to WAMITAB Level 4 (or equivalent) for the Management of High Risk Hazardous Wastes, WEEE and ELV depollution / dismantling activities and submit competency certificates to your regulatory officer	13/05/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

****This CAR was re-issued on the 17/01/2023 after re-instating breach for B3 - site infrastructure, as the condition has not been complied for within the agreed timeframe****

NRW officers Gillian Coates (GC) and Laoni Tye (LT) met with Nick Brannan (NB) of MERTHYR BOROUGH RECYCLING LTD (MBRL) on Tuesday 1 March 2022. The inspection of permit number ZP3899FX was unannounced, the site was not pre-warned of our visit. At Officer's request, vehicle movements were halted onsite during the inspection to ensure safety.

C1 STAFF COMPETENCY AND TRAINING

Condition 1.1.4 The operator shall comply with the requirements of an approved competence scheme

NB informed officers that he was no longer TCM and confirmed that Ffion Pace was the current TCM. NB said that five other staff were enrolled on competency training. The competency certificates submitted to NRW were assessed against the Primary competency guidelines at » [Primary Competence | CIWM \(WAMITAB\) \(ciwmquals.co.uk\)](https://www.ciwmquals.co.uk) and were not of sufficient level of competency for the management of a bespoke permit for a hazardous waste transfer station with ELV and WEEE activities.

SCORE: A **Category 3** breach has been scored for this non compliance.

ACTION: The operator should contact their competency training provider and seek advice on the additional training required for a TCM to attain the necessary WAMITAB high risk level 4 Competence for Managing High Risk Hazardous Waste. To comply with your permit the operator must urgently engage a TCM who is qualified to this level and provide copies of competency certificates.

B3 SITE DRAINAGE ENGINEERING

Condition 2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in Schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.

Officers noted that the surface of the waste reception area had been concreted and improved since the previous visit in August 2021.



During the inspection on 01/03/2022 Officers observed that areas of the site where waste was being stored were rutted, waterlogged and muddy evidencing that the condition of the site surface remains insufficient to comply with permit condition 2.3.1 and Table S1.1.

This breach was identified in the previous inspection on 11/08/2021 and that the action to *“Scrape back mud from hardstanding areas and repair hardstanding to allow adequate drainage. Dispose of contaminated mud at suitably permitted disposal facility”* required by the previous CAR (sent 09/12/2021) was not completed.



The condition of the site surface was discussed with NB who mentioned that works to

concrete the areas were to start shortly but would be costly. It was discussed that the score for this continued breach could be suspended subject to the operator submitting a site improvement plan. NB was agreeable to this course of action.

SCORE: A **Category 3** breach has been scored for this non compliance which will be suspended for 6 months to allow time for the operator to meet the requirements of the permit

ACTION: Operator to submit a site improvement plan within one calendar month which should detail all works and completion dates to bring site surface up to standard required in Table S1.1 of your permit. Operator to send in drainage plans for site and drain maintenance schedule to regulatory officer. Please note that if surface remediation work is not completed within 6 months the suspended score will be reinstated.

A1 SPECIFIED BY PERMIT

Condition 2.1.1 The operator is only authorised to carry out the activities specified in Schedule 1 table S1.1 (the "activities")

Officers observed that shredded wood waste was being stored on the drying floor. NB confirmed that it was being dried and that a variation to add this activity had been submitted. LT reminded that on the previous visit on 11th August 2021 she had discussed with NB that waste drying was not a permitted activity in the current permit and that this was noted in the CAR.

SCORE: A **Category 3** breach has been scored for this non compliance.

ACTION: Operator to cease all drying activities until the outcome of the variation has been determined.

OBSERVATIONS

It was noted that both the tyres being stored on permeable ground and the dusty insulation type material noticed on the previous inspection had been removed.

Also officers noted that the baled plastic film identified as a breach previously was in the process of being removed and sent for disposal. NB showed officers a waste transfer note confirming that a load of baled plastics had recently been sent for disposal.

WAVE
Ocean Park, Port Chas Ind Est
Bridgend, Cymru CF31 1AB
Tel: 01299 2009 8209

Ticket No. 13595

Customer: NTS
Haulier: NTS
Material: POLYMER
Container No.:
Seal No.:
Reference No.: 99655
Vehicle Reg: CP18 ZKR
Comments:

Date: 01-03-2022
1st weight: 22840 kg
2nd weight: 16980 kg
Net weight: 5860 kg

026683
11:35
026687
12:12

Please send any requested information to:

Gillian.Coates@cyfoethnaturiolcymru.gov.uk

Thank you for taking the time to conduct officers around your facility during this visit.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.