

Compliance Assessment Report

Report ID:
CAR_NRW0035927

This form will report compliance with your permit as determined by an NRW officer

| | | | | | | |
|------------------------------|--|-------------|------------|-----|-------|--|
| Site | Llantrisant Recycling | Permit Ref | AB3092FR | | | |
| Operator/Permit holder | Llantrisant Recycling Centre Limited | | | | | |
| Regime | Waste Operations | | | | | |
| Date of assessment | 04/10/2019 | Time in | 11:00 | Out | 12:15 | |
| Assessment type | Site Inspection | | | | | |
| Parts of the permit assessed | Storage area | | | | | |
| Lead officer's name | Tye, Laoni | | | | | |
| Accompanied by | David Warwick-Brown | | | | | |
| Recipient's name/position | Tom Prichard and Gareth Danter-Hill/ Director and TCM | Date issued | 10/12/2019 | | | |

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

| Permit conditions and compliance summary | CCS Category | Condition(s) breached |
|--|--------------|-----------------------|
| A1 - Specified by permit | C2 | 2.1.1 Table S1.1 |
| B3 - Infrastructure - Site drainage engineering (clean and foul) | C3 | 2.1.1 |
| C3 - General Management - Materials acceptance | C3 | 2.3.2 |
| D2 - Incident Management - Accidents, emergency and incident planning | C2 | 3.6.1 |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment | C3 | 3.7.1 |

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

| | | | |
|-----------------------------|---|--|----|
| Number of breaches recorded | 5 | Total compliance score (see section 5 for scoring scheme) | 74 |
|-----------------------------|---|--|----|

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Environment Officers Laoni Tye and David Warwick-Brown visited site on the 4th October 2019 to conduct an unannounced site inspection. It had been raining heavily during the week and that morning although the rain was easing during the visit. We met with site supervisor Stuart Richards who was on site when we arrived. TCM Gareth Danter-Hill then joined us and we visited the site area. We had received reports of large volumes of waste on site and waste spilling down bank towards Nant Muchudd watercourse. No waste was seen down the bank and this element was therefore not substantiated.

A1 – Specified by permit. Category 2 breach.

During our visit we saw there are buildings which are being heated and are used for 'drying' waste such as compost oversize, waste fines and mixed dry recyclables.

Permit condition 2.1.1 Table S1.1 "Limits of activities" of the permit does not allow treatment such as heating or drying.

For this treatment activity to be included in the permit, a variation would be required and would need to be properly assessed by our permitting team. This is required to ensure that the treatment activity can be assessed in terms of the risks to the environment and to ensure that the permit reflects all treatment activities being carried out. There is a significant fire risk associated with this activity which has been outlined and scored below which again would need to be assessed at permitting.

Action: Waste should be removed from the buildings or the building cease being heated.
(the operator has since confirmed that heating of waste has ceased)

Table S1.1 limits of specified activity states that the total quantities of wastes undergoing biological treatment at the whole site shall not exceed 75 tonnes per day. This limit appears to be being breached on site, with much larger volumes visually being stored and processed. There were numerous stockpiles of green waste and composting on site, reaching heights of approximately 5-6 metres and covering a large area on the concrete pad. Machinery can be seen in the photographs for comparison on sizes. The waste returns were also checked which shows this figure is far being exceeded, this is given in more information in the breach below. This is not in line with management systems on site and is evidence that the composting process is not being effectively managed, with green waste coming off the areas of impermeable surface. The site had not yet reached PAS certification at the time of the visit. Due to the large volumes, it was difficult to see how accurate procedures such as temperature monitoring, stack turning could be carried out effectively and there did not appear to be identifiable stages of the composting process. For the activity to be carried out on this scale a permit variation would be required which would include an update of all site management systems in relation to the composting to include the Site specific bio aerosol risk assessment and fire prevention plans. Due to the fact these volumes have not been assessed there is the potential of significant impact.

Action: The quantities of wastes undergoing biological treatment must be reduced to those set within the permit of no more than 75 tonnes at any one time. Alternatively, you will need to apply to vary your permit to an installation under the Industrial Emissions Directive as this tonnage amount would be over the threshold of a waste facility. Please provide a timeframe for this should you proceed with the variation.

Breach: You have been scored a category 2 breach due to the potential significant impact these activities could have, which has not been assessed due to there not being a variation application which includes these activities.

B3 – Site drainage and engineering. Cat 3 breach.

Permit condition 2.1.1 states that the operator is only authorised to carry out the activities specified in schedule 1, Table S1.1. Table S1.1 A2 – Open Windrow Activities, states that all waste must be stored and treated on an impermeable surface with a sealed drainage system.

There was an area around the open windrow composting which did not benefit from a sealed drainage system and it was evident that run off from this composting area had gone onto the hard standing area adjacent to it.

We appreciate that efforts were made following the visit to rectify this and that material was put down to make the area of hardstanding higher than the concrete, to assist with run off. This however does not constitute sealed drainage and it is reasonably foreseeable, that due to the large quantities of green waste being stored on the edges of the concrete pad, that there is still a pathway to ground.

Breach: You have been scored a category 3 breach due to the potential impact this activity could have

Action: Infrastructure improvements required to ensure there is no run off from the composting area other than to the sealed leachate tank and is therefore sealed drainage. Green waste should be moved away from the hardstanding as a minimum at this time to reduce risk of further run off.

C3 – Materials acceptance. Category 3 breach.

Permit condition 2.3.2 states that waste shall only be accepted if: a) it is of a type and quantity listed in schedule 2, S2.1.

Whilst on site, textiles could be seen stored within the building which is not a permitted waste type.

Please note, the most recent waste returns were assessed via desk stop study following the visit and show textiles incoming onto site as waste code 200301 – mixed municipal waste. This waste code is not appropriate for this waste type.

Action: Remove unpermitted waste from site by the 29th November 2019. Should you plan to store this waste in the future a variation to include the waste code will be required. Please provide waste transfer notes showing removal which we have been advised is now completed.

The limit of 7,500 tonnes per annum of green waste accepted onto site has been exceeded. Waste returns were checked as a desktop study at the office following the visit.

Quarter 2 (April-June) there was approximately 4,000 tonnes of green waste brought onto site and in quarter 3 (July to September) 4,450 tonnes of green waste brought onto site. This shows an exceedance in permitted volumes of green waste (7,500 per annum). According to waste returns

there has been no compost removed from site in either quarter which suggests that all the green waste received since April 2019 is still on site.

Action: Please provide NRW with actual volumes going through the composting process to ascertain what volumes have come through this year.

Action: Please provide NRW with waste transfer notes from previous 6 months for any compost which has been removed from site.

D2 – Accident, emergency and incident planning. Category 2 breach.

Permit condition 3.6.1 states that the operator shall manage and operate the activities in accordance with a written fire prevention and mitigation plan, using the current relevant fire prevention guidance.

There were numerous areas of non-compliance with the sites own fire prevention and mitigation plan and relevant guidance:

Loose waste wood stockpile exceeding storage sizes, at approximately 6-7 metres in height. The FPMP states no more than 4 metres in height and therefore as explained during the visit this impacts the FRS and its capability to deal with a fire should one occur.

- Concrete bays have been created out of concrete blocks, but these have not been properly constructed. There are gaps between the blocks (not sealed) which would allow further spreading of fire between stockpiles.
- There should be a minimum of 1 metre free board between the waste and bunker height, this was not the case and waste could be seen higher than the walls outside and inside the buildings.
- Textiles (unpermitted waste) were being stored in a heated building, the waste was piling over the walls and can therefore spread across the building into adjacent bays.
- Mixed dry recyclables also being stored in the heated building which had restricted access due to other wastes being piled in front of the entrance.
- The screener used to process the contaminated glass fines on site was located very close to the piles of fines. There were fines around the plant which is a potential fire risk. This area should be cleared up and machinery should not be stored adjacent to waste piles in line with FPMP. There was also plant stored adjacent to the woodchip, this could cause an ignition to the stockpile.
- Green waste stack sizes exceeding sizes, approx. 5-6 metres height and in large piles, were not being appropriately stored. As discussed, if the green waste is not going through its active composting stage then it needs to be stored in line with guidance. The area was lacking in separation distances and can therefore not be considered to be separate stockpiles in regards to the FPMP.
- There was compost oversize being stored/treated within the building adjacent to the biomass which is a heated building. This storage has not been accounted for in the site plan within your FPMP and the area has not been identified as an area for drying in your FPMP.
- As covered under criteria C4 above your FPMP states that open windrow composting volumes will be 1000 tonnes at any one time which puts you in breach of the permit condition.

- Waste stored within a heated building **does** increase the fire risk on site, contrary to what the FPMP states. This has not been appropriately addressed in the sites most recent FPMP which on page 15 states that the heating in the building will not impact on self-heating as it will not reach high enough levels. This needs to be properly reviewed and an updated FPMP submitted to NRW which prevents and mitigates against the increased risks.

Breach: Due to the significant impact a fire on site would have, with nearby receptors and the series of non-compliances with the FPMP which could foreseeably lead to a fire, you have been scored a category 2 breach.

Actions:

- ☐ All waste stockpiles on site to be reduced in line with FPMP guidance and minimum separation distances
- ☐ Concrete bays to be properly constructed and installed using a suitably qualified person
- ☐ You advised that Tom Prichard make their own concrete blocks. Please provide a production data sheet/evidence showing that the concrete blocks meet appropriate standards
- ☐ Reduce stack heights to allow for a metre free board on all waste bays
- ☐ Ensure there is suitable access (e.g. entrances into buildings)to waste stockpiles as per guidance
- ☐ Plant and machinery on site should be stored away from waste stockpiles as per guidance
- ☐ The site plan and details within the FPMP need to be updated to reflect any changes on site.
- ☐ FPMP must not include information which would mean the permit conditions are not complied with. There should be no conflicts of information across any of the documentation, please review.
- ☐ Maximum storage volumes must be adhered to

The FPMP will need to be updated as part of any variations that occur on site.

G4 – Reporting and notifications. Category 3 breach.

Permit condition 3.7.1 states that the operator shall, unless otherwise agreed in writing by Natural Resources Wales...undertake the monitoring specified in table S3.2. table S3.2 states that bio-aerosol monitoring shall be undertaken on a quarterly basis.

As discussed in recent email correspondence, the last report we received was in April 2019 and we are therefore missing the last two quarterly monitoring data (April-June and July-Sept). We have been advised that the monitoring was not undertaken due to various reasons but including the fact that weather conditions had not been suitable. We understand that these things can cause delays however, operators must be able to monitor in line with the frequencies set out in the permit. The re-scheduling of monitoring should be programmed in, any adverse weather should only delay monitoring until the next suitable day.

Breach: A cat 3 breach has been scored for the non compliance of not undertaking monitoring

Action: Bio-aerosol monitoring to be completed at the next earliest availability. We have received

confirmation that monitoring has now been undertaken and we therefore request to receive the report by the 16th December.

Photographs









EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035927**

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| | | | |
|------------------------|--------------------------------------|------------|------------|
| Site | Llantrisant Recycling | Permit Ref | AB3092FR |
| Operator/Permit holder | Llantrisant Recycling Centre Limited | Date | 04/10/2019 |

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

| Criteria Ref. | CCS Category | Action required/advised | Due Date |
|---------------------|--------------|----------------------------------|------------|
| See Section 1 above | | | |
| G1 | C3 | See comments in body of CAR form | 16/12/2019 |
| D2 | C2 | See comments in body of CAR form | 20/12/2019 |
| C3 | C3 | See comments in body of CAR form | 03/01/2020 |
| B3 | C3 | See comments body of CAR form | 03/01/2020 |
| A1 | C2 | See comments in body of CAR | 29/11/2019 |

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

| CCS category | Description | Score |
|--------------|--|-------|
| C1 | A non-compliance that could have a major environmental effect | 60 |
| C2 | A non-compliance which could have a significant environmental effect | 31 |
| C3 | A non-compliance which could have a minor environmental effect | 4 |
| C4 | A non-compliance which has no potential environmental effect | 0.1 |

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.