

Compliance Assessment Report CAR_NRW0045049

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: Site Inspection,

Reason: Routine.

On: 25/03/2024 between 11:00 and 13:00.

Parts of permit assessed: Site infrastructure and management procedures.

NRW Lead Officer: Laoni Tye, accompanied by Daniel Hopkins.

Report sent to: Nicholas Brannan and Stuart Watcham, Director and consultant, on 23/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1
W2A - Waste - Operations - Permitted activities	C2 Significant	2.1.1

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

Total non-compliances recorded	Total non-compliance score
2	62

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
W1A	A plan of action to bring the site back into compliance has now been submitted to NRW and is being reviewed. A regulation 36 notice will follow in due course. You must continue to work towards compliance with the permit conditions.	30/08/2024
W2A	A plan of action to bring the site back into compliance has	30/08/2024

Criteria	Action needed	Complete by
	now been submitted to NRW and is being reviewed. A regulation 36 notice will follow in due course. You must continue to work towards compliance with the permit conditions.	

Compliance 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

Senior environment officer Laoni Tye and enforcement apprentice Daniel Hopkin attended Merthyr Borough Recycling centre on the 25th March 2024. The purpose of the visit was to assess what improvements had been made since the previous inspection when the regulation 36 notice compliance was assessed, following the deadline on the 5th August.

We met with Nick Brannan (director and TCM) and the sites environmental consultant. The weather was cold and it had been wet and raining in the days prior. Some additional works had been completed but there are numerous areas that are not in compliant with the permit conditions. As advised at the time, a regulation 36 notice is being issued to bring the site back into compliance.

Breaches recorded

W1A General management. Category 2 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.

This is a root cause breach of the infrastructure issues and general management.

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. Management checks are not being made and actions to bring the site back into compliance with the permit conditions are not being met. Further details on infrastructure is outlined in the breach W2A below.

The concrete wall on the boundary is in a state of disrepair and there was a 'bund' of waste which had been stored on site for a significant period, with grass visibly growing through. There is no way to inspect the infrastructure beneath which would be expected as part of a sufficient management system. The waste has also been stored on site for significant time and requires removal.

On arrival to site, we could see that works were being completed to clean out the drain at area A which was constructed in response to the regulation 36 notice. The drain was full of silt and run off

could be seen by passing the drain and running down towards the site entrance. There are also cracks meaning that some run off will by pass the interceptor. It is evident that this is therefore not working effectively and management needs to be improved and the drain constructed so that it is sufficient to stop any run off leaving site other than via the permitted system.

As referenced in more detail below, the new interceptor has now been connected without consent and is leaving site via an unknown drain. This has been done without prior discussion with NRW and without a permit variation application.

There were stockpiles of wet material which when asked we were advised were the trommel fines. It was evidently very wet across large areas of the site. There are measures that can be taken to reduce the pooling of water and ensure that the drainage is working effectively, running off the site surface and into the drainage system. Reducing rutting and ensuring effective gradients are all things that could be considered.

There is general poor housekeeping and upkeep of the site, which is evidenced in the photographs provided below.

Actions: A plan of action to bring the site back into compliance has now been submitted to NRW and is being reviewed. A regulation 36 notice will follow in due course. You must continue to work towards compliance with the permit conditions.

W2A Permitted activities. Category 2 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.

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.’

Discharge of integral site drainage (process effluent) from the emission points indicated on the drainage plan reference 10915-000-D as incorporated in Table S1.2 of this permit.

Drainage to sewer firstly via silt settlement and storage tanks and then through an interceptor will consist solely of:

- clean, rainfall dependant drainage from areas of the site not used in connection with the storage and/or treatment of waste.
- run-off from the impermeable surface from areas of the site used to store and/or treat waste including the process effluent from the dewatering activity.

No visible oil or grease shall be present in the discharge.

There shall be no discharge from the buildings on site used to store and/or treat waste.

The infrastructure across significant areas of the site was in a poor state, with large areas of silt and

rutting with no impermeable surface and sealed drainage in areas. Officers noted, that there did not appear to be drainage channels or bunding around the boundary of the site and there is still the potential for the concrete slab to run onto the hardstanding area (area C in previous notice and CAR forms). 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 areas of unmade ground. The condition of this area appears to have deteriorated with parts not meeting the definition of hardstanding.

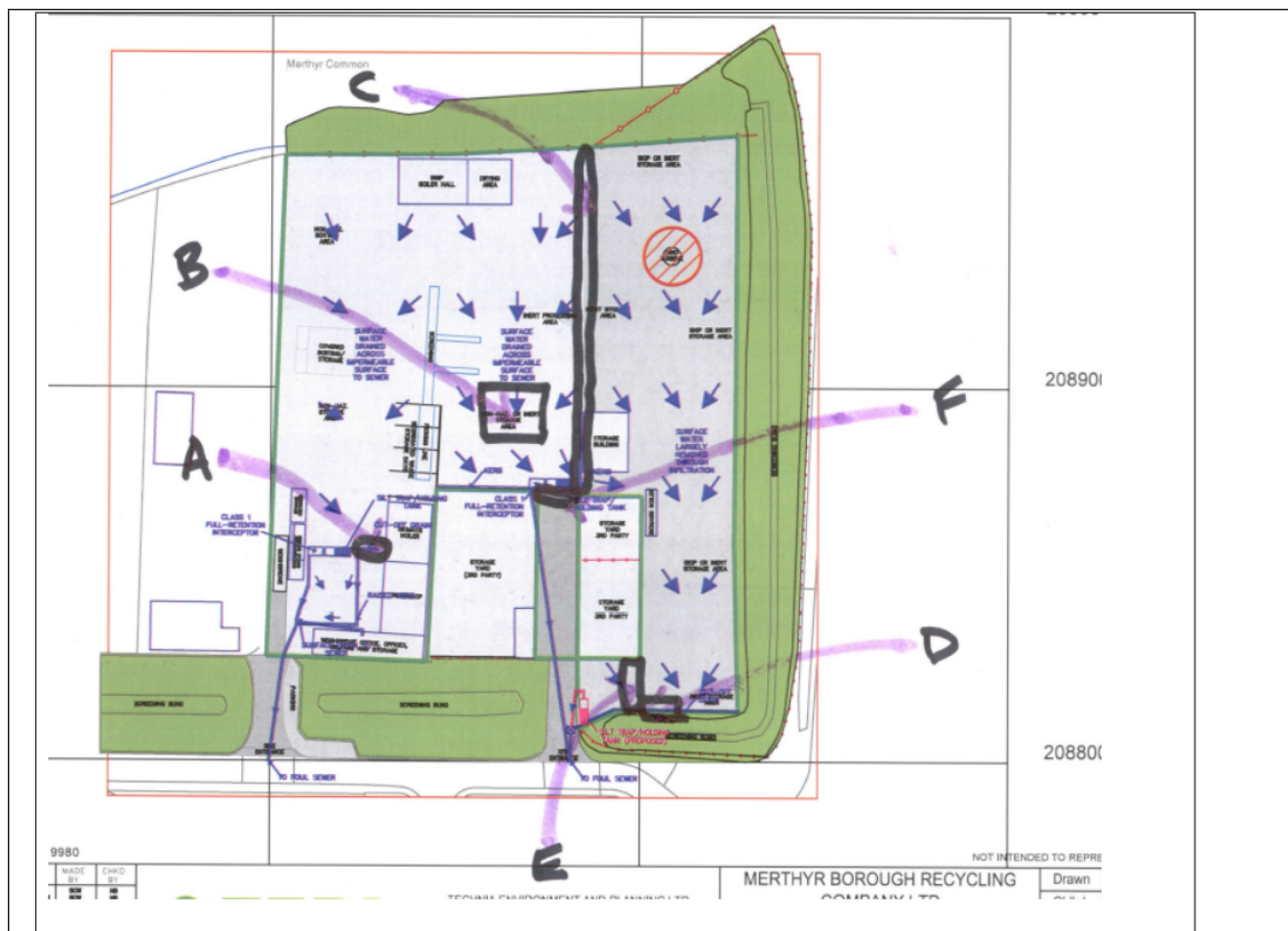
The definition of hardstanding 'hardstanding means ground surfaced with a durable material . It must be capable of being kept clear of debris and remaining level and rut free. It must be maintained so that it is permeable and does not cause surface water ponding'.

Interceptor

A new issue was identified during this visit as we were advised that the newly installed interceptor has now been connected up to a drainage system which goes off site. The site are unsure as to where this drain goes as it has not been connected to the existing permitted system. It has been done without prior discussion with NRW and/or a permit variation. As was discussed previously, any changes to the existing drainage would need a permit variation application to be submitted.

You are being scored a category 2 breach against this condition, with the root cause of this breach outlined under general management.

Actions: A plan of action to bring the site back into compliance has now been submitted to NRW and is being reviewed. A regulation 36 notice will follow in due course. You must continue to work towards compliance with the permit conditions.



Completed actions from previous CAR

There had been some additional concrete laid at area B and photographs showing these works being completed were emailed over after the visit. There was also additional concrete works towards the north of the site which runs along area C although this area is not currently a sealed drainage system.

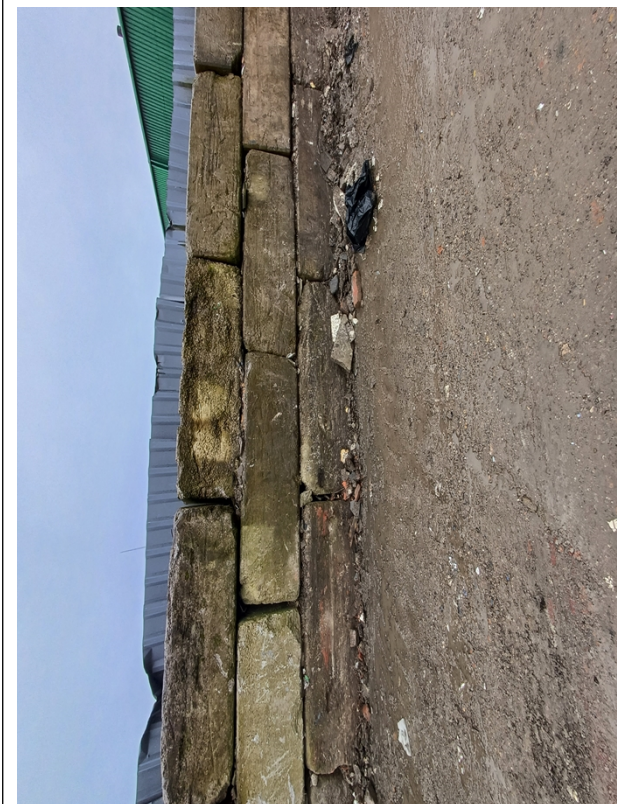
Photographs relating to breaches

















Photographs showing new concrete





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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.