

Compliance Assessment Report

Report ID:
CAR_NRW0035426

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

Site	Phase 2 Wrexham Recycling Park	Permit Ref	BB3436RA		
Operator/Permit holder	Waste Recycling Limited				
Regime	Installations				
Date of assessment	15/07/2019	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	McClymont, James				
Recipient's name/position	Garry Smith/ Operations manager	Date issued	17/07/2019		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Thank you for your response to CAR form ref NRW CAR_NRW0035172

It encouraging to hear that you found the meeting positive and constructive and that FCC agree with the comments made in the CAR form in relation to wind direction, and the importance of measuring the prevailing wind at the stack.

You have concluded in your recent response that Phase 2 did not have a weather station in relation to monitoring wind and other parameters at the stack. FCC consulted Skyview on suitable placement for measurement at the stack who also provided their recommendations on locations and equipment that would meet the new sampling strategy requirements and in turn a new weather station and Skylink Pro system has been installed on site with a GRPS modem. The new system allows significantly more data to be stored and will allow access to the data remotely

Your response also concludes that moving forwards you will be focusing your sampling points based on air emissions from the stack and not the facilities which is a better approach.

Natural Resources Wales have the following comments to some of your points highlighted for the MBT:

• **Sampling at the sensitive receptor will take place irrespective of the wind direction at HWRC**

As required by AfOR protocol. However, it should be noted that final preparations are under way for NRW to formally adopt M9 and until permits are updated, following the formal adoption sampling can meet either protocol (although we would recommend sampling to M9). M9 does not require sampling at the receptor.

* **Table suggests that winds from the Southwest, Northwest and West are the only options to meet NRW requirements.**

Although some of the sample points are not perfect, it is acknowledged that this is a difficult site and its evident you are making a considered effort to address the limitations while getting the best quality data.

As long as the operator carries out simultaneous (where possible) sampling at points upwind and downwind of the stacks relative to the prevailing wind direction measured at the stack height the operator is going to be as close to achieving the best quality data we can expect here for estimating potential impacts at receptors.

Providing that contunual attempts are being made to achieve a reasonable upwind/downwind location - where topography is difficult due to wind direction, it is likely NRW would accept up to 15 degrees deviation from the axis of the prevailing wind direction relative to the stack (NRW may be open to larger deviations if a robust argument can be made) as long as sample times are increased to reflect the possibility of sampling at the "edge" of potential dispersion zones. Additional samples could also be taken if significant deviations are required due to prevailing wind limitations. The key things are focusing on the stacks as the actual source when considering sampling axis and simultaneous upwind/downwind sampling. These alone will represent significant improvements and should improve data quality for assessing

• **Simultaneous sampling**

Its NRW view that where 3 x simultaneous sampling points cannot be achieved, then as long as the upwind/downwind are simultaneous (i.e. MAS100's), filter sampling at the actual receptor (where this doesn't coincide with the up or downwind location) would be fine.

* **Reduction in sampling**

We acknowledge your concern that the operator will only be able to sample when the conditions of the new sampling strategy have been met and as such completing monitoring to quarterly defined periods may not be achievable. We therefore agree to your formal request that sampling frequency is reduced from quarterly to two per year.

Ideally, one of these monitoring should be undertaken during peak capacity i.e representing worst case-scenario in terms of source term.

Please note that the above may be reviewed again in future depending on the conclusion of monitoring reports.

Conclusion

Providing that the operator takes on board the above NRW comments, we agree to the operator using this sampling approach as a

trial period. We will assess its suitability on receipt of results.

EPR Compliance Assessment Report

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Operator/Permit holder	Waste Recycling Limited	Date	15/07/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	X	See content of CAR from	30/09/2019

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.