

Compliance Assessment Report CAR_NRW0042389

Permit being assessed: CB3794FE.

For: Vale of Glamorgan Resource Recovery Facility, held by VALE OF GLAMORGAN COUNCIL

At: Atlantic Trading Estate, Barry, Vale of Glamorgan, CF63 3RF.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2306432).

On 16/08/2023 between 17:25 and 18:30.

Parts of permit assessed: C2, E2

NRW Lead Officer: Elysia Lovelock.

Report sent to: James Webber , Site Manager on 01/09/2023.

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	2.3.1
E1 - Emissions - Air	C3 Minor	3.2.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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	Please carry out a review of the odour pollution incident and provide this information to Natural Resources Wales. And if required, please submit a revised Odour Management Plan to Natural resources Wales for review. Please provide a date by which this information can be provided to Natural Resources Wales, within 7 working days of receipt of this report.	12/09/2023
E1	Please carry out a review of the odour pollution incident and provide this information to Natural Resources Wales. And if required, please submit a revised Odour Management Plan to Natural resources Wales for review. Please provide a date by which this information can be provided to Natural Resources Wales, within 7 working days of receipt of this report.	12/09/2023

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

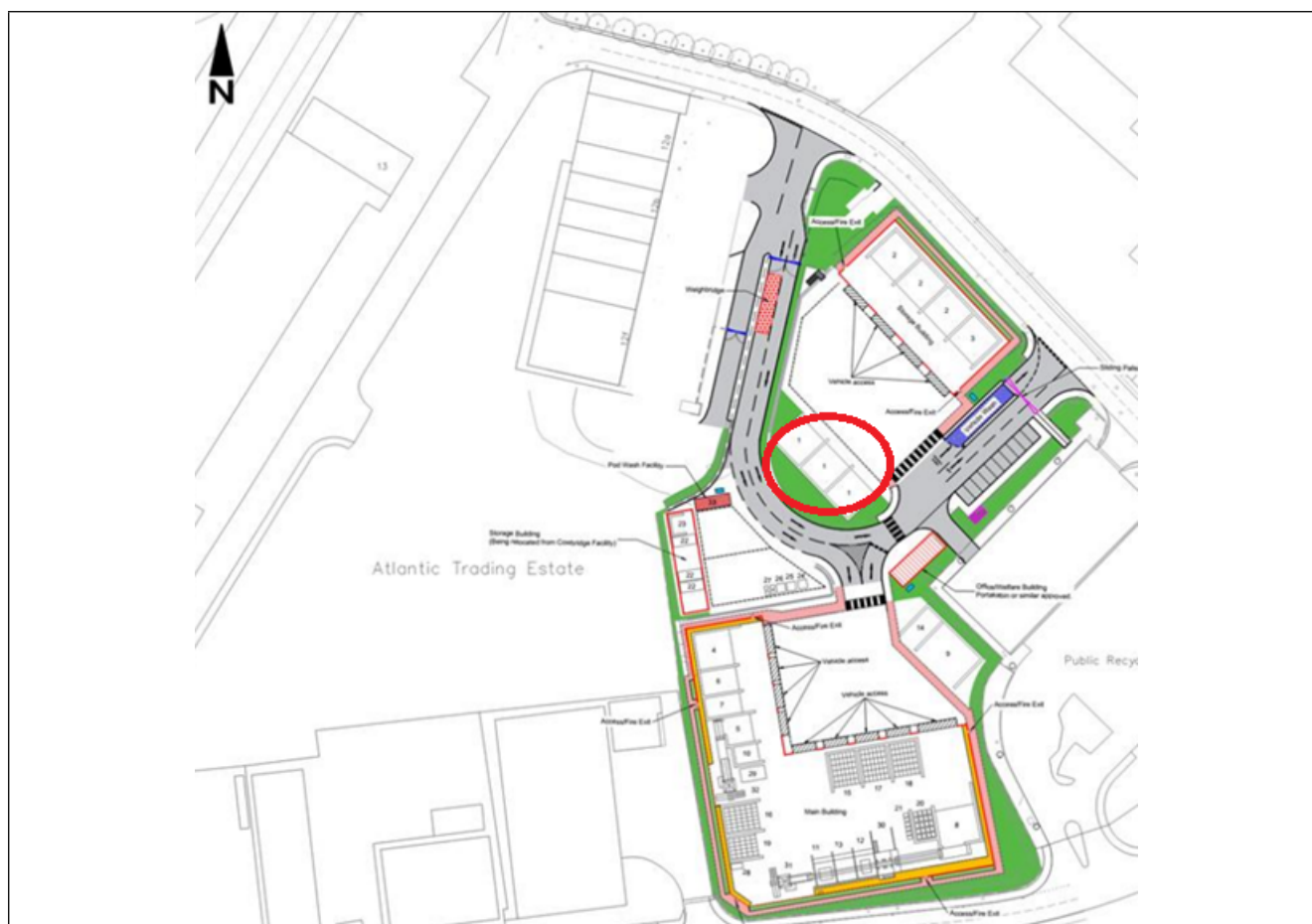
I, Senior Industry and Waste Regulation Officer Elysia Lovelock attended the permitted facility of Vale of Glamorgan Council, Vale of Glamorgan Resource Recovery Facility, Atlantic Trading Estate, Barry, CF63 3RF unannounced on Wednesday 16th August 2023 at approximately 1725 hours, as the designated Site Controller on incident response, in response to a high-level incident reported to Natural Resources Wales, reference 2306432. During the visit, the weather remained fine and warm, with an intermittent light breeze present.

Vale of Glamorgan Council hold Environmental permit reference EPR-CB3794FE, which is a Tier 3 bespoke permit that was issued December 2022 which allows the operator to operate a resource recovery facility station taking hazardous and non-hazardous waste from household and commercial premises collected by the Vale of Glamorgan Council and the household waste recycling centre (HWRC), adjacent to the site.

The purpose of the visit was to investigate a reported odour issue in the vicinity of the permitted facility.

As I parked on the road adjacent to the site, I immediately detected a distinctly foul odour to be present in the air down wind of the suspected source. This was intermittent however, as there was a light breeze in the air. I then walked upwind of the suspected source, where I did not detect any noticeable odour and I did not note any presence of any potentially odorous activities occurring in the surrounding areas. I noticed there are a number of business units which surround the site. On entering the site, there was no waste treatment activity taking place at the time. Waiting outside of the office and welfare cabin, adjacent to the green bays in the area known as the lower yard, I note at this point, I remained upwind of the suspected source. The site was exceptionally clean and tidy, with the only waste visible in the lower yard, being unprocessed green waste stored in external material bays.

I was greeted on site by two of the site's operatives. Having explained the reason for my visit to the permitted site which I suspected was causing the odour being that I was there to assess the causes of the odour and whether appropriate measures were being taken. I was advised that the site had started to receive green waste in the last few days and was shown to the area where the green waste was being stored in the bays. Permitted waste types include unprocessed green waste. The waste was surrounded on 3 sides by the sides of the concrete bay walls, on closer inspection, as I stood in front of the bays, I recognised the odour being emitted by the waste appeared to be the same odour as I had detected offsite, except more intense, emitting a pungent, putrid odour due to my being in such close proximity to the waste.



I noted there appeared to be several apples in the green waste, with a number of flies present. All areas of the site associated with the storage or treatment of waste benefit from an impermeable surface and several concrete bays to store waste. I note the lower yard (northern area of the site) is in full sun light, with no shaded areas and in the weeks leading up to this event, we have experienced an unusual combination of both extremely hot and wet weather conditions, potentially accelerating decomposition of any waste collected. The condition of the waste prior to arrival on site would also be dependent on storage times prior to site receiving the waste. Factors which may have the potential to have contributed, causing an accumulative effect, potentially resulting in the odour issue present.

Appropriate measures were discussed. Mr James Webber advised there is an Odour Management Plan in place and quickly advised on a proposed course of action to deal with the odour issue reported to Natural Resources Wales. He advised that the waste would be removed in the coming days and local businesses would be notified accordingly and that an internal review/investigation would take place. I advised that as part of the Compliance Assessment Report for the visit, a request for the Odour Management Plan to be reviewed may be made by Natural Resources Wales in light of the odour issue which has occurred on this occasion.

E1 Air

3.2 Odour

Condition 3.2.1 states 'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.'

To assess compliance with the odour permit condition 3.2.1 to determine whether a breach had

occurred, I 1.) assessed the level of odour pollution beyond the site boundary and 2.) assessed the appropriateness of measures employed.

Following the visit, I identified a number of discrepancies within the plan and non-compliances in application of the plan, as follows:

Firstly, 4.2.4 states 'Please refer to the table 2 for the details on storage of potentially odorous waste types. No treatment will be carried out other than bulking up for dispatch.' Please amend this statement accordingly, as I note table 3 refers.

Secondly, Table 3 states under Material: 'Green waste', Onsite storage: 'In storage bay (Bay 1) outdoors', Material management: 'the volume of the green waste storage bay is only 185m3.' This does not reflect storage observed on site, as green waste was stored in 2 bays, as shown below.



Thirdly, Table 3 states under Material Management 'Waste will be subject to regular checks both for odour and fire and thus any emissions will be noted early.'

I note the Odour Management Plan states here that 'the associated odour potential of green waste is generally considered to be low.' This is further supported by consideration of the low offensiveness and inoffensive characters of odours from green waste. On this occasion however, the green waste emitted a pungent putrid odour. The plan states 'Site operatives are present to assist with offloading and bulking; and the site will be monitored for odour which will aid early detection.'

Table 4 states 'Site operatives will follow the Waste Acceptance Procedure (WAP) (doc. ref: EMS.S4.02). If during this initial waste acceptance it is suspected the waste may be odorous (non-compliant) the site operative will take steps to further investigate the nature of the waste in line with the relevant practices (doc. Ref: EMS.S4.03 and EMS.S4.04).'

I note the waste had only been delivered recently and the sites abnormal operating conditions outlined in 'Table 5 – Preventative and control measures during abnormal conditions' state:

Situation: - 'Excessively malodorous material is delivered to site'.

Control measures: 'If despite following the WAP excessively malodorous material was delivered to the site this will be isolated and removed within maximum 48 hours.'

'Storage arrangements and allocated storage times for the problematic waste type will be reviewed within 1 month of an odour incident to prevent the incident re-occurring.'

In discussions on site and following the visit I can confirm that James Webber confirmed that the above action would be, and was then taken, following my attendance within 48 hours. I would advise however, that this action, if the plan had been followed correctly, would have already been in motion prior to my attendance, and Natural Resources Wales should have been notified accordingly, in line with permit condition 4.3.1 'Natural Resources Wales shall be notified without delay following the detection of:

- a. Any malfunction, breakdown or failure of equipment or techniques, accident or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution.

BREACH:

As a result of the above, a breach has been recorded as breach of **condition 3.2.1**, under sub-criteria **E1 Air**, and scored as a **Category 3 minor non-compliance**, with the potential to have a minor impact or effect on the environment, people and/or property, for failure to use all appropriate measures to prevent or where that is not practicable, to minimise the presence of odour pollution for the reasons outlined above.

ACTION: Please see below for details.

C2 Management system and operating procedures

2.3 Operating Techniques

BREACH:

A root cause breach has also been recorded as breach of **condition 2.3.1**, under sub-criteria **C2 General Management – Management system and operating procedures**, as scored as a **Category 3 minor non-compliance**, with the potential to have a minor impact or effect on the environment, people and/or property, as the operator has failed to comply with the sites Odour Management Plan, documented in Table S1.2 Operating Techniques.

Condition 2.3.1 (a) states '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', which specifies: 'Odour management plan. Document reference: VoG.014 Odour Management Plan_v5.0 Dated July 2021', 'unless otherwise agreed in writing by Natural Resources Wales.'

- b. 'If notified by Natural Resources Wales that the activities are giving rise to pollution, the operator shall submit to Natural Resources Wales for approval within the period specified, a revision of any plan or documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.'

ADVICE & GUIDANCE: When odour is detected, please ensure appropriate measures are followed to ensure that odour is prevented, or where that is not practicable, to minimise the odour. Of relevance, please note the permit, under Schedule 2 – Waste types, raw materials and fuels specifies exclusions, which states, 'notwithstanding the waste types set out in this table, wastes having any of the following characteristics shall not be accepted:'

c. 'Odorous or odour producing'

ACTION: Please carry out a review of the odour pollution incident and provide this information to Natural Resources Wales. If required, please submit a revised Odour Management Plan to Natural resources Wales for review.

DUE: Please provide a date by which this information can be provided to Natural Resources Wales, within 7 working days of receipt of this report.

CAR_NRW0042032:

I refer to the previous Compliance Assessment Report issued by the sites Industry & Waste Regulation Officer of Natural Resources Wales, Amy Bailey, following a recent site inspection in June 2023. Please action the below as required:

ACTION: Please ensure a copy of the Technically Competent Manager's WAMITAB certificate is provided for our records, as evidence of compliance with condition 1.1.4 which states that 'The operator shall comply with the requirements of an approved competence scheme.'

DUE: Please refer to CAR_NRW0042032 for details.

Summary

The site visit concluded at approximately 1830 hours. We wish to thank James Webber and the site operative for their time during the site visit and appreciate the Operators continued co-operation and assistance and look forward to continuing working with you in the future. If you require any assistance or wish to discuss this report or the requirements outlined in this report, please direct your queries to myself Senior Industry and Waste regulation Officer Elysia Lovelock, in the first instance, as I was the responding officer on this occasion. Please note, Industry & Waste Regulation Officer Amy Bailey of Natural Resources Wales remains the sites substantive Regulation Officer.

For a summary of the actions required, please refer to **Section 2. What action is required?**

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.