

Compliance Assessment Report

Report ID:
CAR_NRW0034566

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

Site	Bryn Lane Composting Facility	Permit Ref	ZP3795ER		
Operator/Permit holder	F C C Recycling (U K) Limited				
Regime	Waste Operations				
Date of assessment	16/01/2019	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					
Recipient's name/position	Garry Smith/ General Manager	Date issued	05/02/2019		

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
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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

G1 – Monitoring of emissions and the environment

Thank you for forwarding the Bioaerosol results for Bryn Lane IVC for the following periods:

- 30th January 2018
- 5th April 2018
- 28th June 2018
- 5th September 2018
- 11th December 2018

With input from our air quality team we have summarised our comments below.

• While there have been improvements in the sampling regime carried out at Wrexham IVC facility, there remain a number of issues which may have a significant impact on the quality of measured bioaerosol results and hence preclude any meaningful conclusions being drawn regarding potential impacts from biofilter stack emissions at sensitive receptors.

• We agree that the size, orientation and proximity of the buildings in conjunction with surrounding terrain and physical obstacles such as boundary fences etc. make sampling in accordance with AfOR and/or TGN M9 difficult for many wind direction instances. However, in order to obtain meaningful results, sampling must be carried out when wind direction favours sampling scenarios that minimise the impacts of the afore mentioned limitations. Depending on the prevailing meteorological conditions, sampling for assessment of bioaerosol impacts from both facilities in accordance with the sampling protocol may not be possible on the same day.

• Sampling in downwind cavity regions generated in the lee of the building facades will not produce meaningful results. Ideally, sampling should be carried out when wind direction favours sampling at the actual receptor locations i.e. within the site boundary of the council depot and the HWRC for the IVC & MBT respectively. If sampling at the actual receptor locations is not carried out, evidence should be provided to justify their exclusion. The IVC and MBT must be treated as 2 separate sites, a designated sensitive receptor should be located for each site, and the location of this Sensitive Receptor sampling point should be the same for every monitoring round.

• When sampling in accordance with the AfOR protocol, explicit reference to and compliance with the sample location requirements detailed in Chapter 7 of the protocol should be made. Failure to do so will result in a rejection of statements indicating sampling has followed the sampling strategy suggested in the AfOR protocol and moving forward this could constitute a breach of permit conditions. Results from sampling at unsuitable locations when wind directions are not conducive to meaningful sampling scenarios cannot be used to draw meaningful conclusions about impacts at receptors from emissions from the biofilter stacks.

• While the submitted reports consistently state that "Sample locations were chosen in accordance with the site permit...", NRW are unaware of any stipulation within the permit that either identifies specific sampling locations or prevents sample locations being selected in accordance with Chapter 7 of the AfOR protocol.

Action 1: Clarification of this statement should be sought from the contractor. NRW believe that restricting sampling to within the site boundary is a key contributing factor to the limitations encountered with the sampling on site. Please provide this no later than 14th February 2019.

• It is important that future reports reduce uncertainty of sampling and make sampling more robust and compliant with the relevant industry standard protocol, this in turn allowing more meaningful conclusions to be drawn from the results for the operator and NRW. Moving forward If this was achieved and providing monitoring results are satisfactory then NRW could be in a position to consider agreeing to reducing monitoring frequency.

• **Action 2 :** Please could you also confirm the make, model and sampling interval(s) of wind direction and wind speed data and whether raw data (with wind direction data in degrees from north) can be made available for periods coinciding with bioaerosol sampling. In addition, confirmation of the exact site meteorological measurement location and instrument calibration(s) (as required by the instrument manufacturer e.g. calibration of "north" for wind direction measurements) should be provided. Please provide this no later than 14th February 2019.

Action 3: High elevated readings of bio aerosols have been noted on the 28th June 2018 which appear to be anomalous. Please

can the operator investigate this report further and feedback to NRW with findings no later than 14th February 2019

Please note that condition 3.2.1 requires the operator to undertake the monitoring specified in table S3.2 of the permit and references monitoring in accordance with Industry Standard protocol as a condition. Your current monitoring methodology /strategy fails to ensure compliance against this condition and as a consequence sampling results cannot be used to draw meaningful conclusions about impacts at receptors from emissions from the biofilter stacks.

Due to the ongoing discussions in regard to this matter and the ongoing commitment by the operator to undertake bioaerosols monitoring a CCS score will not be applied for each quarter for 2018 on this occasion.

It is therefore imperative that the operator, to their best endeavours sample in accordance with the AfOR protocol, explicit reference to and compliance with the sample location requirements detailed in Chapter 7 of the protocol should be made. Moving forward failure to do so will result in a rejection of statements indicating sampling has followed the sampling strategy suggested in the AfOR protocol and this could constitute a breach of permit conditions 3.2.1.

Action 4 :Operator to consider actions and recommendations highlighted in this report and ensure that monitoring is undertaken in accordance with standard protocol. Your next monitoring round should ensure that the content of this CAR form has been considered/implemented to avoid breaches of permit conditions.

Deadline : Before next monitoring round.

EPR Compliance Assessment Report

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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			

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.