

Statutory Notice

Environmental Permitting (England and Wales) Regulations 2016 Regulation 36

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To:

Merthyr Borough Recycling Centre Ltd
Ty Lwyfan
Graig Y Bedw
New Tredegar
Gwent
NP24 6NS

Environmental permit: EPR/ZP3899FX

Regulated facility: Merthyr Borough Recycling Centre Ltd, Unit 5, Pengarnddu Industrial Estate,
Merthyr Tydfil, CF48 2TA

Natural Resources Wales considers that the following conditions of the environmental permit are being contravened:

Permit condition 2.1.1 table S1.1 states that 'All hazardous and non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage;
All inert waste may be stored and treated on either hardstanding or on an impermeable surface with sealed drainage

Because there are areas of the site storing non hazardous waste that does not have an impermeable surface and sealed drainage system. The area of hardstanding is heavily compacted and is causing site run off.

Permit condition 2.5.1 Table S1.3 states that the operator shall submit a written Fire prevention and mitigation plan to Natural Resources Wales (within 3 months of permit issue unless otherwise agreed with NRW).

The Fire prevention and mitigation plan must be produced in line with the standards set out in Fire prevention and mitigation plan guidance – Waste

Because NRW has not received an updated fire prevention and mitigation plan for the site which was due by the 5th August 2022.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention. You are also referred, as specified in Schedule 1, to the plan marked "10915-000 D" attached to this notice.

Date: 23 March 2023

Signed



Gareth Davies

Team Leader, South Central Waste Regulation Team

Natural Resources Wales
Rivers House
St Mellons Business Park
St Mellons
Cardiff
CF3 0EY

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this Notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Tel: 0300 0604400

Email: PEDW.Casework@gov.wales

Website: [Planning and Environment Decisions Wales | GOV.WALES](https://www.gov.wales/planning-and-environment-decisions-wales)

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

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 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
2.1.1	(1) A cut-off drain or kerb is to be constructed to intercept surface run-off from the impermeable area and divert this to the silt trap and interceptor to ensure all hazardous and non hazardous waste is stored on an impermeable surface with sealed drainage system. At area A on site plan ref: 10915-000 D attached to this notice.	(1) 1 st May 2023
	(2) A cut-off drain or kerb is to be constructed to intercept surface run-off from the impermeable area and divert this to the silt trap and interceptor to ensure all hazardous and non hazardous waste is stored on an impermeable surface with sealed drainage system. At area C on site plan ref: 10915-000 D attached to this notice.	(2) 31 st July 2023
	(3) All broken or damaged concrete parts on site where storage and/or treatment activities are carried out must be repaired or replaced to ensure the drainage on site meets the requirements of an impermeable surface and sealed drainage system. At area B on site plan ref: 10915-000 D attached to this notice.	(3) 31 st July 2023
	(4) Mitigation measures must be put in place as an interim measure to ensure that there are no illegal discharges off site from the area of hardstanding .	(4) 1 st May 2023
	(5) A silt trap and interceptor to be constructed to manage surface run-off from the hardstanding area, to ensure there are no discharges other than via the system or the hardstanding area needs to be improved so that it meets the definition of hardstanding, allowing water percolation and ensuring there are no discharges from site.	(5) 31 st July 2023
2.5.1	The sites Fire prevention and mitigation plan (FPMP) must be updated and submitted to NRW for review, to address all parts not assessed and incorporated as part of variation application EPR/ZP3899FX/V005. The Fire prevention and mitigation plan must be produced in line with the standards set out in Fire prevention and mitigation plan guidance – Waste.	1 st May 2023

END