

Compliance Assessment Report

Report ID:
CAR_NRW0035450

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	09/07/2019	Time in	11:00	Out	12:30
Assessment type	Site Inspection				
Parts of the permit assessed	2.5.1, 3.6.1, 2.1.1				
Lead officer's name	Perry, James				
Accompanied by	Lee, Jonathan				
Recipient's name/position	Paul Colley/ TCM	Date issued	26/07/2019		

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
A1 - Specified by permit	C3	2.5.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C2	3.6.1
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	3	Total compliance score (see section 5 for scoring scheme)	39
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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

On 9th of July 2019 Regulatory Officers James PERRY and Jonathon LEE attended the Bryn Recycling Facility to conduct a compliance inspection in relation to the Regulation 36 Notice that was served on 22nd May 2019. This notice was served because NRW considered that the following conditions of the environmental permit are being contravened:

- **Condition 2.5.1** which states that *“the operator shall complete the improvements specified in Schedule 1 (of the permit) table S1.3 by the date specified in the table (3 months after issue of the variation notice) unless otherwise agreed in writing by Natural Resources Wales .”*
- **Condition 3.6.1** which states that *“the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant Fire Prevention and Mitigation Plan Guidance.”*

You have been breached on the above conditions because you have yet to submit a suitable FPMP in line with relevant guidance and on-site procedures, and implement operational and infrastructural changes on site in accordance with the guidance.

- **Condition 2.1.1** which states that *“the operator is only authorised to carry out the activities specified in Schedule 1 table S1.1 which states that biodegradable wastes shall be stored on an impermeable surface with sealed drainage*

You have been breached on this condition as an impermeable surface has yet to been placed in the wood storage area.

You were required to take the steps set out in Schedule 1 of the notice by the date(s) specified - Wednesday 3rd of July - in order to remedy the contraventions.

SCHEDULE 1

STEPS TO BE TAKEN

Condition number	Steps to be taken	By date
2.5.1 and 3.6.1	Submit an updated FPMP in line with the relevant guidance that is reflective of current site operations for review by NRW. Comments provided on CAR NRW0034936.Pdf as attached to this notice.	WEDNESDAY 3rd JULY 2019
3.6.1	Fire breaks must be inserted into all waste storage areas, adhering to specifications set out in the current Fire Prevention & Mitigation (FPMP) guidance.	WEDNESDAY 3rd JULY 2019
3.6.1	Waste stacks height must be reduced and stored in line with current FPMP guidance so that stockpiles are not greater than 4 metres in height. This step is applicable to all waste on site including but not limited to; • Wood waste • Fines behind transfer station • Plastics • Interior of transfer station • Drying bed contents	WEDNESDAY 3rd JULY 2019
3.6.1	All waste that has exceeded storage times set out within the FPMP guidance requires removal to an authorised facility. Evidence of removal/turnaround times to be provided to NRW by due date.	WEDNESDAY 3rd JULY 2019
	As an interim measure, stockpile management (done in line with current FPMP guidance) must be written and implemented with all waste that has been exceeded storage times set out within the FPMP guidance, including but not limited to; • Wood • Fines • Baled plastics When conducting stockpile management, you must ensure all due care is	WEDNESDAY 3rd JULY 2019

	taken to reduce risk of 'flare-up', following procedures within the guidance and ensuring fire fighting equipment is located ready for use.	
2.1.1	All waste is to be stored on an impermeable surface with a sealed drainage system in place. This includes external storage areas; · Behind transfer station · Wood storage area · Behind biomass boiler	WEDNESDAY 3rd JULY 2019

Officers were accompanied around the site by Transfer Station TCM Paul Colley. The weather was cloudy with some light drizzle intermittent throughout the visit.

Plastics

First area inspected was the baled plastics area, where previously waste has been stored beyond permitted duration. Some of these baled plastics have been removed, however evidence of removal hasn't been provided.

Further plastics (baled and loose) at the end of the courtyard near to the fines area are stored without relevant fire breaks, and evidence of removal and destination has not been provided.

Fines

The fines area at the rear of the transfer station was previously above 4m in height and did not benefit from fire breaks in line with FPMP Guidance. This area has been improved since the last inspection, with overall tonnage being reduced by over half. However, stack height is still greater than 4 metres, but this is a small, thin stack, you could spread out the waste to ensure the height of the stack is below 4 metres, thus reducing the fire-related risks.

Upper Yard

In the upper yard where woodchip and loose wood is stored, there was an improvement in stack height and *some* separation distances implemented. However, the bund surrounding this part of the site still contains wood waste and is therefore a mixed waste stack, and not compliant with the FPMP Guidance on separation distances.

Foundations and preparatory works for the installation of an impermeable surface with sealed drainage are in place, however the surface has yet to be laid. Mr Colley confirmed this was due to the warm weather in recent weeks. However, the plastics area and fines behind the transfer station also appear to be without a full impermeable pavement and sealed drainage system.

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Compliance

Category 2 Breach. D2 - Accidents, emergency and incident planning: **Condition 3.6.1:** *the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant Fire Prevention and Mitigation Plan Guidance.*

NRW is seriously concerned that the failure to have and to implement requirements as detailed in the guidance could result in a significant pollution incident.

- Baled and loose plastic waste at the rear of transfer station has exceeded storage times set out within the FPMP guidance .
- There are not adequate fire breaks (adhering to specifications set out in the current Fire Prevention & Mitigation) present within waste storage areas.
- Waste is being stored in stacks with a height greater than 4m.

It is reasonably foreseeable that failure to comply with this permit condition could result in a significant pollution incident.

You have failed to comply with the sections of the notice that relate to this permit condition.

Actions due by 9th August 2019

All waste (including the baled and loose plastics outlined above) that has exceeded storage times set out within the FPMP guidance requires removal to an authorised facility. Evidence of removal/turnaround times to be provided to NRW by due date.

Waste stacks height **must** be reduced and stored in line with current FPMP guidance so that stockpiles are **not** greater than **4 metres** in height.

Fire breaks **must** be inserted into **all waste** storage areas, adhering to specifications set out in the current Fire Prevention & Mitigation (FPMP) guidance.

Category 3 breach – A1 – Specified by Permit: **Condition 2.5.1** which states that *“the operator shall complete the improvements specified in Schedule 1 (of the permit) table S1.3 by the date specified in the table (3 months after issue of the variation notice) unless otherwise agreed in writing by Natural Resources Wales.”*

The Interim FPMP document submitted on 3rd July is not sufficient and has not been produced in line with the current Fire Prevention and Mitigation Plan Guidance – Waste.

Actions due by 9th August 2019

Submit a **compliant** FPMP in accordance with the relevant guidance that is reflective of **current** site operations for review by NRW.

You have failed to comply with the section of the notice that relate to this permit condition.

Category 3 Breach - B3 - Site Drainage: **2.1.1** – *“The operator is only authorised to carry out the activities specified in Schedule 1, Table 1.1...”*. **S1 Table 1.1** - *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.*

Waste in wood storage area, plastics area and fines behind transfer station are currently being stored without a full impermeable pavement and sealed drainage system, which is a requirement for waste storage of this type. This list of wastes is not exhaustive, as the action below implies, all waste must be stored on an impermeable surface that benefits from a sealed drainage system. Should there be an

incident on site and fire water used, there would be no way of containing fire water run- off.

Actions due by 9th August 2019

All waste is to be stored on an impermeable surface with a sealed drainage system in place.

You have failed to comply with the section of the notice that relate to this permit condition.

As detailed in the above you have failed to comply with all requirements stated within Schedule 1 of the Regulation 36 notice served on the 22nd May 2019. NRW must now consider enforcement response to the failure to comply with the Regulation 36 notice and continued non-compliance with Environmental Permit conditions.

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Should you have any queries relating to this CAR, please do not hesitate in contacting your site officer, James Perry on 0300 065 3473 // james.perry@naturalresourceswales.gov.uk

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035450**

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	09/07/2019

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.

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			
B3	C3	Impermeable surface and sealed drainage to be installed at relevant areas of site.	09/08/2019
D2	C2	Ensure operations and management of waste is in line with FPMP guidance.	09/08/2019
A1	C3	Submit an updated Fire Prevention and Mitigation Plan (FPMP) in line with the relevant guidance that is reflective of current site operations for review by Natural Resources Wales.	09/08/2019

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.