

Compliance Assessment Report CAR_NRW0043128

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: Other.

On 06/09/2023 between 13:40 and 14:20.

Parts of permit assessed: Site infrastructure

NRW Lead Officer: Laoni Tye.

Report sent to: Nicolas Brannan and Stuart Watcham, Director/TCM and consultant on 08/01/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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
B3	All areas of the site storing hazardous and non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage. Areas of concrete require repair and any kerbs or cut-off drains should be in place to ensure that there is no potential run off from the site other than via the system. Please provide a timeframe for which works will be completed and within which timeframes, along with any justification for any times proposed. These will then be considered by NRW and a regulation 36 notice will be issued.	26/01/2024
C2	- 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	26/01/2024

Criteria	Action needed	Complete by
	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.	

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

Environment officer Laoni Tye visited site on the 6th September 2023 to assess compliance with the regulation 36 notice which was issued on the 23rd March 2023. We met with Stuart Watcham, environmental consultant and were briefly accompanied by the director and TCM, Nicholas Brannan. The weather was hot and dry at the time of the visit and in the run up to the inspection. The final deadline dates on the notice were the 31st July 2023. The notice was not considered to be fully complied with, details of which are set out below. We will now be considering our enforcement response to the non compliances.

Environmental permitting regulations (England and Wales) 2016

(2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.

(3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice, landfill closure notice, mining waste facility closure notice, flood risk activity emergency works notice or flood risk activity remediation notice.

Notice issued 23rd March:

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. (2) A cut-off drain or kerb is to be constructed to intercept surface run-off from	(1) 1 st May 2023

	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. (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. (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 . (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.	(2) 31st July 2023 (3) 31st July 2023 (4) 1st May 2023 (5) 31st 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



Action: Please note, that the requirements of the permit are that all areas storing non hazardous waste must meet the definition of an impermeable surface and sealed drainage system. Any areas

of concrete that are damaged and not therefore meeting the definition must be identified and repaired in order to demonstrate compliance.

In reference to point (4) improvements have been made to this area, with an interceptor installed to capture run off from the area of compacted hardstanding. The interceptor is currently acting as a lagoon which was not discharging at the time of the visit.

Action: Advice was given during the inspection and via email. Contact should be made with DCWW as the original proposal was to connect to the existing system which discharges to foul sewer. Any discharges to surface water would require a permit variation application to be submitted to NRW. Any changes made in either case will need to be included in an updated management system and agreed with NRW. Any changes to the site that could increase the risk of the activity would require a permit variation application to be submitted.

The final point in reference to condition 2.5.1 was for A fire prevention and mitigation plan was submitted to NRW. This was submitted on the 3rd May 2023 and we are satisfied that this point is complied with. As discussed, we will be reviewing the FPMP in due course and will provide any comments as required on a separate CAR. Thank you for submitting this to NRW.

We will now be considering our response to the offence(s) in line with NRW's enforcement and sanctions guidance.

Site inspection

The only areas of the permit which were inspected were in regards to the infrastructure and requirements set out within the compliance notice. There were breaches recorded during the inspection which were discussed with Stuart Watcham at the time of the visit. Details of which are below.

Breaches recorded

B3 – site drainage and infrastructure. Category 3 breach.

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.

There have been some improvements to the infrastructure across site, as is detailed above under the notice compliance comments. There are areas as detailed above which are yet to be completed in line with the notice. Whilst on site there were still areas of concrete that were damaged, with pools of muddy water witnessed in the areas of construction and demolition waste. The cut off drain/kerb was not constructed and there is the potential for run off to enter the area of hardstanding.

We were unable to inspect the boundary adjacent to the interceptor to assess whether the cut off drain was working effectively to ensure all run off was via the interceptor. This was due to construction and demolition waste being stored over the area and up to the boundary of the site. It is up to the operator to ensure that all areas of the site meet the requirements set out in the permit of an impermeable surface and sealed drainage system. You are being scored a category 3 breach for the perceived potential risk of environmental impact during this inspection.

Action: All areas of the site storing hazardous and non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage. Areas of concrete require repair and any kerbs or cut-off drains should be in place to ensure that there is no potential run off

from the site other than via the system.

Action: Please provide a timeframe for which works will be completed and within which timeframes, along with any justification for any times proposed. These will then be considered by NRW and a regulation 36 notice will be issued.

Other comments

We discussed the other areas of concrete across the site and it was agreed that it was difficult to see what drained where and whether the infrastructure that was completed was working effectively, to ensure that all run off is via the interceptor. The site has agreed that a site drainage survey may be the appropriate way forward but that this would wait until the construction works are completed.

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 the infrastructure across site, details of which are included above under B3 – site infrastructure. Actions set out within the notice to bring the site back into compliance with the permit conditions are not being completed and/or within the timeframes agreed and set out with the operator. Evidence could not be provided to demonstrate that some areas of concrete had been repaired. The operator did not appear to have a set plan or timetable as to when the site would be brought back into compliance in regards to infrastructure.

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

Photographs

Drainage



Interceptor



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.