

Compliance Assessment Report CAR_NRW0042720

Permit being assessed: XP3295FK.

For: The Recycling Centre, held by Amber Engineering Limited

At: Dyffryn Business Park, Ystrad Mynach, CF82 7RJ.

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

On 23/10/2023 between 11:50 and 12:30.

Parts of permit assessed: Various

NRW Lead Officer: Carla Curtis, accompanied by Greg Gardner.

Report sent to: Kathryn Evans, Site Manager, TCM on 06/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.14.1
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	Reduce size of waste stockpiles to 4 metres or less as indicated within your FPMP	30/11/2023

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

This report details the site visit carried out on Monday 23 October 2023 at BIFFA, Dyffryn Business Park of the permit EPR-XP3295FK. Officers Carla CURTIS, Greg GARDNER and Cerys PHILLIPS attended the site at around 11:50 to complete an unplanned, routine compliance inspection. Weather was overcast and dry, Officers met with Kathryn EVANS (TCM and Site Manager) who accompanied officers around the permitted area.

GENERAL OBSERVATIONS

Officers received a site tour, and the following observations were made. Waste streams were segregated, with mixed waste material stored inside, and construction and demolition waste outside. General waste was deposited centrally outside within the site. The operator spoke about constructing bays for waste storage going forward.

WASTE ACTIVITIES

During the site visit it was noted that there were a few large stockpiles of cardboard, untreated wood and mixed waste(s) (see photos below).



Photo 1 – Stockpiles showing Cardboard above 4 metres**Photo 2 – Stockpiles of unprocessed wood above 4 metres****Photo 3 – Stockpiles of mixed waste(s) above 4 metres**

BREACHES

C2 – Management System and operating procedures – Cat 3 Breach

Variation number V007, issued 5/2/18 Condition 1.14.1 of your permit states:

The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

Please see extract from your FPMP submitted 21/5/18

5.1 Pile Management

Wastes are stored on site in loose piles or stacks, enclosed by concrete bays or fire walls and processed/sorted wastes (such as paper, cardboard and plastic) are also stored in containers (skips). The maximum dimensions for loose stockpiles of combustible waste on site will not exceed those specified in Table 3 below and are in accordance with Table 2 of the NRW guidance⁸. In accordance with Section 13 of the NRW guidance, maximum pile sizes do not apply to wastes stored in skips and other containers with a capacity exceeding 1,100 litres. Further relevant details of combustible wastes stored in skips are provided in Section 5.1.4 below.

Table 3 Maximum Pile Sizes

Material	Maximum Stockpile Dimensions (m)				Minimum Separation distance required between loose pile to nearest building/ combustible waste pile (m)
	Height	Length/width	Width/depth	Volume m ³	
Mixed waste for disposal/recovery	4	25	10	750	14/10
Wood	4	10	10	400	10/7
Metal	4	10	10	400	10/7
Residual waste mixed for disposal	4	10	10	400	10/7

PERMIT

The operator mentioned that the site has now changed name to Biffa, this is with effect from September, Application to transfer all or part of permit received on 3 August 2023. Operator advised there will be two waste returns for Quarter 3 one will be for Amber Engineering Ltd, and one will be for Biffa.

INFRASTRUCTURE AND DRAINAGE

The site is situated on an impermeable base, which appeared to be in reasonable condition. The operator explained that they are in the process of getting quotes to have the yard repaired. The site drains to an interceptor, which is serviced every six months and emptied when required. The site also has a discharge point to the Rhymney River. The sample point is managed by the local environment team.

TECHNICAL COMPETENCY

The site TCM is Kathryn Evans. The latest WAMITAB certificate we have on the system for Kathryn Evans was issued 02/11/21. Kathryn advised that she is in the process of renewing her WAMITAB so should have a new certificate shortly.

WASTE RETURNS

Kathryn Evans is responsible for submitting waste returns for the site. The maximum total quantity of waste accepted at the site per year shall not exceed 74,999 tonnes. Waste returns appear to be up to date and within permit limits. Please continue to submit these in line with your permit. On 20/10/23, we received correspondence with amended Q2 waste returns initially submitted in July

23 with a total of 7806.50 tonnes received during Q2 2022 with 7132.55 tonnes removed.

BREACH

Category 3 Breach	Deadline
Reduce height and size of stockpile of waste(s) as well provide sufficient fire break(s) to ensure compliance with your site FPMP, EMS and official FPMP guidance	30/11/23

If you have any queries regarding this Compliance Assessment Report, please contact regulatory officer Carla CURTIS via email at Carla.curtis@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

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.