

Compliance Assessment Report CAR_NRW0041008

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 25/01/2023 between 10:00 and 12:30.

Parts of permit assessed: Site infrastructure and management

NRW Lead Officer: Laoni Tye, accompanied by Gareth Morris.

Report sent to: Nick Brannan and Stuart Watcham, Director/TCM and environmental consultant on 08/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2 Significant	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant (Suspended)	3.5.1 and 2.5.1

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

Total number of non-compliances recorded	Total non-compliance score
3	35

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
C2	Provide a timeframe to NRW of when actions outlined in body of CAR will be completed	01/05/2023
B3	See compliance notice	31/03/2023
D2	See compliance notice	01/05/2023

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

****CAR re-issued on 8th August 2023 following non compliance with notice. Previously suspended score in regards to drainage has been re-instated. A separate CAR detailing compliance with the notice will follow****

Environment officers Laoni Tye and Gareth Morris attended Merthyr Borough Recycling Ltd on the 25th January 2023 for a site meeting and inspection. The primary purpose was to discuss issues identified on the previous inspection and to agree plans of actions and timeframes for bringing areas of the site back into compliance. We met with Nick Brannan (director and TCM) and Stuart Watcham (environmental consultant). The weather was dry at the time of the visit but it had been snowing and icy in the week leading up to the inspection. One of the actions from the previous CAR had been completed with the other issues ongoing. A regulation 36 notice is accompanying this CAR and the associated breaches are suspended pending compliance. All dates and actions within the notice have been agreed between all parties. We thank you for your time during the meeting and for your commitment to bring the site back into compliance.

Breaches recorded

C2 – Management systems. Cat 3 breach.

Permit condition 1.1.1 states that ‘the operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;’ and (b) using sufficient competent persons and resources.

The site is not currently being managed in a way that prevents and minimises risks to the environment. This is evident with the state of the infrastructure across site, details of which are included below under B3 – site infrastructure. Drains are filled in or are not positioned appropriately to collect run-off rendering them ineffective. Management checks are not being made and actions to bring the site back into compliance with the permit conditions detailed on previous visits are not being implemented. We understand there was concrete laid down in some areas of the site as confirmed in photographs sent to NRW on the 18th September 2022. This did not cover all areas used for storing non-hazardous waste. There are areas of unmade ground/hardstanding on the lower areas of the site, likely caused by rutting which has not been repaired. There was run off discharging to a drain outside of the permitted boundary which was not picked up or rectified. The operator was not aware of where this drain connected to.

Other comments on management system:

We discussed waste acceptance and duty of care paperwork which needs to be supplied by the producer of any waste. Mr Brannan confirmed that sampling and analysis of waste is being completed on site and we will await the analysis from the waste fines to be sent through. You must ensure that you are completing all duty of care checks when accepting waste, which should be detailed within the management system. This ensures waste is handled, stored and treated appropriately. This was discussed in regards to the asphalt and bitumen specifically and it was agreed waste acceptance procedures could be improved.

Since the inspection, we have had confirmation that relevant discussions have been had with

incoming waste contractors to ensure duty of care procedures are followed by all.

Actions:

- Please review management system procedures to ensure they are sufficient to comply with all permit conditions.
- Carry out an analysis of root cause of the issues identified within this CAR. Put in place any measures to ensure breaches do not occur again.
- Ensure daily, weekly and monthly management checks are being made and documented. These will be reviewed during the next inspection.

B3 – site drainage and infrastructure. Category 2 breach. *Score suspended*

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.

Following treatment, specified wastes – non-hazardous wood (treated and untreated) and hard plastics may be stored on hardstanding.

All inert waste may be stored and treated on either hardstanding or on an impermeable surface with sealed drainage.’

The infrastructure across significant areas of the site was in a poor state, with large areas of silt and deep ‘slurry’ making areas of the site inaccessible. There were large pools and no impermeable surface in areas. Officers noted, that there did not appear to be drainage channels or bunding around the boundary of the site with potential for run off onto hardstanding or off site. The drainage channel at the entrance appeared to have been filled in with concrete. This does not meet the definition of impermeable surface and sealed drainage system and is a breach of the infrastructure requirements. It is reasonably foreseeable that the silt and waste from areas of the site could run off site, by passing any drainage systems.

We also noted that the area of hardstanding which runs along the right hand side of the site, for storage of inert, was heavily compacted in places and water was running off the area into a drain. There is no information about where this drain goes to but we know there are surface water drains located outside the site. It was agreed and identified by site that this area needs to be improved to ensure water can percolate through as an area of hardstanding and/or a containment system installed to ensure the system is sealed. Any changes to infrastructure will need to be updated in the management system and agreed with NRW.

You are being scored a category 2 significant breach, due to the scale of the issue and the fact that this has now been ongoing for some time without rectification. There is a significant likelihood of silt and site drainage leaving site and entering surface water drains outside of the site boundary, especially in times of heavy rainfall, which was witnessed during the visit. This breach is suspended whilst the notice is in place and providing it is complied with, will remain as such. Non compliance with the notice will lead to the re-activation of this breach.

Action: See accompanying regulation 36 notice and location plan ref: 10915-000-D.

D2 – Accident and emergency planning. Category 2 breach *Score suspended*

Improvement condition 2.5.1 Table S1.3 states:

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IPC1	The operator shall submit a written Fire prevention and mitigation plan to Natural Resources Wales. The Fire prevention and mitigation plan must be produced in line with the standards set out in Fire prevention and mitigation plan guidance – Waste. To address all parts not assessed and incorporated as part of variation application EPR/ZP3899FX/V005.	3 months after permit issue of EPR/ZP3899FX/V005 or otherwise agreed in writing with Natural Resources Wales

The deadline for submission of the sites fire prevention and mitigation plan (FPMP) was due by the 5th August 2022 and has not been submitted to NRW.

This is also a breach of permit condition 3.5.1 which states that ‘the operator shall manage and operate the activities in accordance with a written fire prevention and mitigation plan using the current, relevant fire prevention and mitigation plan guidance’

The issues with the infrastructure already outlined within this permit, increases the risk of impact should a fire occur on site. There would currently be no way of containing fire water. Fire prevention and mitigation plans are essential to reduce the likelihood of a fire occurring but also to reduce any impact a fire would have on the operator, fire service and sensitive environmental receptors.

You are being scored a category 2 breach as should a fire occur on site, there would be little way to contain the firewater. The FPMP in place only considers part of the site activities and the operator was not aware of the requirements set out in the permit and therefore the plan. It is reasonably foreseeable, that the general management of the site and awareness of the procedures would lead to a more prolonged and therefore increased risk should a fire occur. This breach is suspended whilst the notice is in place and providing it is complied with, will remain as such. Non-compliance with the notice by the agreed deadlines will lead to the re-activation of this breach.

Please see guidance: [Guidance No. 16 Fire prevention and mitigation plan - waste management \(naturalresources.wales\)](#)

Action: See accompanying regulation 36 notice and location plan ref: 10915-000-D.

Other actions:**Things to be submitted as agreed during the visit:**

- Full current environmental management system for all site procedures
- Sampling analysis for the waste fines removed from site following previous inspection

Completed actions from previous CAR

Nicolas Brannan is the sites technically competent manager. We viewed the original competence certificate and the continuing competency which was awarded in June 2022. It was confirmed that other members of staff were going through the certification. This element is now complied with.

Action: Please can you provide copies for our records.

Photographs from visit 25.01.23





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.