

Compliance Assessment Report

Report ID:
CAR_NRW0033499

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	22/05/2018	Time in	14:30	Out	16:10
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Perry, James				
Accompanied by	Lee, Jonathan				
Recipient's name/position	Jen Price/ TCM	Date issued	19/06/2018		

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	C2	3.6.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
C1 - General Management - Staff competency/training	A	
C4 - General Management - Storage, handling labelling and Segregation	C3	1.1.1 - Table 1.1, R2 III
D1 - Incident Management - Site security	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	2	Total compliance score (see section 5 for scoring scheme)	35
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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

Officers Adam Ward, Jonathan Lee and James Perry attended Bryn Compost & Recycling Centre on Tuesday 22nd May 2018. The purpose of the visit was a handover of regulatory duties from Officer Ward to Officers Lee and Perry. Officers arrived on site at about 14:30 and were met by TCM Jen Price and Compliance Manager Beth Perkins. Officers were given a health and safety briefing as well as a general introduction to site duties in the office space near to the IVC unit.

At about 15:00 Officers were taken to the IVC unit. *See CAR_NRW0033501 for further details.*

Following this, at around 15:30 Officers were taken to the yard at the rear of the IVC, containing large quantities of waste wood, stockpiled. In line with the update to the Recycling permit in February 2018, a Fire Prevention and Mitigation Plan (FPMP) for the site is required. Firstly, an FPMP has yet to be submitted to NRW and as such has *incurred you a Category 2 breach* (see Compliance section for further details). Secondly, if an FPMP were in place the current storage techniques would not be suitable in line with the guidance published on stack heights and separation distances. Guidance on FPMP structure and contents will be attached with this CAR form.

At 16:00, Officers were shown the anaerobic compost stock piles caused by the oversize of waste in the quarry. Further details on the remediation of this issue can be found below. *You have been scored a Category 3 breach for failure to prevent compost stockpiles becoming anaerobic.*

Compliance

Permit Condition 2.3.1(a) – The operator is authorised to carry out the activities specified in Schedule 1, Table 1.1 (the “activities”). Table 1.1 states ‘Waste stored prior to composting, composted material and material undergoing maturation shall be prevented from becoming anaerobic.’ It is reasonably foreseeable that pockets of compost in the stockpiles are becoming anaerobic due to their size and shape resulting from capacity issues in the quarry. *You have been scored a Category 3 breach against this permit condition for failure to prevent compost stockpiles becoming anaerobic.*

Action: NRW request that you submit an initial scoping report to indicate amount of work needing to be undertaken, along with timeframes/deadlines. A meeting prior to commencement would be beneficial to both NRW and Bryn Recycling. Using this we will be able to liaise with the local community regarding odour issues. NRW are currently considering various methods to liaise with the local public, in order to notify them of potential odour issues relating to these temporary works.

Permit 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 plan guidance. *You have been scored a Category 2 breach against this permit condition for failure to submit a fire prevention and mitigation plan following permit variation in February 2018, and the submission deadline of three months following this.*

Action: As per action plan given to NRW, the FPMP must be submitted by end of June 2018. Failure to do so will incur further regulatory action.

If you have any questions regarding the contents of this CAR or require further information on anything mentioned, please do not hesitate in contacting me on the details provided in the email.

EPR Compliance Assessment Report

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CAR_NRW0033499**

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Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE
Operator/Permit holder	Bryn Recycling Limited	Date	22/05/2018

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			
C4	C3	submit an initial scoping report to indicate amount of work needing to be undertaken, along with timeframes/deadlines.	19/07/2018
A1	C2	A Fire Prevention and Mitigation Plan to be submitted as per Action Plan.	30/06/2018

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.