

Compliance Assessment Report CAR_NRW0045388

Permit being assessed: XB3893HN.

For: Taybrite Works, **held by:** Browns Waste Management & Recycling

At: Hoel Y Bwlch, Bynea, Llanelli, SA14 9ST.

Type of assessment: Site Inspection,

Reason: Other.

On: 27/09/2024 between 11:00 and 13:00.

Parts of permit assessed: W1A, W2A, W2E, W3C.

NRW Lead Officer: David Morgan.

Report sent to: Mathew Roderick, Director, on 11/10/2024.

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	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W3C - Waste - Emissions and monitoring - Odour	C3 Minor	3.2.1
W3F - Waste - Emissions and monitoring - Pests	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	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
W1A	Submit a new Odour Management Plan, Amend the Pest	15/11/2024

Criteria	Action needed	Complete by
	Management Plan and address site drainage issues	
W3C	Take action to ensure sources of odour are identified and corrective action is taken to reduce/remove odour from site	15/11/2024

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

A site inspection was undertaken on Friday 27th September 2024. The purpose of the inspection was to assess whether a list of outstanding actions (raised following the previous inspection on 9th August 2024) had been completed.

Present during the inspection were David Morgan (Natural Resources Wales) and Mathew Roderick (Director of Browns Waste Management & Recycling).

Several areas of compliance were assessed during the inspection, and since the inspection, reviews of the site 'Odour Management Plan' (OMP) and the Pest Management Plan ('PMP') have been completed. Please note, Natural Resources Wales (NRW) has provided feedback on these documents in this Compliance Assessment Report (CAR).

This CAR contains information regarding the following points:

- 1. Previous Inspection**
- 2. Site Inspection**
- 3. Odour Management Plan**
- 4. Pest Management Plan**
- 5. Site Drainage**
- 6. General Management**
- 7. Summary**

Please read this information carefully. A follow-up inspection is planned for Friday 15th November 2024.

1. Previous Inspection

A site inspection was undertaken by NRW on 9th August 2024 in response to reports NRW had received alleging that odour was emanating from waste on site and that this was having a detrimental impact on the local amenity.

On 9th August 2024, prior to entering the site, NRW officers carried out an odour

assessment at multiple locations in the vicinity of the site and confirmed that an odour was present and that this odour was one that could be attributed to waste transfer stations. NRW officers deemed odour to be emanating from Browns Waste Management & Recycling.

NRW Officers undertook a site inspection and identified several areas of concern including generation of odour that could have a detrimental impact on the local amenity, pests (seagulls) on site, lack of/ineffective drainage system, large volumes of waste on site and missing records (Waste Returns).

Following the inspection, NRW issued you with a Compliance Assessment Report (ref: CAR_NRW0045031) that required you to complete the following actions by Friday 27th September 2024:

- * Reduce volume of waste on site
- * Submit missing waste returns
- * Provide a Pest Management Plan
- * Provide a copy of your Environment Management System
- * Provide the drainage plans
- * Clear drains/maintain drainage system

2. Site Inspection

Odour Assessment & Onsite Odour Management

Prior to the site inspection on Friday 27th September 2024, an odour assessment was made from multiple locations near to the site including the Bynea Car Park for the coastal path, the coastal path and bridge near to the site and from Heol-Y-Bwch road.

While on the coastal path bridge, at approximately 10:30am, an odour of waste detected. The odour was intermittent at first but became constant as wind dropped in the area. The odour was that typically attributed with waste transfer stations.

The site inspection began at 11:00am and while on site, the same odour was detected from the area of site where large volumes of mixed waste were being stored.

A strong odour was also detected in the rear left corner of the site (if entering the site through the main entrance) where significant volumes of green waste had been deposited. This waste appeared to have been in-situ for a considerable time and was odorous. Drainage in this area was not effective and there were large volumes of standing water that contained leachate from the green waste. **This area of the site requires urgent attention.** The green waste must be removed and surface water that has ponded in this area should be tankered away.

Large volumes of mixed waste remain in the yard with no mitigating action being taken to reduce odour from these wastes. There is also significant volumes of standing water on site, which, if contaminated with rainwater run-off from waste could be a potential source of odour.

As measures had not been taken/were not being taken to mitigate this odour, a non-

compliance of the Environmental Permit was recorded.

A non-compliance has been recorded against Condition 3.2.1 of your Environmental Permit (Category 3 - Minor)(ref: W3C)

Following the inspection, the site Odour Management Plan was reviewed and feedback is contained within this report under point 3. 'Odour Management'.

Waste Storage

It is noted that in recent months, an outlet site for mixed waste from Browns Waste Management & Recycling was temporarily closed. This has resulted in waste building up on site. This will increase the likelihood of issues linked to odour and pests.

You must ensure contingency measures are in place to remove waste or redirect incoming waste to avoid quantities building up on site. Storing waste in volumes that is beyond the workable capacity for the site can result in amenity issues becoming worsened, and it also increases the risk of a potential fire incident having a greater and more damaging impact.

It does appear that waste volumes have been reduced since the last inspection and written records (Waste Transfer Notes) were provided to evidence the overall reduction in volume.

It was noted that changes to waste storage are planned which include all household waste being stored in a building and being netted. It was agreed that the area where green waste is currently being stored would be reviewed. Standing water in this area was odorous.

Please ensure changes to the layout of the site are captured in an updated Environment Management System (EMS).

Please note, site drainage is addressed as an individual item in point .5 of this report.

Waste Acceptance & Waste Type

All wastes on site appeared to conform with the list of acceptable wastes in the Environmental Permit. Although volumes of waste were above normal working practices, wastes were clearly segregated into piles and stored in different areas of the site.

We did discuss potentially rearranging where waste is stored on site in order to help alleviate any potential odour issues (i.e. moving odorous wastes away from site boundary closest to receptors).

Pests

At the time of the inspection, a number of seagulls were witnessed on site but numbers were very low and not at a level deemed to have a detrimental impact on the local amenity. No other issues related to pests (rodents/flies etc.) were noted. On this occasion, this item was assessed as compliant.

3. Odour Management Plan (OMP)

An OMP was submitted to NRW in August 2024. A review of this OMP has been completed. **Natural Resources Wales has not approved your Odour Management Plan.**

A full review of the plan was undertaken using the following documents: NRW's Operational Guidance Note 258 'Assessing and Approving Odour Management Plans', 'How to Comply with your Environmental Permit' guidance document and the H4 Odour Guidance.

Details of this review and in-depth feedback will be provided in an attached document. The OMP does include some key information such as onsite odour assessments being carried out, procedures for segregating odorous waste etc., however, the OMP was not approved on several points which include, but not limited to: failing to identify all potential sources of odour (such as leachate from green waste etc.), lack of information regarding quantities and turnaround times, incomplete information regarding nearby sensitive receptors and lack of control & abatement measures.

You must submit a new Odour Management Plan to Natural Resources Wales for approval.

4. Pest Management Plan (PMP)

A Pest Management Plan (titled 'Pest Control Management Plan') was received by Natural Resources Wales on Friday 27th September 2024. This has been assessed using the guidance document 'How to Comply with Your Environmental Permit'.

'How to Comply with Your Environmental Permit' lists appropriate measures that should be taken:

Appropriate measures to reduce pest problems are:

- regular inspections by nominated personnel
- isolation and securing/removal of wastes that are attracting scavengers or flies
- employing professional pest controllers, either directly or by contract
- effective scaring or other deterrent methods
- netting

The PMP submitted lists the potential type of pest, with actions to be taken (including frequency), corrective actions (on identifying a pest related issue) and the person/s responsible for this action. It is advised you consider the risks associated with flies given that you accept large quantities of mixed waste, food waste and single stream food/drink packaging.

Owing to the presence of significant volumes of food waste and black bag mixed waste, it is advised that more inspections of rodent traps should be undertaken more frequently than 10-12 weeks as stated in the PMP.

Corrective actions currently listed in the PMP do not include isolating/securing removal of

wastes that are attracting pests (other than the food waste being sealed on delivery).

Employing or liaising with professional pest controllers must be considered owing to pests (specifically seagulls) being visible at site in previous inspections. Records of measures discussed with the pest controllers should be kept as this would help respond to enquiries regarding measures that have been considered and/or are being undertaken.

The PMP states that ultra-sonic sound units are placed around site to act as a deterrent. Pests (seagulls) have been seen present at site during previous site inspections undertaken by NRW. The effectiveness of the ultra-sonic sound units should be tested and pest controllers should be consulted with on other measures that may be more effective. Records should be kept of what measures have been considered.

The food waste is sealed on arrival, however, there is no other netting of other waste or other storage areas on site. Consideration should be given as to whether netting would be an effective mitigation method for pests. You may wish to seek advice on netting as a protective measure from a pest controller specialist.

5. Site Drainage

A request was made in the last inspection that a Site Drainage Plan be produced and provided to NRW. This plan was received on Friday 27th September 2024.

There are two areas of the site where drainage is not working and there are standing pools of surface water. As mentioned on site, as waste is stored in these areas (green waste and mixed waste) there is a potential for site surface water run-off to become contaminated and odorous.

You must address and maintain drainage in areas where water is ponding.

The drainage plan provided suggests that the site drains to an interceptor. The outlet for the interceptor drains to an open settlement lagoon which discharges to a ditch that feeds the River Loughor. It is noted that the discharge from the site (outlet from interceptor) was being undertaken in line with a historical NRW issued 'Discharge Consent' (permit reference: BP0274201).

Since the inspection was undertaken, we have reviewed our records with regards to this drainage consent. The consent, reference BP0274201, is in the name of a company called 'Skip Solutions Ltd'. Companies House records indicate that this company was dissolved in 2018 and as a result, this drainage consent has now fallen. This drainage consent should have been transferred to Browns Waste Management & Recycling.

Please contact our finance department (quoting your customer number) via email: online@cyfoethnaturiolcymru.gov.uk as you may be able to claim a refund for fees you have paid since taking control of this site.

Your Environmental Permit requires you to store and treat waste only in areas that have impermeable surfaces and a sealed drainage system. Currently, waste storage and treatment activities are taking place in areas of the site where there is not a sealed drainage system and there is no consent for discharge.

Going forward, you must consider whether to amend the Environmental Permit to include a discharge (with monitoring requirements etc.) or connect to the foul sewer system with agreement from Dwr Cymru/Welsh Water. Until a final resolution is found, you should must remove potentially polluting waste from areas of the site where surface water run-off could enter the drainage system.

A point of interest is that having reviewed the initial application for the discharge consent (made in August 1998), the original intention was to discharge from areas of the site where inert waste was stored.

NRW will conduct a follow-up inspection soon to discuss this issue whereupon actions and timeframes can be agreed for finding a solution.

Please be aware, storing waste in areas where surface water run-off is being discharged into a lagoon, and ultimately into a watercourse, can cause a pollution.

6. General Management

On review of observations made in recent site inspections, assessing various management plans (Odour/Pests) and having reviewed our historical records, there are a number of issues that require attention.

The Odour Management Plan has not been approved and specific feedback on this will be provided in an attached document. The Pest Management Plan and pest management procedures on site require further attention and information. These documents form part of the site Environment Management System.

Site drainage on site is not maintained and is not fully effective. Two areas where odorous waste is stored (green waste and mixed waste) are subject to ponding of surface water run-off water which presents a significant risk of generating odour.

It is accepted that issues offsite (with outlets temporarily closing) have resulted in above average volumes of waste being stored on site which can potentially exacerbate the odour issue, however, having considered the number of issues now present, a non-compliance has been recorded against General Management of the site.

A non-compliance has been recorded against Condition 1.1.1 (a) of the Environmental Permit (Category 2 - Significant)(ref: W1A)

You must ensure activities are operated in accordance with written management systems that identify and minimise the risk of pollution.

7. Summary

Following an inspection of the site and having reviewed management systems and our historical records, several compliance issues have come to light that are/have the potential to cause pollutions and have a significant detrimental impact on the environment and local amenity.

Natural Resources Wales intends to revisit the site on Friday 15th November 2024 to reassess compliance with the Environmental Permit. We can also discuss potential drainage solutions going forward now the discharge consent (which was issued to a now

dissolved company) has fallen.

In summary, you will need to undertake the following actions:

1. Review and submit your Odour Management Plan
2. Review your Pest Management Plan and consider amendments to how pests are managed
3. Pursue a solution to the current issues with site drainage. Firstly, you must ensure the drainage system is working effectively to prevent ponding of water on site. Secondly, you must consider whether to amend your Environmental Permit to include a site discharge OR connect to the foul sewer system in agreement with Dwr Cymru/Welsh Water.

Prior to a final solution being found, you must begin to remove potentially polluting wastes from areas of the site where there is not sealed drainage. Site surface run-off from mixed waste can potentially pollute a watercourse and an oil interceptor will not mitigate this impact. You may wish to consider storing all mixed waste in the building and not outside (thus preventing surface water run-off from waste).

4. It is recommended that you fully review waste storage and treatment practices on site to ensure activities are not having a detrimental impact on the environment.

5. Please ensure any changes to operations are documented in your Environment Management System.

Natural Resources Wales intends to revisit the site on Friday 15th November 2024. In this inspection we will be focussing on compliance with the site Environment Management System and intend to inspect the drainage system so please ensure all inspection points (drains/chambers) are accessible.

Thank you for your time during the inspection

END OF REPORT

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.