

Compliance Assessment Report CAR_NRW0038789

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 30/09/2021 between 10:00 and 12:00.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee.

Report sent to: Alun Price, Director/Site Manager on 05/10/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
E1 - Emissions - Air	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	

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
B3	Ensure routine maintenance of site drainage infrastructure is completed.	29/10/2021
C2	1.Ensure all waste stockpiles on site are stored and treated in accordance with your EMS and FPMP. Reduce height and size of stockpile of waste fines as a priority. Create adequate separation between stockpiles of wood on the 'top yard'. 2. Review and update site EMS document to account for new waste separator and sealed water bath to rear of main	10/12/2021

Criteria	Action needed	Complete by
	transfer station building.	
D2	Review and if necessary update FPMP with consideration given to permit condition 2.5.1 Improvement Programme.	07/12/2021

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.

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

Officer Jonathan LEE in attendance of Bryn Recycling Limited to complete a compliance inspection of the permit **EPR-WB3993HE**. It was raining heavily with strong winds at the time of the inspection. Officer LEE met with and conducted the inspection with company director Alun PRICE and company consultant Beth JONES.

Permit Alterations – 2020/2021

A permit variation application was submitted by the operator in July 2020. Updated site management documentation was submitted as part of this application. The application was assessed by the NRW Permitting team, a varied and consolidated environmental permit issued on the 14/05/2021 – **EPR/WB3993HE/V003**.

An Natural Resources Wales (NRW)-led variation was undertaken shortly after to remove several waste codes added in error as part of the above application. A varied and consolidated environmental permit was issued on the 07/09/2021 – **EPR/WB3993HE/V004**.

The primary alterations that have been made as part of these recent variation have been the; updating of the permit to modern permit conditions, expansion of the permitted area and the amendment of several Tables to allow the different activities of the site (*A1- Materials Recycling Treatment Facility* and *A2 – Composting Facility*) to be easily distinguishable. The total quantity of waste allowed to be accepted at the site has not been increased and remains at 150,000 tonnes per year.

Inspection Observations

A tour of permitted area was completed. The site was operational at the time of the inspection. The following points were noted and discussed with the operator: -

- A new building adjacent to an existing building used for the storage of processed wood in the 'top yard' was under construction. It was discussed that this area should not be used for the storage of

woodchip until construction is completed as per the pre-operational measures listed in Permit Table S1.4.

- The site had received significant quantities of wood over the recent summer months but outlets for various grades of wood were actively being sought, the operator advised stockpiles would be reduced over the coming winter months. Large stockpiles of waste wood were being stored within the 'top yard'. Whilst some wood stockpiles benefitted from bays and concrete walling, overall the waste in this area was not being stored in compliance with the site Fire Prevention and Mitigation Plan (FPMP). It was advised that adequate separation as per the site FPMP and the FPMP guidance should be adhered to at all times. Whilst the risk of fire is lower during the typically wetter winter months it is vital to ensure compliance in this area so as to reduce impacts if a fire were to occur in this area, and for safe firefighting in the event of an incident.
- A new 'Zambezi' waste separator to the rear of the main transfer station building had recently been installed. The system uses water to separate the light/heavy fractions of fines arising from the transfer station processing on site. It was discussed that this processing activity is compliant with the activities limits listed within the permit as separation/sorting of waste. It was advised that the site Environmental Management System (EMS) document would require updating to address any new or additional environmental risks related to this process or the sealed water bath used in conjunction with this activity.
- A large stockpile of waste fines was being stored along the SW boundary of the 'lower' waste transfer station yard. This stockpile was in exceedance of the 4-metre height limit specified in the FPMP guidance and was also in exceedance of the specifications listed in the site FPMP. It was advised by the operator that this was temporary and work to reduce this stockpile of waste had begun following the installation of the new Zambezi separator. This was discussed as an urgent priority given the length of time this waste has been accumulating and has been in-situ.
- A stockpile of waste compost removed from the landscaping bund as part of the wider site quarrying operations was currently being stored on the 'lower' waste transfer station yard awaiting processing. Options were currently being considered regarding the suitable processing of this waste.
- Whilst it was appreciated there was heavy rainfall at the time of the inspection, there were several large pools of water particularly around the lower waste transfer station yard. It appeared that the underground storage tank in this area required emptying and routine maintenance as soon as operational conditions allowed.
- The green waste composting area of the site was briefly inspected. No treatment of green waste was taking place. However incoming loads had been dropped off recently on site and windrows at various stages of composting were all being stored appropriately. No composting odours were noted in this part or around the wider site. No issues with site drainage in this part of the site or the leachate lagoon were noted.
- It was noted that there is intention to expand the activities of the site to incorporate a larger area outside of the current permitted boundary. This area is to the rear of the main transfer station building and below the on-site digestate lagoon. It was discussed that a permit variation application should be submitted to cover intended activities in this expanded area.

Compliance Breaches

The following permit breaches were identified during the inspection.

B3 – Site drainage and engineering – Permit Condition 2.1.1 - Action only

Permit condition 2.1.1 states that 'the operator is only authorised to carry out the activities specified in Schedule 1 Table S1.1.' Table S1.1. requires wastes to be stored on an impermeable surface with drainage to

interceptor. The site EMS also lists details regarding inspection and maintenance of site infrastructure and drainage.

The effective operation, management and maintenance of site infrastructure and site drainage is critical to ensure that site activities do not negatively impact the local surface or groundwater network. Whilst significant investment and improvement has been made to site drainage infrastructure recently (new concrete walling, bays and surfacing), routine maintenance to site interceptors and drainage tanks is required to ensure effective operation. It is appreciated that there was heavy rainfall at the time of the inspection, however, site drainage infrastructure should operate effectively during all weather conditions to prevent off-site pollution. This is of particular importance during the typically wetter autumn and winter months.

Action:- Ensure routine maintenance of site drainage infrastructure is completed.

A deadline of the **29th October 2021** has been listed for this action to be completed.

C2 – General Management - Management System and 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 the 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 results of complaints’

Permit condition 3.6.1 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’.

The current site EMS and FPMP documents list specific details regarding the appropriate storage, handling and treatment of all wastes on site.

At the time of the inspection, it was evident that there were non-compliances relating to the storage and treatment of various wastes on site. As previously detailed, the stockpile of waste fines to the SW of the main transfer station building was excessive and there was insufficient separation of waste wood in the top yard. The root cause of this non-compliance has been deemed as insufficient management to ensure that site operations remain in compliance with the specifications listed in the site EMS and FPMP documentation.

You have been scored a **Category 3 breach** of permit condition 1.1.1 for failure to ensure stockpiles of waste on site are not stored and treated on site as per your current EMS and FPMP documents.

Actions: -

- 1. Ensure all waste stockpiles on site are stored and treated in accordance with your EMS and FPMP. Reduce height and size of stockpile of waste fines as a priority. Create adequate separation between stockpiles of wood on the ‘top yard’.**
- 2. Review and update site EMS document to account for new waste separator and sealed water bath to rear of main transfer station building.**

A deadline of the **10th December 2021** has been given for these actions to be completed.

D2 - Accidents, incidents and emergency planning - Fire Prevention and Mitigation Plan (FPMP) - Action only

Permit condition 3.6.1 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'.

Permit condition 2.5.1 states that 'the operator shall complete the improvements specified in Schedule 1 Table S1.3...' Table S3.1 IPC1 requires the submission of a written FPMP produced in line with the NRW FPMP guidance after 3 months from permit issue.

Whilst the site FPMP reference *BRL-MRF-FPMP dated 24th March 2021* was updated as part of recent permit variation applications, a review of this document needs to be completed to ensure compliance with permit condition 3.6.1 and the improvement condition 2.5.1.

NRW intend to conduct a further desk-based assessment of the site FPMP to ensure that it is consistent with current site activities and compliant with the current FPMP guidance.

Action:-

Review and if necessary update site FPMP with consideration given to permit condition 2.5.1 improvement programme.

A deadline of the **7th December 2021** has been given for this action to be taken (3 months after permit issue).

Compliance

The following permit conditions were assessed as compliant as part of this inspection.

E1 – Emissions – Air & G1 – Monitoring and Records, Maintenance and Reporting – Monitoring of emissions and environment

Bioaerosol monitoring was carried out on the Thursday 18th February 2021 and the 12th May 2021 by Cardiff Metropolitan University on behalf of Bryn Recycling Limited, as part of the compliance requirements of the environmental permit EPR-WB3933HE.

The bioaerosol monitoring reports submitted by Cardiff Metropolitan University states that monitoring was carried out in accordance M9 – Technical Guidance Note (Monitoring) – Environmental monitoring of bioaerosols at regulated facilities. The results indicated that bioaerosol threshold limits as detailed within the permit were below the specified limits' 300 CFU/m3 for gram-negative bacteria, 1000 CFU/m3 for mesophilic bacteria and 500 CFU/m3 for *Aspergillus fumigatus* at all locations monitored.

The results of this monitoring confirm compliance with Permit Condition 3.1.2, referring to Schedule 3, Table S3.1 Bioaerosol monitoring requirements of the permit.

F1 – Amenity – Odour

NRW officers continue to respond to incident reports relating to odours from the permitted facility (transfer station and composting) and other permitted facilities at the wider site. It has been noted that the operator continues to update NRW and Caerphilly Council Environmental Health staff regarding upcoming activities taking place as part of the permitted and wider site activities which may give rise to odour. It is reminded that the operator should continue to log and if appropriate respond to incident reports sent by the NRW Incident Communication Centre as part of the standard notification procedure.

Odour was considered as part of this compliance inspection. No excessive or offensive odours were noted during the inspection.

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.