

Compliance Assessment Report CAR_NRW0038800

Permit being assessed: ZP3899FX.

For: Merthyr Borough Recycling Centre Ltd-transfer Station, held by Merthyr Borough Recycling Centre Ltd

At: Merthyr Borough Recycling, Dowlais, Merthyr Tydfil, Glamorgan, CF48 2TA.

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

On 11/08/2021 between 15:30 and 16:45.

Parts of permit assessed: 1.1.1(a); 1.1.1(b); 2.3.1; 2.3.2

NRW Lead Officer: Gillian Coates, accompanied by Laoni Tye.

Report sent to: Nick Brannan, TCM on 09/12/2021.

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)	C3 Minor	Condition 2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the the documentation specified in Schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales. Schedule 1 - Operations - Limits of Activities - All hazardous and non-hazardous wastes must be stored on an impermeable surface with sealed drainage.
C1 - General Management - Staff competency/training	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1 The Operator shall manage and operate the activities: (a) in accordance with a written management system that identifies

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attentions of the operator as a result of complaints
C3 - General Management - Materials acceptance	C3 Minor	2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1, S2.2, S2.3, and S2.4 [etc.] Table S2.1 excludes wastes having any of the following characteristics: - hazardous wastes - wastes consisting solely or mainly of dusts or powders - wastes which are odour producing or likely to be odorous.

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
B3	1) Scrape back mud from hardstanding areas and repair hardstanding to allow adequate drainage. Dispose of contaminated mud at suitably permitted disposal facility. 2) Relocate stored baled plastic wastes and tyres onto areas with impermeable surface and sealed drainage system as required by your permit	31/01/2022
C1	Please supply current WAMITAB certificate for the Technically Competent Manager (TCM) for the site.	31/01/2022
C2	Follow other actions to bring site back into compliance	31/01/2022
C3	Identify waste type including code(s) and remove it for	22/12/2021

Criteria	Action needed	Complete by
	recovery / disposal to suitably permitted facility. Provide all available documentation for waste classification in line with WM3 assessment criteria.	

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

NRW officers Gillian Coates (GC) and Laoni Tye (LT) met with MBRC Ltd Director Nick Brannan (NB) on Wednesday 11 August 2021. Weather conditions during the inspection were dry and cloudy. The inspection was unannounced and the site was not pre-warned of our visit. Thank you for taking the time to conduct us around your site and explain the processes.

OBSERVATIONS

The inspection took place towards the end of the working day on site and there were a few skip trucks tipping waste at the top of the site. Officers noted that there was a hazardous 'blind' corner at the top of the access road to the tip off area and that there were no reversing alarms deployed while the loaders were reversing. Both issues caused concern to officers for the potential for collision with staff and vehicles.

C2 MANAGEMENT SYSTEMS

Condition 1.1.1 *The Operator shall manage and operate the activities: (a) 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*

This inspection identified breaches against conditions of your permit for site surface engineering, waste storage and acceptance of wastes not included in the permit (detailed below). These breaches evidence a root cause Management System fault which has been scored as a **Category 3 breach**.

ACTION: Please follow action required points to remedy breaches and bring site back into compliance. A copy of NRW guidance 'How to Comply with your Permit' has been sent with this CAR form for your information.



B3 SITE DRAINAGE ENGINEERING

Condition 2.3.1 (a) *The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the the documentation specified in Schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales. Schedule 1 - Operations - Limits of Activities - All hazardous and non-hazardous wastes must be stored on an impermeable surface with sealed drainage.*

Officers noted that the hardstanding areas of the site were in a poor state with many ruts, a build up of mud and pooled water which evidenced that adequate site drainage was affected. Hardstanding is a solid, compacted surface able to withstand vehicle movements and not prone to rutting or pooling of water. Surface water should be able to permeate through it into the ground.

This has been scored as a **Category 3 breach**

ACTION: Areas of hardstanding to be improved by scraping back mud and repairing hardstanding surface to allow for drainage. The mud removed will be contaminated and will require sending off site for disposal at a suitably permitted site.



It was noted that end of life tyres, and wastes other than inert wastes, wood and hard plastics were being stored on areas that did not have an impermeable surface as shown in the photos below:

ACTION: Relocate stored baled plastic wastes and tyres onto areas with impermeable surface and sealed drainage systems as required by your permit.



C3 MATERIALS ACCEPTANCE

Condition 2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1, S2.2, S2.3, and S2.4 [etc.]

Table S2.1 excludes wastes having any of the following characteristics:

- hazardous wastes
- wastes consisting solely or mainly of dusts or powders
- wastes which are odour producing or likely to be odorous.

Officers observed loose powdered waste on a pile of mixed waste located at the top of the

site. The powdered waste was not securely contained and the wind blew some of it onto officers. When asked what type of waste this was NB mentioned that it was a type of insulation waste. Photos of loose powdered waste shown below:

This has been scored as a **Category 3 breach**

ACTION: Identify waste type including code(s) and remove it for recovery / disposal to suitably permitted facility. Provide all available documentation for waste classification in line with WM3 criteria.





C1 STAFF COMPETENCY AND TRAINING

Condition 1.1.1 *The operator shall manage and operate the activities: (b) using sufficient competent persons and resources.*

ACTION: Please supply current WAMITAB certificate for the Technically Competent Manager (TCM) for the site.

OTHER COMMENTS

It was noted that there was a large pile of shredded wood waste on site which was discussed with NB who explained that MBR Ltd were having difficulty finding a market for the wood waste and that he had stopped deliveries of wood into site as a result of this situation.



Officers understand that a permit variation has been submitted and remind that compliance with NRW's [Fire Prevention and Mitigation Guidance \(FPMP\)](#) is a condition of the new

permit.

Also Officers wished to highlight that use of use of the drying floor for waste is not part of permitted treatment activities in your current permit.

Gillian.Coates@cyfoethnaturiolcymru.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.