

Compliance Assessment Report

Report ID:
CAR_NRW0036504

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	14/02/2020	Time in	10:10	Out	12:20	
Assessment type	Site Inspection					
Parts of the permit assessed	Site infrastructure					
Lead officer's name	Tye, Laoni					
Accompanied by	Elysia Lovelock					
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	03/04/2020			

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
C1 - General Management - Staff competency/training	C3	1.1.1 b)
C2 - General Management - Management system and operating procedures	C3	1.1.1 a)
C3 - General Management - Materials acceptance	A	
F1 - Amenity - Odour	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4	4.1.2

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
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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 Elysia Lovelock visited site on the 14th February 2020 and met with Gareth Danter-Hill (TCM) Carl Holden (Operations Manager) and Dean Birch (Site Manager). The visit was announced in order to check on improvements from the previous visit and to enable a sign off the site improvement plan. There were additional breaches recorded during the visit which do not currently form part of the site improvement plan which have been scored below.

Breaches

C2- Management systems. Category 3 breach.

Permit condition 1.1.1 states that the operator shall manage and operate the activities

- a. **in line with an environment 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**

The EMS varied in May 2017 as part of the application for OWC states the following:

The impermeable concrete surface that is newly constructed and in place currently, measures approximately 45m x 80m and is due to be expanded across the entire site in time. The surface has been designed to allow for the free draining flow of both rainwater and leachate produced by the decomposing materials that are to be stored on the pad. The concrete is designed to all drain into a sump that runs along the eastern edge of the surface. The sump is also being created using impermeable concrete to ensure that no liquids can pass through the surface of the infrastructure. The sump will act as slow flow drainage channel and will collect all liquid that passes over the concrete surface. It will direct leachate via gradient fall to the lined storage lagoon (500m³). Once stored, the contaminated waters are tankered off site to a permitted facility licensed to accept them. In so far as possible on site, clean rainfall water will be diverted from the storage lagoon to join the pre-existing and already permitted water system on site.

The risk assessment submitted with the variation in 2017 also states:

'The leachate generated will flow into drainage channel which flows towards the storage lagoon. The storage lagoon has the capability to store the contaminated water to the level required by a 1:100 year flood plus 25%. There is no output from the storage lagoon, it is routinely monitored for level and if it is noted that the levels are high, the

contaminated water is removed from site via tanker and taken to an appropriately licensed facility. There is a second storage tank in place adjacent to the storage lagoon to act as a contingency in case of extreme high flows etc'

The drainage on site is not currently in line with the EMS. The leachate should be collected separately from the rest of the site drainage but it is instead all going to the same collection point. This is different to what we have understood to be happening on site and what has been advised previously. The sump is a partly buried slurry tanker which again is not in line with the EMS.

As stated within your risk assessment submitted in 2017 'Leachate is a highly pollutant substance. If it enters a watercourse it could have extremely adverse impacts on water quality and so the health of the aquatic environment. The risk of leachate is present from both the composting process and the storage of nappies on site.' There is a recognised risk to groundwater and the adjacent watercourse should the integrity of the tanker be compromised or the tanker fill up and cause a spillage.

There is a high volume of run off entering the sump, we are advised that the tank needs to be emptied daily and sometimes twice a day if it has been raining. This situation has been exacerbated as the concrete area has been increasing which has not been accounted for within the EMS or in the size of the tank. The size of the sump is clearly not sufficient and there is a significant likelihood of a spillage from over filling. You are being scored a category 3 breach at this time.

Action: The site drainage will need to be updated in order to comply with your environmental permit. Any changes from what is already permitted will need to be included in a variation application. It has been agreed that this will be submitted with the variation application due on the 31st March 2020 (submitted).

Action: As an interim measure, management system procedures require updating to show how you are managing the current situation in regards to site drainage. Please submit this to NRW no later than the 17th April 2020.

C1 – Staff competency and training. Cat 3 breach.

Condition 1.1.1 states that the operator shall manage and operate the activities....

a. Using competent persons and resources.

Concerns were raised at the time of the visit with the sites staff in regard to the site drainage. There appeared to be no one on site at the time who fully understood the procedures. The weighbridge operator when asked advised that the site drainage did not go over the weighbridge and documentation therefore was not produced. We were told that only one member of staff dealt with the site drainage and they were unavailable on a training course at the time. We waited for the member of staff to arrive who came with

waste transfer notes for part of February. We were advised that each waste transfer note gets taken to the head office daily which is why not all records were therefore available to view on site (see breach below). The person responsible was uncertain on the waste code that should be used for outgoing drainage and this therefore had not been included on the waste transfer notes. The situation raised concerns to NRW as there appeared to be little knowledge or understanding of these procedures. There should always be someone on site who understands these procedures and able to carry them out should an incident occur. There should be resilience on site so that in case of any absences, the matter can still be dealt with. This is especially concerning given the breach above.

Action: Procedures to be documented and site staff should be trained on these procedures.

G2 – Records of activity. Category 4 breach.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.

The duty of care notes for the site drainage were not available on site at the time of the visit. These were however requested and were sent through via email to NRW following the visit. They were found to be incomplete and therefore in breach of the Duty Of Care Regulations (see further down).

Action: As agreed, all documentation relating to the site permit should remain on site and be readily available for review.

Site improvement plan

The site improvement plan reference V1 dated 15th January 2020 has been formally agreed and signed by both parties on the 18th February 2020. There is a deadline of the 31st March to get a permit variation application in to our permitting service (submitted). The breaches associated with that site improvement plan will therefore be suspended whilst the plan is in place and for up to 6 months whilst the application is being determined providing circumstances remain and the site continues to improve and come back into compliance with the permit.

Improvements from previous visit

- The heated bays for drying waste fines and other wastes associated with this permit had been turned off and this was therefore no longer being breached at the time of the visit. This activity is going to be included as part of the variation application as advised by the operator.
- The volumes of green waste being composted had significantly reduced
- Unpermitted waste textiles were removed from site.

- Stack sizes had been significantly reduced in line with FPMP and volumes reduced across the entire site. The buildings were no longer heating waste and waste had been removed no longer obstructing building doors. Please note however, that the site has not been fully assessed against the FPMP during this visit and it is therefore not being marked as assessed. The FPMP is being fully reviewed and will be submitted as part of the variation application due on the 31st March as part of the site improvement plan.
- We have since received a bioaerosol monitoring report from site which has been reviewed internally and is compliant with the limits set out within the permit. Comments on the report will be formulated into a separate CAR form.

The Environmental Protection (Duty of Care) Regulations 1991. Breach.

Waste transfer notes – site drainage

Thank you for providing the 6 months of waste transfer notes via email. We have reviewed these but they do not contain all of the required information. The waste transfer notes were missing EWC codes and a description of the waste. This is essential to ensure that the carrier of the waste fully understands the content and where it can be taken to. This information then needs to be passed on to the disposal site (by the carrier). This is therefore a breach of the Duty of Care Regulations 1991. We were advised the disposal sites are DCWW (Tremorfa) and DCWW (Nelson). They were also missing times, name of transferee (signature only). The disposal site name was missing in general, the only ones containing this information were the ones provided on site at the time of the visit. Documentation therefore needs to be improved going forwards.

Waste transfer notes – Compost. Action only.

Thank you for emailing the 6 months work of waste transfer notes as requested, on the 15th January 2020. They show that all compost has been removed from site and taken to Ystrad Barwig Farm. We can see there is a U10 and a U8 registered but these would not likely cover this type of activity given the composting is being done on a larger scale than that of an exemption, with large volumes being treated and sent off site. Can you please provide us with a written response of how, as the operator of the exemption and permit, you believe you are complying with the conditions of the U10. Please include details on land use, land size (hectares), storage volumes and location and any other relevant information. This will then be reviewed further.

Photographs



Wood stockpile reduced



Compost reduced



Tanker being used for site drainage

EPR Compliance Assessment Report

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Operator/Permit holder	Llantrisant Recycling Centre Limited	Date	14/02/2020

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.

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			
G2	C4	all documentation relating to the site permit should remain on site and be readily available for review	17/04/2020
C1	C3	Staff to be sufficiently trained	17/04/2020
C2	C3	See comments in CAR form	03/07/2020

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.