

Compliance Assessment Report CAR_NRW0038243

Permit being assessed: SB3493HB.

For: Greens Recycling Centre, held by Greens Recycling (Wales) Ltd

At: Abercynon, Mountain Ash, CF45 4EP.

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

On 14/04/2021 between 13:40 and 14:15.

Parts of permit assessed: A1, B3

NRW Lead Officer: Elysia Lovelock, accompanied by Gillian Coates.

Report sent to: Alun Pitten and Michael Barrington Jones, Directors Greens Recycling (Wales) Limited on 06/12/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	

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
A1	Please provide a date/reasonable timeframe in writing for agreement with NRW within 30 working days, for when you will remove the waste deposited in the upper tier and provide all associated Duty of Care transfer notes, providing these records to Natural Resources at the time of completion.	19/01/2022

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

REPORT AMENDMENT. Compliance Assessment Report (CAR) following the compliance visit undertaken by I, Elysia Lovelock on 14-04-2021 amended and reissued 02-12-2021 to reflect appointment of Directors of Greens Recycling (Wales) Limited (permit holders of EPR/SB3493HB) as of 12-02-2020, and termination of appointment of previous director as of 29-02-2020. Please see the following amendments: 'Recipients Name', 'Action Required', 'Due Date' and 'Enforcement Response'. Originally issued 4th June 2021 @ 06:47:48.

A site inspection of the permitted facility of Greens Recycling (Wales) Ltd, Pontcynon Transfer Station, Unit 28 Pontcynon Industrial Estate, Abercynon, Mountain Ash, CF45 4EP was undertaken on Wednesday April 14th, 2021 by I, Officer Elysia Lovelock and Officer Gillian Coates. Weather remained dry but unsettled during the visit.

The purpose of the visit was to confirm that the site had been cleared of waste and was in a satisfactory state for the permit to be surrendered, following receipt of permit surrender application ref PAN-013538 for EPR/SB3493HB, EAWML900068. The visit was arranged with the Operator prior to officers attending. Compliance with the permit remains the responsibility of the operator until such time that the permit is surrendered, with the process of a permit surrender requiring application and approval by Natural Resources Wales.

On arrival at approximately 1340hrs, we attended reception where I was informed that the Site Manager was unable to accompany us around site during the visit as he had popped out. I then briefly spoke with the Site Manager on the phone who explained the work that had been undertaken following my last inspection on Tuesday August 18th, 2020. During that conversation I requested the transfer notes be provided for the mixed waste removed from site, as per the action required in Compliance Assessment Report CAR_NRW0036877 sent to the Operator on August 28th, 2020. The operator informed me that this consisted of only a couple of carrier bags. I advised that the transfer notes as per the requirement of the CAR would be required.

For reference purposes, CAR_NRW0036877 stated: "Action Required: Removal of the waste on the upper tier and retention of all associated Duty of Care transfer notes, providing these records to Natural Resources Wales at the time of completion. "

I explained I would be in touch following the visit to inform the Operator of any further steps required, in terms of ensuring that the condition of the site is suitable for surrender as per the Operator's application.

We proceeded to the upper tier area of the site to inspect the area on the below site plan marked with a red 'x'.



Figure 1.

For comparison purposes, on inspection on August 18th, 2020, please see the following photograph which was taken of this area. Within the inert material, I observed mixed waste. The storage/deposit of this material in this area contravened the conditions of the permit and as such, removal was required in order to return the site to compliance with the permit, as well as to return the site to a suitable condition, as assumed to be prior to the permit being issued (as per the guidance), as is required as part of a permit surrender application.



Figure 2.

During the visit on April 14th 2021, it was clear that this area had undergone a considerable amount of work within the last 8 months by the Operator, to reinstate access to this area within the permitted boundary and remove the waste as requested in CAR_NRW0036877, which is evident in the following photograph.



Figure 3.

Based on a visual comparison only, I observed that there appeared to be a notable change to the gradient of this area from my previous visit. I do not recall any sloping gradient from the edge of the deposited waste.

From reviewing records made by Officers who have previously attended/regulated the site, I note the following photograph taken in 2017 of the area above. It shows the area spanning back to the boundary fencing/next to the adjacent landfill as an accessible area where skips were stored. I was advised by the Operator on the visit undertaken on August 18th, 2020 that this area had always been inaccessible.



Figure 4.

Directly adjacent to the area shown above (photograph taken 2017), officers observed that the remaining area of the upper tier level of the site had also been cleared, removing shrubbery, remaining skips and that a large bund, previously not visible, skirted the length of the site/running along the treeline. For comparison purposes, please see below photograph taken August 18th, 2020.



Figure 5.

The current condition of this area can be seen in the photograph taken below.



Figure 6.

On closer inspection of the ground and bund, I observed that it appeared to contain mixed waste including household waste, not visible on my previous visit. Please see below photographs taken of some of the material found within the bund and ground. Amongst the material, some recognisable items of note included a plastic toy, fairy liquid bottles, rubber hot water bottle, a sock, strips of metal and plastic bags.



Figure 7.



Figure 8.



Figure 9.



Figure 10.

Figure 11.

Upon gathering evidence as to the current condition of the site, the site inspection concluded at approximately 1415hrs, before leaving site, officers informed reception, as required.

Whilst there are exemptions which allow for waste to be used in construction, the waste must be fit for purpose and only waste that falls within the permitted waste codes for that exemption are authorised. On reviewing our records, throughout the lifetime of the permitted facility, regulated in accordance with the standards rule permit SR2008no3 issued 10/04/2014, the following waste exemptions were registered at the site:

<i>Application</i>	<i>Exemption Type</i>	<i>Exemption Code</i>	<i>Date Registered</i>	<i>Expiry Date</i>
NRW-WME000039	Waste Exemption	D7-Burning Waste in the open	16/10/2014	15/10/2017
NRW-WME000476	Waste Exemption	U1-Use of Waste in Construction	24/11/2014	24/11/2017
NRW-WME000866	Waste Exemption	U1-Use of Waste in Construction	19/01/2015	19/01/2018
NRW-WME000884	Waste Exemption	U1-Use of Waste in Construction	21/01/2015	21/01/2018
NRW-WME020107	Waste Exemption	U4-Burning of Waste as a Fuel in a Small Appliance	07/12/2016	07/12/2019
NRW-WME026693	Waste Exemption	D7-Burning Waste in the open	10/10/2017	10/10/2020
NRW-WME028031	Waste Exemption	U1-Use of Waste in Construction	13/12/2017	13/12/2020
NRW-WME028515	Waste Exemption	D6-Disposal by Incineration	17/01/2018	17/01/2021

Table 1.

It is my understanding from reviewing the history of the site that the U1 exemptions were used to construct gabion baskets and bunding on the upper tier of the site, in accordance with the planning permission granted on appeal in 2013.

On review of the sites compliance history records, I note the Operator received advice and guidance from a previous regulatory officer for the site CAR_NRW0026701 refers, issued 24/11/2016, regarding the use of suitable waste in construction and what material, which is classed as inert, is permissible for the use in construction and was subsequently scored a category 3 breach of permit condition 2.3.1 under (C4) General Management – Storage, handling labelling and Segregation.

Following that, in 2017 the Operator was also scored a category 3 breach under (C4) for the storage of mixed waste on the upper tier and in 2019 a category 3 breach under (C4) for piles of waste stored on the upper tier.

Following the recent inspection (April 14th, 2021), I raised the issue of the mixed waste visible on the upper tier to the Operator, who informed me that the site is underlain by an old ash tip and provided this as the explanation for the presence of material that would not be deemed 'inert'. The Operator was advised to provide any further supporting evidence that

may assist the decision-making process of the permit surrender application.

I note, this additional information was not included as part of the site's history on the Site Condition Report, submitted as part of the surrender application PAN-013538 or PAN-010970. The Site Condition Report only refers to the site as a Former Bus Depot. Furthermore, the Operator did not choose to provide this information following the issuing of CAR_NRW0036877 28th August 2020, which specified the removal of contaminated inert material, from the area marked with an 'x' shown on Figure 1 and photographed above, shown in Figure 2.

At the time the permit was issued, it was not a requirement to provide evidence of the condition of the site before the permit was issued, however it was advisable, as it is the responsibility of the Operator to be able to provide evidence that the site is left in a suitable condition, as without a Site Condition Report being provided pre-permit, it is assumed that the site is in a suitable condition and therefore, must be in a suitable condition in order to surrender a permit post-operation of a permitted facility. This information can be found in the 'How to comply with your permit' guidance available on the NRW website.

The Operator subsequently provided an Environmental Report prepared by Blandford Consulting, Report no. BC/DW/B/05.11.05/2 as supporting evidence on 21st April 2021. The document explained that the site boundary is 'very approximate' and is therefore potentially underlain by material related to the adjacent landfill site.

The Operator also provided a waste transfer note for the emptied interceptor, as requested, in order to confirm that the condition of sites drainage post operations, which was emptied on 27th August 2020, following waste operations, which were brought to a systematic close over a 3 month period from November 2019 through to January 2020.

On 21st April 2021 the Operator also provided the following waste transfer notes provided by registered waste carrier, reference number CBDU4666 and waste receiver, permit number WP3499FR, as per the action required in CAR_NRW0036877, requiring retention of all associated Duty of Care transfer notes for the waste removed from the upper tier, providing these records to Natural Resources Wales at the time of completion, which details were summarised as follows:-

Transfer Note	Date	Type	Size	Description of Waste	EWC Code
8757	15/06/20	Collection	1 (8-yard) skip	Mixed Construction/ Demolition	17—09 04
9433	17/07/20	Change	1 (large) skip	Mixed Construction/ Demolition	17—09 04
9006	05/08/20	Change	1 (large) skip	Mixed Construction/ Demolition	17—09 04
9008	14/08/20	Collection	1 (large) skip	Mixed Construction/ Demolition	17—09 04
9034	04/09/20	Delivery	3 (large) skips	Mixed Construction/ Demolition	17 09 04
9328	06/10/20	Change	1 (large) skip	Mixed Construction/ Demolition	17 09 04
9332	07/10/20	Change	1 (large) skip	Mixed Construction/ Demolition	17 09 04

9780	12/11/20	Change	1 (large) skip	Mixed Construction/Demolition	17 09 04
9783	17/11/20	-	1 Skip Size – (information illegible)	Plastic Cardboard	17 02 03 15 05 01
0038	08/12/20	Change	1 (large) skip	Mixed Construction/Demolition	17 09 04
0088	?/01/21	-	1 (large) skip	Mixed Construction/Demolition	17 09 04
0515	12/01/21	Change	1 (large own skip)	Mixed Construction/Demolition	17 09 04

On review of the transfer notes provided, the unit of waste is not provided in tonnes or kilograms, I recall the Operator advising that it was only a couple of carrier bags which required removal. Additionally, the majority of the waste returns provided do not include a description of waste that would be consistent with the waste requiring removal, as the Operator stated only a couple of carrier bags. Some of the transfer notes provided are also dated before the request for removal was issued.

On reviewing the sites waste returns, please see below summary:

Quarterly Return	Year	Waste received (Tonnes)	Waste removed (Tonnes)	Discrepancy	Reason
Q4	2014	Nil Return	Nil Return	-	Not operational yet
Q1	2015	467.36	272.5	-194.86	-
Q2	2015	No record	No record	-	-
Q3	2015	3.703763*	0.91476*	-2.789003*	-
Q4	2015	No record	No record	-	-
Q1	2016	3.89946*	1.31392*	-2.58554*	-
Q2	2016	No record	No record	-	-
Q3	2016	5.458591*	0.61285	-4.845741*	-
Q4	2016	Data error	0.69343*	?	-
Q1	2017	No record	No record	-	-
Q2	2017	No record	No record	-	-
Q3	2017	No record	No record	-	-
Q4	2017	2.05572*	1.19928*	-0.85644*	-
Q1	2018	2.126228*	1.3882*	-0.738028	-
Q2	2018	2.065875*	0.7128*	-1.353075	-
Q3	2018	2.755754*	2.63952*	-0.116234	-

Q4	2018	10.7819*	0.643043*	-10.138857	-
Q1	2019	2.34425*	2.29076*	-0.05349	-
Q2	2019	3.391735*	3.59148*	+0.199745	-
Q3	2019	2.239294*	2.33048*	+0.091186	-
Q4	2019	No record	No record	-	-
Q1	2020	No record	No record	-	-

**potential error in unit provided on the waste return, believe these waste returns may have been submitted in kgs not tonnes, therefore converted to tonnes above. As Q1 2015 was submitted in kgs which I have converted above to tonnes.*

I note from the waste returns submitted to NRW throughout the lifetime of the permit, they show a notable proportion of mixed construction & demolition waste (EWC code 17 09 04) as waste received and waste removed, with no disposal or recovery code, it is therefore unclear what activity was undertaken on site in respect of the processing of the waste, as per the permitted activities outlined in SR2008no3.

The permit allowed the Operator to operate a Household, Commercial and Industrial Waste Transfer Station with waste treatment consisting only of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for disposal, (no more than 50 tonnes per day) or recovery, using the following activity codes: D15, R13, D14, D9, R3, R4 or R5.

The waste return data showed discrepancies in respect of the volumes, indicating that less waste was routinely removed from site than was received, with no indication of the processing undertaken in respect of the waste received, in the absence of waste disposal or recovery codes. Notably, Q4 2018, an excess of 10.138857 tonnes was received (predominantly under waste code 17 09 04) and not removed, and the quarterly reports that followed do not indicate that this was either later recovered or disposed of. However, it is important to acknowledge that there are 2 waste returns missing, post Q4 2018. There are also 6 prior to 2018 that are missing and 1 received where waste received appears to have a data entry error, as it does not provide a total for the waste received.

The records submitted to NRW do not show this waste as leaving site as either recovered or disposed of (in the absence of R&D codes) or the treatment undertaken (WRAP protocol documents). From the information available, there is no evident explanation as to what happened to the waste as there is no information that shows it left site.

In accordance with WRAP Quality Protocol Aggregates from inert waste, which details the end of waste criteria for the production of aggregates from inert waste, 17 09 04 is only allowed/acceptable inert waste input material if the waste is generated from utilities trenching's, waste consists of sub base aggregates i.e. granular material and waste that contains only materials that would be described by entries 17 01 01, 17 03 02 and 17 05 04 if the waste is not mixed.

I note that CAR_NRW0026701, issued 24/11/2016 states that the Operator was constructing a large retaining wall using gabions full of inert waste from the transfer station and that there was evidence of contamination in some of the earth bunds and banking's the Operator had created on site, containing woods, metals and plastics.

17 09 04 is not listed as an acceptable waste code for use in construction under a U1 exemption, as it is for mixed construction and demolition waste that could contain non-inert

material.

Whilst operations ceased January 2020 and were systematically being wound down from November 2019, no waste returns were submitted to NRW by the Operator for this period, this would include Q4 2019 and Q1 2020.

I also note that the permitted wastes are limited to non-hazardous wastes and do not include hazardous wastes such as asbestos. In quarter 1 of 2018, '2.04' kgs of asbestos was received, listed as 'asbestos' with no EWC entered on the waste return, with no hazardous waste code entry for removal from site. I also note the acceptance of waste and removal under EWC code 19 12 12 during quarter 3 of 2019. This code is not listed on the standard rules permit as an accepted waste code. 19 12 12 is for 'other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11'. Furthermore, the permit does not permit the use of the associated waste code 19 12 11. I also note the existence of waste accepted and removed from site with null entries for the required EWC waste code field on the waste returns.

The information gathered during and post site visit provided here, has now been passed to the Waste Permitting Department to determine the outcome of surrender application PAN-013538 and they will be in touch in due course.

Non-Compliance Score

Minor Non-Compliance Score:

For breach of condition 2.1.1, which states, **"The Operator is only authorised to carry out activities specified in the table 2.1 below ("the activities)."**

Table 2.1 activities

Description of activities	Limits of activities
D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced)	Treatment consisting only of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for disposal, (no more than 50 tonnes per day) or recovery.
R13: Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)	No more than a total of 50 tonnes of intact and shredded waste vehicle tyres (waste codes 16 01 03 and 19 12 04) shall be stored at the site.
D14: Repackaging prior to submission to any of the operations numbered D1 to 13	
D9: Physico-chemical treatment not specified elsewhere in Annex IIA which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D8 and D10 to D12	
R3: Recycling/reclamation of organic substances which are not used as solvents	
R4: Recycling/reclamation of metals and metal compounds	
R5: Recycling/reclamation of other inorganic materials	

Under the permitted activities as listed above, the Operator is not authorised for land restoration. The area marked with an 'x' shown on figure 1. of the upper tier appears from a visual inspection to have been raised, which can be seen in the above photographs. The information gathered from the compliance history and waste returns show discrepancies, in addition to the waste transfer notes provided which are not considered to be sufficient in demonstrating that waste had been removed since the previous visit. This has therefore been scored as a category 3 non-compliance which could have a potentially minor environmental effect, under A1 – Specified by permit.

In respect of the incorrect use of the U1 exemption, we will be considering our response and you will be notified accordingly in due course.

ACTION: Please provide a date/reasonable timeframe in writing for agreement with NRW within 30 working days, for when you will remove the waste deposited in the upper tier and provide all associated Duty of Care transfer notes, providing these records to Natural Resources at the time of completion.

DATE REQUIRED: Wednesday 19th January 2022

For your information, please note the following link which refers to the Waste duty of care: code of practice: [Waste duty of care: code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/waste-duty-of-care-code-of-practice).

If you have any queries regarding this report, please either contact myself as the sites Regulatory Officer, or Senior Officer Laoni Tye on the contact details provided.

Thank you.

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.