Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0037211

Permit being assessed: NP3498FK.
For: Bulky Waste Recycling Centre, held by J L A Recycling Limited
At: Tir Canol Landfill, Palleg Road, Ystradgynlais, Powys, SA9 2QQ.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2006751).
On 24/09/2020 between 13:00 and 14:00.
Parts of permit assessed: Site Infrastructure; Clean and foul drainage; materials acceptance; storage and handling of waste; Waste Returns, Technical Competence

NRW Lead Officer: Malcolm Dines, accompanied by Liz Park.
Report sent to: John Adams, Owner/Operator on 01/02/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C3 Minor	Paragraph 2 (1) of Part 3 of Schedule 9 of the Environmental Permitting Regulations 2016
C2 - General Management - Management system and operating procedures	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	Table 1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	7.2.2

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
C1	No further action as Technically Competent Manager has now renewed their Continuing Competency certficate	Already completed
C2	Breaches of permit identified within this Compliance Report indicate several areas where the management of the site is unsatisfactory. Permit Condition 1.12 (a) requires that the	31/01/2021

Criteria	Action needed	Complete by
	activities at your site shall be operated, "using the techniques and in the manner described in the documentation specified in table 1.12". This includes the document, "How to comply with your permit" which states that, "we will look at any non-compliance as a symptom of poor management and we will focus on correcting poor performance through improved management systems and practices". Therefore, please submit the latest version of your written management system, in electronic format, before 31st January 2021. The review of the document and any actions arising from the review will be documented on a subsequent Compliance Report	
C4	Either ensure that wastes are stored in accordance with the permit, or that the permit is varied so that it reflects the actual operations on-site. If the latter option is chosen please provide a timescale for when a permit variation will be submitted	31/01/2021
G4	Ensure that all waste returns accurately reflect the materials being accepted and removed from the site.	10/01/2021

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.

At this time, we do not intend to take any further action.

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

This compliance visit was carried out due to Natural Resources Wales (NRW) receiving several reports in the Ystalyfera area of odour coming from this site. Because of this, prior to the compliance visit, there was a discussion with the NRW Officer who regulates the installation permit for the Landfill facility operated by J L A Recycling Ltd and who had already spoken with yourselves about the odour issue. That meeting identified that the malodorous wastes had been received at Tir Canol Waste Transfer Station from another permitted waste facility just after the August Bank Holiday. The waste was acknowledged as being malodorous on arrival and was dealt with as quickly as possible and you stated that you informed the other waste site that no further malodorous wastes would be accepted at Tir Canol.

On the approach to Tir Canol, both officers noticed an odour near to the site boundary but it was the smell of landfill gas and was about 500 metres from the activities being carried out under the EPR Waste Permit. For the duration of the site visit, neither Officer identified any odours that would be able to be detected at the perimeter of the site and do not believe that the EPR Waste Activity permitted at Tir Canol was the source of the odour complaints in

Ystalyfera.

Officers met with John Adams. the facility owner.

Outstanding Compliance Actions

Although the emphasis of this compliance visit was to investigate the odour reports in the area, the previous Compliance Assessment Report for the site (ref: CAR_NRW0035152) required the following actions to be carried out:

1. Ensure that a sufficient written management system that prevents a breach of Condition A is produced.
2. Ensure that the on site drainage systems are free from blockages at all times as required by permit.
3. Ensure that all waste is stored in line with the conditions of the permit.
4. Ensure that the weight of each load leaving site is measured in accordance with the requirements of your permit and in accordance with the working plan.
5. Ensure that records required under the conditions of the permit are maintained and available on request.

Actions 1, 4 and 5 were not reviewed as part of this compliance visit.

Actions 4 and 5 are actions that the operator should be carrying out as standard and which NRW will review periodically, please ensure that the permit conditions relevant to these actions are complied with at all times. It was noted that all vehicles observed leaving the site during the course of the compliance visit stopped on the weighbridge.

Action 2 required that the site drainage was kept clear at all times, the waste reception pit was checked during he compliance visit and, as can be sen from the attached photograph, the drain was clear of waste and a cone placed on it to prevent waste blocking the drain.

Action 3 required that waste fridges and freezers are stored in accordance with permit conditions.This was checked during the compliance visit and there was no evidence of non-compliance.

Waste Returns

Since the compliance visit was carried out the quarterly waste returns for the site have been reviewed for the 12 months from 1st July 2019 until 30th June 2020. This review identified the following issues:

European Waste Catalogue (EWC) code 20 03 01 - none of this material is recorded as leaving the site. You have explained this is because you use EWC code 19 12 12 for the residual waste going to landfill once it has been sorted at the transfer station. This is incorrect classification and coding of waste. Where mixed wastes are sorted at the site, it is the separate waste streams (such as wood, metal, plastics etc.) that are given Chapter 19 EWC codes, the remaining mixed wastes retains the original EWC code of 20 03 01.

This also explains the discrepancies in the reported EWC codes of 20 01 38 and 20 01 40, with significantly more leaving the site than has been accepted - and in the case of 20 01 40 where none has been accepted. Again this is incorrect coding and classification of waste as both these waste streams should have been classified as Chapter 19 EWC codes.

Even taking the incorrect coding and classification into account, for the 12 month period analysed, you have reported accepting 8,830 tonnes of EWC 20 03 01 and have reported exporting only 1,906 tonnes of wastes that you stated comprises the EWC 20 03 01 wastes that you received. This means that there is approximately 6,920 tonnes of waste that has not been recorded as leaving the site. As the compliance visit was carried out at at the end of September and therefore at the end of the 12 months review period, this discrepancy cannot be accounted for by waste accepted since the compliance visit and your permit only authorises the storage of 168 tonnes at any one time. This is a significant quantity of material for which there is not record of once it was accepted at the Waste Transfer Station.

Your returns for the review period also state that you accepted 450 tonnes of EWC code 20 02 01 which you subsequently described as "compostible material" and which is used as cover on the landfill. Again there is no record on the returns of this material having been exported from the Waste Transfer Station, something that must be done as it is being used on the landfill which is regulated under another permit.

As well as the green waste, your returns show that 55,000 tonnes of inert waste was accepted at the site during the period covered by the review, but none was removed from the site. When queried about this you stated that this material was for intermittent use on the landfill as cover and the is stored at the Waste Transfer Station in until needed. This is a huge quantity of waste that has no record of where it has gone. At the time of the compliance visit there was no evidence of a such a quantity of material, although there was inert wastes being stored at the site.

This failure to submit accurate waste returns is a breach of permit condition 7.2.2 and attracts a Compliance Classification System (CCS) Score of 3 against Compliance Assessment Report (CAR) Criteria G4.

Table 1.1 of your permit states that the maximum total quantity of waste stored on the site at any one time shall not exceed 164 tonnes. your waste returns show that in Quarter 1 of 2020 on average around 350 tonnes per day of inert waste was being accepted at the site. It is very likely that this means the maximum storage quantity was exceeded. Please consider whether you need to vary your permit or your operations with regard to this matter. It was clear at the time of the compliance visit that there was not 55,000 tonnes of inert waste stored at the site, but future reviews of waste returns will not always coincide with a compliance visit to verify tonnages and therefore any permit breaches will be scored accordingly.

Additionally, in your response to the query about the fact that no inert waste had left the site, you stated that the rest of the inert waste was being stored until "spring". This related to waste that had been accepted at the site before June 2020 and therefore by the time of the query on December had already been stored for longer than the 28 day maximum storage time for inert waste. This is a breach of Table 1.1 of the permit and attracts a Compliance Classification System (CCS) Score of 3 against Compliance Assessment Report (CAR) Criteria C4.

The failings and breaches of permit noted above also indicates that JLA Recycling Ltd does not sufficiently understand the permit, or doesn't employee sufficiently competent persons. It also indicates that your Working Plan or Environmental Management System is inadequate as there were clearly no checks in place prior to submission of the returns and no review of activities at the site to ensure that they comply with the conditions of the permit. The ability to accurately code and describe waste is a basic requirement of waste management and is set out in "Technical Guidance WM3: Waste classification - Guidance on the classification and assessment of waste."
At a minimum, the Technically Competent Manager should be familiar with this document and able to demonstrate their ability to accurately code and describe waste accordingly. As should any member of staff who has responsibility for describing and categorising waste within the business including the production of the waste returns.

Technical Competence
Subsequent to the compliance visit the Technical Competence for the site was been reviewed and a continuing competency certificate has been submitted for John Adams for the transfer and treatment of Non-Hazardous waste (Certificate Ref: 5171879) dated 25th November 2020. However, the previous continuing competency certificate expired on 16th November 2019 and therefore the site has not had a technically competent manager for over a year. This is a breach of the Technical Competence permit condition as set out in Paragraph 6 of Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016. It is also a breach of Permit Condition 1.12 (a) that requires that your site shall be operated, "using the techniques and in the manner described in the documentation specified in table 1.12". This includes the document, "How to comply with your permit" and that document states, "You must have a technically competent person to direct activities on your site".

Environment Management System
Although Action 1 from Compliance Report CAR_NRW0035152 was not reviewed at the time of the compliance visit, it required the production of a written management system that prevents a breach of "Condition A" as set out in Part 3 of Schedule 9 of The Environmental Permitting Regulations 2016.

There was no requirement for you to submit the written management plan for assessment however, the breaches of permit identified within this Compliance Report indicate several areas where the management of the site is unsatisfactory. Permit Condition 1.12 (a) requires that the activities at your site shall be operated, "using the techniques and in the manner described in the documentation specified in table 1.12". This includes the document, "How to comply with your permit" which states that, "we will look at any non-compliance as a symptom of poor management and we will focus on correcting poor performance through improved management systems and practices".

Therefore, please submit the latest version of your written management system, in electronic format, before 1st February 2021. The review of the document and actions arising from the review will be documented on a subsequent Compliance Report.

Permit Suitability
Due to the age of your permit it is very difficult to correctly identify the site boundary. As you have two permits adjacent to each other it is essential to be able to clearly define the boundaries of each site, especially when large quantities of wastes are moving between the two sites such as with the inert waste that is then used as capping on your landfill. Not

only does the inert waste stored at your site exceed duration that waste is permitted to be stored at the site, it is also probably being stored in larger quantities that the permitted 164 tonnes and it also breaches the requirement that, "wastes shall only be stored within designated skips, drums or tanks upon an impermeable pavement". If you do not feel you are able to fully comply with the storage requirements of your permit - especially in relation to inert wastes - you will need to apply to vary your permit. Please provide a response before 1st February 2021 detailing what you intend to do in order to comply with the storage requirements of your permit.

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.