

Compliance Assessment Report CAR_NRW0039228

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 26/01/2022 between 11:15 and 13:00.

Parts of permit assessed: Various

NRW Lead Officer: Jonathan Lee, accompanied by Greg Gardner.

Report sent to: Alun Price & Jennifer Price, Director / Site Manager & AD Plant Manager on 08/02/2022.

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	2.1.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1 - Root Cause Breach
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	3.6.1
E3 - Emissions - Surface water	C2 Significant	3.1.1
F1 - Amenity - Odour	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
4	70

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 suitable repairs to site drainage infrastructure are conducted in area used for storage of construction/demolition waste, to ensure compliance with permit condition 2.1.1.	25/04/2022
C2	Ensure all site activities are operated and managed in line with permit condition 1.1.1, and all relevant site management documentation (as listed in Table S1.2). Site drainage infrastructure needs to be designed and routinely maintained in order to reduce or prevent pollution to the environment. Site management documentation needs to be updated to include information on the drainage infrastructure underneath	25/04/2022

Criteria	Action needed	Complete by
	the waste transfer station building used for the storage of soils.	
C4	Ensure all waste stockpiles on site are stored in accordance with your FPMP (and EMS) and in compliance with the FPMP guidance. Reduce height and size of stockpile of waste fines as a priority. Create adequate separation between stockpiles of wood on the 'top yard'.	25/04/2022
E3	Site drainage infrastructure needs to be designed and routinely maintained in order to reduce or prevent pollution to the environment. If considered necessary, ensure suitable repairs or improvements to site drainage infrastructure are completed to prevent or reduce the risk of pollution.	25/04/2022

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

Compliance Assessment Report – Bryn Recycling Limited

This report considers visits on multiple days made by several Natural Resources Wales Officers to Bryn Recycling Limited, Gelliargwellt Farm, Hengoed, Caerphilly, CF82 8FY and compliance with the environmental permit, EPR-WB3993HE held by Bryn Recycling Limited.

This report considers visits made to the site in relation to the attendance of incident *WIRS 2200303*, an incident report made on 15th January 2022. This report also considers a site inspection completed on the 26th January 2022.

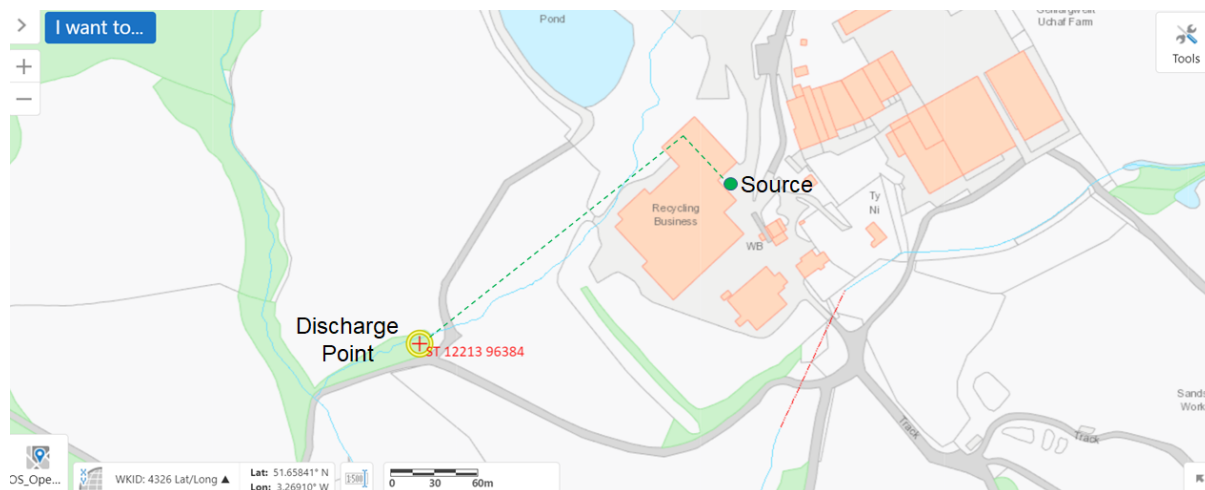
Officer Observations

15th January 2022 – 21st January 2022

On 15th January 2022 at 15:39pm, an anonymous incident report was made to NRW regarding a water pollution on the Nant Caeach tributary. This incident was logged as *WIRS 2200303*. As part of the investigation of this incident report the following officers attended the Bryn Recycling Limited site and other points at Gelliargwellt Farm. NRW Officers Robert ANDREWS and Gillian COATES attended the site on the 19th January 2022. NRW Officers Robert ANDREWS and Jonathan LEE attended the site on the 20th January 2022. NRW Officers Jonathan LEE and Chris BURGE attended the site on the 21st January 2022.

During these visits NRW officers captured evidence of silted water exiting a surface water culvert outfall at grid reference ST 12213 96384. The initial assessment of this incident is

that the source of this silted water, was from the maintenance of drainage infrastructure being undertaken by operatives employed by Bryn Recycling Limited. Silted water is understood to have flowed from the permitted area to the surface water outfall via a culvert underneath the building used for the storage of soils at Bryn Recycling Limited. Map One below indicates the source, pathway shown in a dotted green line and discharge point.



Map One – Image of source, pathway and discharge point

26th JANUARY 2022

NRW Officers Jonathan LEE and Greg GARDNER attended the site to conduct a routine site inspection and introduce the new regulatory officer Greg GARDNER. Officers met with Mr. Alun PRICE (Director / Site Manager), Ms. Jennifer PRICE (Anaerobic Digestion Plant Manager) and Ms. Beth JONES (Company Consultant). The weather was dry and cold all through the site visit. The site was operational at the time of the site inspection.

Composting Station

A tour of the permitted area used for green waste composting was undertaken, the following points were noted and discussed with the operator.

- No treatment of green waste was taking place at the time of the site inspection however recent screening had taken place earlier in the morning (see Photo 1).
- There were incoming loads of green waste being unloaded. Contamination levels within incoming loads were discussed with the operator.
- Windrows of compost undergoing active composting/stored following composting were all being stored appropriately and in accordance with site management documentation.
- There was a remaining stockpile of heavily contaminated compost in the North East corner of this area of the site (see Photo 2). The operator raised intention to further treat this waste to remove non-biodegradable contamination.
- No offensive composting odours were noted by officers in this part of the site.

- No issues with site drainage in this part of the site or the leachate lagoon were noted.

Waste Transfer Station

A tour of the permitted area used for waste transfer station activities was undertaken, the following points raised were noted and discussed with the operator.

- The 'IVC' (In-Vessel Composting) drying floors were briefly inspected. These floors were not being used for treatment of waste at the time of the inspection. Officers advised on the limit of drying of waste as per Table S1.1 of the permit.
- To the North of the waste transfer station buildings on the 'top yard' stockpiles of wood waste were present with some of this wood benefiting from being stored within concrete bays. However, a stockpile of wood waste/compost-based waste along the South West of the 'top yard' was not being stored in compliance with the Fire Prevention & Mitigation Plan (FPMP) guidance (see Photo 4). It was advised to the operator although the height of the waste wood stockpile was within compliance, the length of this stockpile was not in line with the FPMP guidance. Officers noted the intention to complete construction of further concrete walled bays in 'top yard' and associated buildings, in line with the site FPMP document. Permit condition 2.6.2 referencing Table S1.4 (Pre-operational condition) should be noted in relation to the storage of woodchip in the areas as identified in Areas B and C in Drawing BRL-EPV-2019-003revA. No waste wood was being stored in the 'new' building at the time of the inspection. It should be noted that infrastructure as specified in the current site FPMP document should be completed before any storage of wood is conducted in this area of the site.
- To the South West of the waste transfer station buildings a large stockpile of waste fines was present. This waste was not being stored in compliance with the guidance. The stockpile of waste was being stored in excess of 4 metres high and was overlapping concrete walled bays (see Photo 3). It was advised to the operator to bring these stockpiles back into compliance with the FPMP guidance and the current site FPMP document. This issue was identified with the operator on a previous site inspection (see *CAR_NRW0038789*). It was noted that the operator has made efforts to reduce this stockpile since the previous site inspection. However, compliance with the FPMP guidance is critical to reduce the likelihood of a fire and potential impacts if a fire were to occur as well as safe access for firefighting in the event of an incident.
- The 'new' water separator to the North of the main waste transfer building was operational. Officers discussed the routine maintenance of this system to ensure effective treatment of waste. It was noted that the site Environmental Management System (EMS) has been updated to include details on this treatment activity.
- The main waste transfer station building, and processing line was inspected. This area was fully operational at the time of the inspection. No issues with unauthorised waste streams identified. The building used for storage of soils was undergoing drainage repairs.
- To the South of the waste transfer station buildings a section of the site surface was in poor condition. This area contained a stockpile of construction & demolition waste (see Photo 5). The poor condition of the surface infrastructure could allow potential pollutants to directly enter the ground and/or surface water. This area of the site was not fully sealed and during periods of rainfall it is likely that site run-off would be able

to bypass the sealed sump and interceptor at the site.

- The smaller 'old' waste transfer building and drying floors in this building were inspected. Separated fractions of waste(s) were being baled to aid subsequent transport.

Site Photographs



Photo 1 – Recent screening in composting station



Photo 2 – Stockpile of compost in North-East corner of composting pad



Photo 3 - Stockpile of waste fines to SW of waste transfer station



Photo 4 - Stockpile of wood/compost in 'top yard'



Photo 5 – Area of compromised drainage infrastructure in ‘lower yard’**Compliance Breaches****CATEGORY 2 BREACH – PERMIT CONDITION 1.1.1 – Root Cause**

"The operator shall manage and operate the activities: 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;"

Also of note – Permit 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 documentation specified in Schedule 1, Table S1.2..." Table S1.2 lists documentation relevant to the management of the site in order to reduce or prevent pollution to the environment.

Also of note - Permit Condition 4.3.1 – "Natural Resources Wales shall be notified without delay following the detection of:

Any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution"

- NRW officers captured evidence of silted water exiting a surface water culvert at grid reference ST 12213 96384. The initial assessment of this incident indicates that the root cause of this silted water entering this water course, was from maintenance of drainage infrastructure being undertaken by operatives employed by Bryn Recycling Limited. The operator must manage and operate the permitted activities in line with all site management documentation. Drainage infrastructure should be managed and maintained to prevent and reduce the risk of pollution to water.
- A Category 2 Breach of permit condition 1.1.1 has been listed as a root cause breach. However, several permit conditions have been listed as relevant in addition to this breach of permit condition 1.1.1.
- This permit breach is **part of NRW's initial response** to incident 2200303. However further enforcement action may be taken once all evidence has been assessed and reviewed.

Action(s): - Ensure all site activities are operated and managed in line with permit condition 1.1.1, and all relevant site management documentation (as listed in Table S1.2). Site drainage infrastructure needs to be designed and routinely maintained in order to reduce or prevent pollution to the environment. Site management documentation needs to be updated to include information on the drainage infrastructure underneath the waste transfer station building used for the storage of soils.

A deadline of the **25th April 2022** has been specified for this action to be completed.

CATEGORY 2 BREACH – PERMIT CONDITION 3.1.1

"There shall be no point source emissions to water, air or land except from the sources and emission points listed in Schedule 3, Tables S3.1, S3.2 and S3.3."

Also of note – Directly Applicable Legislation – "It is an offence under Regulation 38 (1)(a) of the Environmental Permitting (England and Wales) Regulations 2016, to cause or knowingly permit a water discharge activity."

- NRW officers captured evidence of silted water exiting a surface water culvert at grid reference ST 12213 96384. A Category 2 Breach of permit condition 3.1.1 has been listed, as the initial assessment is that this incident caused a significant impact on the environment.
- This permit breach is **part of NRW's initial response** to incident 2200303. However further enforcement action may be taken once all evidence has been assessed and reviewed.

Action: - Site drainage infrastructure needs to be designed and routinely maintained in order to reduce or prevent pollution to the environment. If considered necessary, ensure suitable repairs or improvements to site drainage infrastructure are completed to prevent or reduce the risk of pollution.

A deadline of the **25th April 2022** has been specified for this action to be completed.

If this deadline is unattainable, please advise your regulatory officer as soon as possible.

CATEGORY 3 BREACH – PERMIT CONDITION 2.1.1

"The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")."

"Biodegradable wastes shall be stored on an impermeable surface with sealed drainage. All other wastes shall also be stored on an impermeable surface with drainage to an interceptor."

- Site surface in area where construction & demolition waste is stored is not fully sealed. Surface run-off is able to bypass the sealed sump and interceptor in the 'lower yard' area of the site.

Action: - Ensure suitable repairs to site drainage infrastructure are conducted in area

used for storage of construction/demolition waste, to ensure compliance with permit condition 2.1.1.

A deadline of the **25th April 2022** has been specified for this action to be completed.

If this deadline is unattainable please advise your regulatory officer as soon as possible.

CATEGORY 3 BREACH – 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 and mitigation plan guidance."

- Stockpile of waste fines not being stored in compliance with FPMP guidance.
- Stockpile of waste wood in 'top yard' not being stored in compliance with FPMP guidance.

Action(s) – Ensure all waste stockpiles on site are stored in accordance with your FPMP (and EMS) and in compliance with the FPMP guidance. Reduce height and size of stockpile of waste fines as a priority. Create adequate separation between stockpiles of wood on the 'top yard'.

A deadline of the **25th April 2022** has been specified for this action to be completed.

If this deadline is unattainable please advise your regulatory officer as soon as possible.

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

If you have any queries regarding the regulation of the site going forward please contact your new regulatory officer Greg Gardner, greg.gardner@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.