

Compliance Assessment Report

Report ID:
CAR_NRW0036441

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

Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE		
Operator/Permit holder	Bryn Recycling Limited				
Regime	Waste Operations				
Date of assessment	26/02/2020	Time in	10:00	Out	12:15
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Lee, Jonathan				
Accompanied by	Bowder, Alex				
Recipient's name/position	Jennifer Price/ TCM	Date issued	10/03/2020		

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
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	3.6.1
F1 - Amenity - Odour	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

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	3	Total compliance score (see section 5 for scoring scheme)	8.1
------------------------------------	----------	---	------------

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

Compliance Assessment Report – Bryn Recycling Limited

Introduction

Officers Jonathan LEE and Alex Bowder in attendance of Bryn Recycling Limited, Gelligaer to complete a compliance inspection of the environmental permit **EPR-WB3993HE**. Weather was sunny but the ground was wet due to rainfall in the days prior to the inspection. Officers met with the Technically Competent Manager (TCM) of the facility, Ms Jennifer Price and briefly with company director Mr Alun Price.

The inspection was arranged to formally handover regulation of all parts of the environmental permit EPR-WB3993HE to Natural Resources Wales (NRW) officer Jonathan Lee.

The inspection consisted of a meeting to discuss recent site activity and an inspection of all parts of the waste transfer station and composting facility. Prior to the inspection, a Fire Prevention and Mitigation Plan submitted by the operator was reviewed.

Photographs are included in an appendix.

Compliance

The following observations of **compliance** were identified during the inspection.

- The quarry area of the site used for open-windrow composting was briefly inspected by officers to assess compliance in line with agreed action plan detailed in *CAR_NRW0036194*. No issues relating to the storage techniques of the stockpiles of material undergoing composting or composted material were noted during the inspection. Ensure that the composting activities of the site are continually managed in accordance with the permit and all associated site management documentation.
- No offensive odours related to the permitted activities were noticed by officers during the inspection.
- No issues noted relating to site security.
- The TCM of the facility was confirmed as Ms Jennifer Price whose WAMITAB certificate is appropriate to site activities and is in date.

Non-compliance

The following observations of **non-compliance** were identified during the inspection.

B3 – Site drainage and engineering – Category 3 Breach – Permit Condition 2.1.1

Permit Table S1.1. states that ‘biodegradable wastes shall be stored on an impermeable surface with sealed drainage. All other wastes shall also be stored on an impermeable surface with drainage to an interceptor.’

During the inspection the following observations of non-compliance with the above were noted: -

- The perimeter of the ‘upper yard’ used for the storage and processing of composted material/waste wood was not sealed and an appropriate interceptor was not currently operational in this area. Whilst temporary measures (sandbags etc) had been put in place to contain run-off, and the area was undergoing significant drainage improvements, there is potential for run-off not to be captured in the event of an incident. Photos 1 and 2 show areas of the ‘upper yard’.
- The drainage arrangements in the area to the side of the main waste transfer station building (southern site boundary) and the integrity of the impermeable surface were cause for concern. As shown in Photos 3,4 and 5, there was pooling of water and a lack of formal drainage arrangements in this area. It was discussed that this area would benefit from improved drainage infrastructure in line with currently ongoing site improvements as part of compliance with the FPMP guidance.
- The area to the rear/side of the inert waste stockpile on site was liable to the pooling of water and the integrity of the impermeable surface was cause for concern. Whilst the waste type currently stored in this area is inert, the permit requires all surfaces used for the storage of waste to be impermeable.
- Several cracks in the impermeable surface were visible, particularly in the area to the front of the main transfer station building. There is a potential environmental impact to ground if these cracks are not repaired when operational activities allow.

Action: Submit an action plan with timescales for site drainage/infrastructure improvements.

A deadline of the **30th April 2020** has been set for action this to be completed. Timescales specified in your action plan will need to be reviewed and then agreed by NRW.

NOTE: - During the inspection the operator raised that there is intention to complete a full site drainage audit. NRW would welcome the completion of this drainage plan to aid in the regulation of the permitted waste activities. Indeed, a comprehensive drainage plan would be of benefit when amending or updating site management documents.

C2 – Management system and operating procedures – Action only – Permit Condition 1.1.1 (a)

Permit condition 1.1.1 (a) states that 'the operator shall manage and operate the activities: 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 on complaints.'

Previous compliance inspections (see *CAR_NRW0035350* and *CAR_NRW0036194*) have required the operator to either update site management documents to reflect current site activities or submit a permit variation application (which contains updated site management documents).

It was noted that an updated environmental management system (EMS) document, site specific bioaerosol risk assessment and odour management plan is due to be submitted in a permit variation application.

Action: Submit permit variation application, which contains updated site management documents.

A deadline of the **30th April 2020** has been set for this to be completed.

If you require any advice regarding this application, please contact your regulatory officer. It should be noted that if a permit variation application is not forthcoming, NRW will be required to regulate site activities in line with **current** permitted activities, and their associated site management documents. It should be noted that compliance breaches may be recorded regarding this matter during future compliance inspections.

D2 – Accidents, emergency and incident planning – Category 3 Breach – Permit Condition 3.6.1

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

It should be noted that during the previous inspection of the waste transfer station portion of the site completed by officer James Perry (see *CAR_NRW0035450*), a Category 2 Breach of condition 3.6.1 was scored and subsequent enforcement notices were issued by NRW at that time (August 2019).

In response to this a Fire Prevention and Mitigation Plan (FPMP) reference 'BRL-MRF-FPMP' dated 13th August 2019 was submitted by the operator. This document was reviewed prior to the inspection and verbal feedback was given to Ms Jennifer Price during the inspection.

The FPMP document submitted is a significant improvement on previous versions submitted by the operator, however, a review of this document reveals that it does not **fully** comply with the FPMP guidance. Detailed feedback on this FPMP document has been given in the 'FPMP Feedback' section below.

In addition, when inspecting the stockpiles of waste and associated storage techniques on site, the following observations of non-compliance with the FPMP guidance were noted: -

- The stockpile of waste fines behind stored in the bay to the ‘side’ of the main waste transfer station building was slightly protruding the end of the concrete bunker which had been recently constructed (as shown in Photo 6). There is potential for a fire to ‘jump’ into a neighbouring stockpile if improved housekeeping is not implemented on site.
- The stockpile of wood and composted material in the upper yard was being stored as one continuous stockpile (as shown in Photo 7). Whilst this stockpile was free to access from all sides at the time of the inspection and not within close proximity to other stockpiles of waste, officers commented that this stockpile would benefit from a fire break due to the length of the stockpile.

A **Category 3 breach** of permit condition 3.6.1 has been scored for failure to: -

- a. Submit an FPMP that is fully compliant with the FPMP guidance.
- b. Manage and operate site activities in accordance with the current FPMP guidance.

A downgraded **Category 3 breach** has been listed as the operator has made significant improvements in relation to fire risk since the inspection completed by James Perry on the 09/07/2019. Indeed, it was confirmed during the inspection that there have been no further fire incidents on site since the 11th June 2019.

If the actions (as stipulated below) are not completed, NRW will consider taking further enforcement action as appropriate. This may include the serving of enforcement notices.

Action(s):

- Submit and updated (FPMP) which is written in line with the current, relevant FPMP guidance – see FPMP feedback section below.
- Ensure that site activities are managed and operated in accordance with the current, relevant FPMP guidance.

A deadline of the **30th April 2020** has been set for these actions to be completed.

G4 – Reporting and notification to Natural Resources Wales – Category 4 breach – Permit Condition 4.2.2

Permit condition 4.2.2. requires the operator to submit quarterly waste returns which give accurate information on the waste accepted and removed from the site per calendar quarter.

After the inspection, it was brought to the attention of regulatory officer Jonathan Lee that there has been mis-reporting of the local authority destination for waste textiles (*EWIC 191208 and EWIC 2001111*) removed in the following quarterly waste returns; Q1, Q2, Q3 and Q4 2019.

It is understood that an administrative error was the cause of this mis-reporting, therefore, a **Category 4 breach** of permit condition 4.2.2 has been scored. If further evidence comes to light regarding mis-reporting of information in quarterly waste returns, NRW may escalate the category of this breach as appropriate.

Action: Re-submit quarterly waste returns Q1 – Q4 2019.

A deadline of the **30th April 2020** has been set for this to be completed.

FPMP Feedback

Below is feedback on the Fire Prevention and Mitigation Plan reference 'BRL-MRF-FPMP' dated 13th August 2019. This is not an exhaustive list, and to ensure compliance it is recommended you review the guidance and amend your plan accordingly.

Your FPMP does not include:

- A designated (and appropriate) quarantine area is not specified on the map.
- The maximum size of any waste pile does not stipulate the maximum length, width and depth.
- A clear area has not been established around the perimeter of the site as per separation distances as illustrated in Table 2.
- Contact details of sensitive receptors within 1km of your site.

Your site plan does not include:

- Access points around the site perimeter to assist firefighting.
- Any watercourse, borehole or well located within or near the site.
- The location of plant, protective clothing and pollution control equipment and materials.
- Drainage systems, foul and surface water drains, and their direction of flow and outfall points.

Your FPMP has not included actions to be taken should a fire occur such as:

- Recycling firewater if it's not hazardous and possible to reuse.

Currently your plan does not:

- Demonstrate that you will have sufficient water supplies available on site to manage a worst-case scenario incident.
- Detail the local groundwater and surface water bodies.

Your FPMP should be able to provide the following in relation to the bays/and or stacks on site:

- How the quarantine area will be used and how materials will be moved during an incident.

Regarding baled waste storage, it is recommended the FPMP show:

- No comments/changes required.

For waste stored within a building, you should adopt the following principles at all times:

- No comments/changes required.

Appendix – Site Photographs



Photo 1: Upper yard construction area



Photo 4: Upper yard construction area



Photo 3: Area requiring drainage improvement



Photo 4: Pooling of water to rear of inert waste



Photo 5: Area requiring drainage improvement



Photo 6: Stockpile of fines protruding bunker

Photo 7: Upper yard stockpile of wood/compost

Summary

Three permit breaches and one point requiring action were identified during the inspection. Please see that action is taken regarding the points raised.

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036441**

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

Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE
Operator/Permit holder	Bryn Recycling Limited	Date	26/02/2020

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
G4	C4	Re-submit quarterly waste returns Q1 – Q4 2019.	30/04/2020
D2	C3	Submit and updated (FPMP) which is written in line with the current, relevant FPMP guidance. Ensure that site activities are managed and operated in accordance with the current, relevant FPMP guidance.	30/04/2020
C2	X	Submit permit variation application, which contains updated site management documents.	30/04/2020
B3	C3	Submit an action plan with timescales for site drainage/infrastructure improvements.	30/04/2020

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.