

Compliance Assessment Report CAR_NRW0037001

Permit being assessed: WB3993HE.

For: Gellia'r-gwellt Uchaf Transfer & Composting Station, held by Bryn Recycling Limited

At: Gellia'r-gwellt Uchaf Transfer & Composting Station, Hengoed, Caerphilly, CF82 8FY.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 18/09/2020 between 10:30 and 12:15.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee.

Report sent to: Jennifer Price, Alun Price, TCM/Director on 05/10/2020.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C2	Ensure that all sections and procedures as outlined in your EMS are followed. Implement measures and review site management procedures to ensure that all outgoing waste compost is only exported from the site to a suitable and authorised facility. Ensure that all Directly Applicable Legislation, notably, Section 34 of the Environmental Protection Act, is followed. Provide response to 'Notice requiring information' issued in conjunction with this report.	30/10/2020

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Compliance Assessment Report – Bryn Recycling Limited

Introduction

Officer Jonathan LEE in attendance of Bryn Recycling Limited, Gelligaer to complete a compliance inspection of the environmental permit **EPR-WB3993HE**. Weather was clear and dry with a strong breeze. Site was operational at time of inspection. Officer LEE was accompanied by Caerphilly County Borough Council (CCBC) Environmental Health officer, Ceri Davis. Officers met with Ms Jennifer Price and Mr Alun Price of Bryn Recycling Limited.

The compliance inspection was arranged following an increase in odour incidents reported to Natural Resources Wales (NRW) and CCBC in the residential areas surrounding the 'Bryn Group' site over the summer months. In addition, the inspection was arranged following incident reports concerning the deposit of plastic contaminated compost on a bund associated with quarrying operations undertaken by Bryn Aggregates Limited.

Inspection Observations

Officers met on site at 10:30am and proceeded to inspect the area of the quarry bund where plastic contamination was present within a layer of compost. It was noted that efforts had been made to litter pick visible contamination present on the surface of the compost layer. However, it was also noted that there remained plastic contamination of the compost layer despite litter picking efforts. Much of this contamination was apparent in small fragments of plastic embedded within the compost.

Following discussion with the operator, it was determined that the compost deposited had originated from the permitted green waste composting facility operated by Bryn Recycling Limited. However, the compost waste itself had been deposited by Bryn Aggregates Limited. Correspondence regarding this matter has therefore been sent to Bryn Aggregates Limited, separately to this compliance assessment report.

At approximately 11:30am officers proceeded to inspect the green waste composting portion of the facility. No offensive or strong mal odours were noted by officers whilst in this part of the facility. No issues noted relating to the storage of the stockpiles of compost/material undergoing composting. No issues noted in relation to site infrastructure or drainage.

Officers discussed the recent increase in the volume of odour incidents reported to NRW and CCBC. It was outlined that NRW would respond to reports concerning odours suspected to be emanating from the NRW regulated permitted facilities (composting facility, waste transfer station, Anaerobic Digester). It was discussed that there appeared to be some correlation in recent months that odour

reports were received whilst the application was digestate was taking place at the wider site. Please continue to notify NRW of any activities on site which may give rise to an odour, as per local procedures. NRW will continue to respond to odour incidents reported to be emanating from the NRW regulated facilities on site.

The waste transfer station portion of the facility was not inspected, due to safety concerns and the local lockdown imposed on Caerphilly County Borough regarding Covid-19. It was however noted that some improvements were being made to site infrastructure depending on local and national Covid-19 restrictions. It is intended that a full inspection of the waste transfer station part of the facility be completed when restrictions allow.

Compliance Breaches

The following permit breaches were identified during the inspection.

C2 – General Management - Management Systems & Operating Procedures – Category 3 breach – Permit Condition 1.1.1 (Root Cause)

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 of complaints’

The current Environmental Management System (EMS) document for the site, reference BR-MRF-MS02 states the following

- Section 3.7 Duty of care – Bryn Recycling shall comply with the Duty of Care Regulations and maintain Duty of Care records.

Section 34, Environmental Protection Act 1990 – Duty of Care states that: -

(1) ... ‘it shall be the duty of any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, [as a dealer or broker] , has control of such waste, to take all such measures applicable to him in that capacity as are reasonable in the circumstances—

(a)to prevent any contravention by any other person of section 33 above;

(aa)to prevent any contravention by any other person of regulation 12 of the Environmental Permitting Regulations or of a condition of an environmental permit;

(b)to prevent the escape of the waste from his control or that of any other person; and

(c)on the transfer of the waste, to secure—

(i)that the transfer is only to an authorised person or to a person for authorised transport purposes; and

(ii)that there is transferred such a written description of the waste as will enable other persons to avoid a contravention of that section [or regulation 12 of [the Environmental Permitting Regulations], or a contravention of a condition of an environmental permit,] and to comply with the duty under this subsection as respects the escape of waste.

It is evident that waste compost containing plastic contamination was exported from the permitted facility to Bryn Aggregates Limited, as previously detailed. The level of plastic contamination

present with the compost exported is unacceptable and this waste should not have been exported from the site.

There has been failure to comply with Section 3.7 of your EMS and Directly Applicable Legislation; Section 34 Environmental Protection Act 1990.

You have been scored a root cause **Category 3 breach** of permit condition 1.1.1 for failure to comply with Directly Applicable Legislation and for failing to follow section 3.7 of your EMS.

Natural Resources Wales will be issuing a 'Notice requiring information' alongside this compliance assessment report, requesting copies of waste transfer documentation relating to the compost exports from site.

Actions: -

- Ensure that all sections and procedures as outlined in your EMS are followed.
- Implement measures and review site management procedures to ensure that all outgoing waste compost is only exported from the site to a suitable and authorised facility.
- Ensure that all Directly Applicable Legislation, notably, Section 34 of the Environmental Protection Act, is followed.
- Provide response to 'Notice requiring information' issued in conjunction with this report.

A deadline of the **30th October 2020** has been set to rectify this non-compliance.

Summary

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.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.