

Compliance Assessment Report

Report ID:
CAR_NRW0036130

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

Site	Unit 1- Crugmore Farm	Permit Ref	AB3097HG			
Operator/Permit holder	M D Recycling Limited					
Regime	Waste Operations					
Date of assessment	16/12/2019	Time in	10:30	Out	13:30	
Assessment type	Audit					
Parts of the permit assessed	All					
Lead officer's name	Dines, Malcolm					
Accompanied by						
Recipient's name/position	Marc Davies/ Director	Date issued	10/01/2020			

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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.2

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Met with the operator Marc Davies and carried out a full inspection of the three activities authorised by the permit.

Recovery Activity:



Previously Natural Resources Wales (NRW) had requested that the operator have a profile survey carried out to identify progress with the works given that there is a slight difference to the final design compared to the profile submitted with the Recovery Plan. The operator stated that the recovery activity was almost complete and that it will be surveyed after the material has settled in order to ensure the survey is accurate so the final levels can be identified. However, the waste returns submitted by the operator for this activity until the end of September 2019 show that the amount of material input into this activity is 71,354.05 tonnes. The permit authorises the deposit of 75,704 tonnes. Therefore a maximum of 3,450 tonnes of waste can be deposited in order to complete the activity.

During the compliance visit it was stated that for the recovery activity, there was still bunding to be constructed around the site and along the tracks in order to complete the requirements of the planning permission. As the recovery activity is so close to reaching the tonnage limit, it is recommended that to complete the works listed in the recovery plan, you use material already deposited before importing more material. Please note that if more than 3,450 tonnes of material are deposited in the recovery activity, not only will it be a breach of permit but it will be considered to be an illegal deposit of waste. You must ensure that the recovery activity is completed in accordance with your recovery plan.

Composting Activity:



There were two windrows on the composting pad, as well as a stockpile of feedstock and a stockpile of non-waste compliant compost. The compost produced is used on the local farm in order to improve the organic content of soil that is predominantly shallow clay over shale.

Bioaerosol monitoring is required to be carried out at the site: Permit condition 3.5.1(b) states that the operator shall undertake the monitoring specified in table S3.2, which specifies that the monitoring be carried out quarterly. Permit condition 4.2.3 requires that a report of the bioaerosol monitoring to be submitted in accordance with Table S4.1, this table specifies that the reporting periods are every four months with those periods starting on 1st January, 1st May and 1st September.

The bioaerosol monitoring results were reviewed for the site for 2019 and show that in July 2019 the amount of Mesophilic Bacteria, Gram Negative Bacteria and *Aspergillus Fumigatus* all exceeded the permitted levels downwind of the site. The amount of *Aspergillus Fumigatus* was nearly seven times the amount permitted. It is acknowledged that the results show that the upwind levels of the Mesophilic and Gram Negative bacteria also exceeded the permitted levels indicating that there was an upwind activity generating bioaerosols which contributed to the high downwind levels of these bacteria. Because of this the process contribution to the downwind levels of these bacteria can be considered to be below the permitted emission limit.

This is not the case for *Aspergillus Fumigatus* as the upwind level was below the emission limit and therefore the level recorded downwind can only be attributed to the composting process. Permit condition 4.3.2 requires that upon the detection of a breach of an emission limit the operator submit the information required by Schedule 5 of the permit to NRW within 24 hours. NRW accept that you have been submitting the reports to NRW as soon as you receive them however, they do not the information required by Schedule 5, such as the requirement to identify measures to minimise bioaerosol production in the future

This is a breach of permit condition 4.3.2 and receives a Compliance Classification Score (CCS) of 3 against Compliance Assessment Report (CAR) criteria G4.

Please submit a report of the monitoring data for the composting process including moisture content for July 2019, October 2018 and April 2018 before 1st March 2020.

During the compliance visit I suggested that NRW would agree that the bioaerosol monitoring should be carried out every three months in order to allow the monitoring and reporting periods to be the same. I have spoken with Waste Permitting for clarification on this matter and they confirmed that the difference is intentional and therefore the monitoring requirements of your permit will be consistent with other bespoke composting permits in Wales. However, I also

reviewed the monitoring data again and I am concerned about the high levels of bioaerosols being produced, especially during summer months. The reports provides results for just one hour of one day, but this will be representative for the whole time the site in operating in such conditions and so it is likely that bioaerosols are frequently exceeding their permitted emission limits. I can confirm then that the bioaerosol monitoring must be carried out quarterly and reports provided every four months as set out in the permit.

Aggregates Processing:



There were no issues identified with this activity during the course of the site visit. Please note that the permit requires the aggregates processing to be carried out on hardstanding or impermeable surface. Currently the surface of the aggregates processing area is a mixture of hardstanding and bare earth/clay. At present this is not causing a problem, but until the aggregates processing area is completed you must ensure that you maintain the surface to prevent ponding of surface water and minimise the potential for contaminated run-off. When the processing area is completed the surface must comply fully with the requirements of the permit.

The WAMITAB Continuing Competency certificates for Marc Davies were reviewed and all are in-date. Renewals for all the certificates are required in 2021

EPR Compliance Assessment Report

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Operator/Permit holder	M D Recycling Limited	Date	16/12/2019

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.

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	C3	Submit a report as required	31/01/2020

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.