

## Compliance Assessment Report CAR\_NRW0039414

**Permit being assessed:** AB3092FR.

For: Llantrisant Recycling, held by Llantrisant Recycling Centre Limited

At: Llantrisant Recycling, Pantybrad Lane, Llantrisant, Pontyclun, CF72 8YY.

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

On 22/10/2021 between 15:00 and 16:30.

Parts of permit assessed: Operational area, storage

**NRW Lead Officer:** Laoni Tye, accompanied by Magda Leonowicz.

**Report sent to:** Tom Prichard, George Harvey and Howard Oakes, Director, TCM and Operations manager on 17/02/2022.

### 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	3.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	C3 Minor	2.3.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	3.7.1
F4 - Amenity - Pests/birds and scavengers	Action only (X)	
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	16

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	See body of CAR	18/03/2022
C2	See body of CAR	18/03/2022
C3	See body of CAR	25/02/2022
G4	See body of CAR	18/03/2022
F4	See body of CAR	18/03/2022

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.**

**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

Senior regulatory officer Laoni Tye and regulatory officer Magda Leonowicz visited site for an unannounced site inspection on the 22<sup>nd</sup> October 2021. We had received complaints of gulls on and around the site which required investigating and prompted the inspection. We met with site manager Howard Oakes who arrived approximately 10 mins after our arrival to the site office. There were breaches recorded which were discussed on site during the inspection.

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**A1 – Specified by permit. Category 3 breach.**

**Permit condition 3.1.1 states that 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.**

Whilst on site we witnessed contaminated waste woodchip being fed into the biomass plant which is an unpermitted waste activity. The permit does not allow any point source emissions to air and a permit variation would be required to allow this activity. This is currently classed as an illegal waste operation therefore and must cease whilst a permit application is made. We recommend you contact us about this to discuss and we can then provide you with the relevant advice based on your activities.

**Action: You must cease this activity. Should you require advice then please get in touch separately with your regulatory officer.**



## C2 – Management systems. Category 3 breach

**Permit condition 1.1.1 states that 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; and**

### Drainage

There have been numerous discussions in regards to the drainage on site and it has not been clear on previous visits as to what areas of the site drains to where and whether there has historically been discharges to the watercourse. The infrastructure and drainage on site has changed significantly over the years and is complex, with discharges (not associated with the permitted area), discharging via the settlement lagoon which is part of the waste permit. In the most recent visit on the 22<sup>nd</sup> October, the drainage had again changed, with some of the run-off from the fields surrounding the site being diverted to the watercourse and the underground sump discharging directly into a storage lagoon, which now appears to have been sealed off from the settlement pond. The settlement pond is in place to serve areas of hardstanding, but there are no areas of hardstanding on site. This current drainage is not reflected within the EMS or permit and needs to be updated.

In order to fully understand the site drainage we request a full drainage survey is completed and submitted to NRW. This plan needs to be unambiguous and the survey provided with the local authority planning application reference 20/1319/10 will not suffice. Comments made on this can be provided to you separately should you require them.

The drainage plan should include any discharges, from this site or the lower slab, which discharges into the storage lagoon and/or settlement pond. As discussed Llantrisant Recycling Ltd are currently responsible for the outfall to the watercourse and therefore any discharges into the

lagoon/settlement pond will be the responsibility of Llantrisant Recycling.. It is therefore important the drainage is fully understood by all and properly reflected within the permit.

The drainage plan will need to then be incorporated into the permit (EMS) also ensuring that any lagoons or storage tanks are sufficient for the volume of run off from the concreted slab.

**Action: Please provide a timeline and plan of action for the drainage survey and/or an appropriate alternative.**

The settlement lagoon was also heavily discoloured with visible suspended solids. It is likely that any discharges to the watercourse will therefore contain suspended solids and this would be a further breach of the permit. The Environment management system submitted 04/11/2015 section 3.3 states 'The settling pond will be inspected weekly and the details of the inspection recorded as stated above. Any build up of silt will be removed and placed in the raw waste stockpile for processing. If not suitable for processing into soils the silt will be disposed of to offsite landfill'. As the site is no longer processing only inert material, the silt will need to be disposed of accordingly.

**Action: The settlement pond requires de-sludging to remove contaminants, this should be completed in line with the EMS but within 2 weeks of the date of this CAR. A drainage survey should be completed as above.**

**Should the settlement pond no longer be connected to the waste operation then you may want to consider varying the permit.**



#### Additional comments on Drainage

Water quality samples were taken on the discharge from the settlement ponds early last year. Due to staff availability the samples were not analysed at the time and it took until September for the results to be realised. During this site visit we spoke to Mr Oakes and advised that the samples we took had shown levels of contamination not expected to be seen in a clean rainfall dependent discharge. To expand further, the contaminants present included hydrocarbons and things associated with pharmaceuticals (prescription drugs), food additives, slug repellents and solvents/disinfectants. It is therefore likely that areas of the site associated with the waste activity are connected to this system. You are not being breached on this occasion due to the time that lapsed and the fact the drainage had changed when we re-visited. We require a full drainage



survey to be completed (as above) .

**C3 – Materials acceptance. Category 3 breach.**

Permit condition 2.3.2 states that Waste shall only be accepted if:

- (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc.]; and
- (b) it conforms to the description in the documentation supplied by the producer and holder.

Whilst on site we witnessed waste insulation panels being stored and treated on site. Insulation is not a permitted waste type and the treatment and storage of it is therefore a breach of the permit conditions. Insulation is also a mirror hazard entry in line with WM3.

Following the site inspection we requested paperwork in regards to these, which details where they have come from and their assessment, confirming that the insulation was non-hazardous (Likely EWC code 170604). The waste had been accepted and wrongly classified as 200307, a bulky waste code.

You are therefore being scored a category 3 breach for accepting waste not listed in the permit.

**Actions:**

**Remove any un-permitted wastes from site.**

**Ensure that non permitted wastes are not accepted onto site.**

**Ensure that pre-acceptance procedures are being correctly followed.**



**G4 – Reporting and notifications. Category 3 breach.**

Permit condition 3.7.1 states the operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- (b) bioaerosol monitoring specified in table S3.2.

As discussed, we did not receive quarterly bioaerosol monitoring data for 2021. This is therefore a breach against the permit.

We received bio aerosol monitoring results for two dates over 2021, 21<sup>st</sup> February and 26<sup>th</sup> October. Both reports showed concentrations of total bacteria and *Aspergillus fumigatus* were

below acceptable levels proposed by NRW of 1000 cfu/m<sup>3</sup> for total bacteria and 500 cfu/m<sup>3</sup> for *Aspergillus fumigatus* for all samples on the day.

**Action:** You must monitor bio aerosols on a quarterly basis in line with the permit.

#### Pests – Action only

Whilst walking around site we were discussing the gulls and were advised by Howard Oakes that they appear to be coming from elsewhere on the industrial estate. We were advised that they do sometimes come to site before flying away again. There is no food waste accepted onto site and there was no evidence of any food waste during this visit. However, later on in the visit a flock of gulls flew onto site and landed on the glass fines. They appeared to be attracted to this pile, perhaps due to the oil/food contamination on the glass albeit there would be very little in the way of food. We have had various complaints about the gulls but are not able to substantiate this to be the cause at this time.

**Action:** Can you please investigate this further and establish whether the glass fines are a cause of the issue and/or whether any mitigation measures could be put in place to reduce this if so. If you can please update us on any findings.



#### Mattresses

Mattresses are being stored on site adjacent to the Terex shredder. We were advised that there is no treatment of waste mattresses on site, this is not a permitted activity.



Waste returns –action only.

Thank you for submitting Quarters 1 to 4 for 2020. The waste volumes received are in line with the total annual throughput permitted on site.

However, we can see that the site is accepting street sweepings 200303 but cannot see that any are leaving site on the waste returns. Can you please confirm what process the street sweepings are going through and what they are being coded as to leave site. Can you provide waste transfer notes detailing where this material has been taken to so that we can carry out the relevant checks. Street sweepings can only be used to produce a compost like output (CLO).

**Action:** Provide copies of the above information (1 quarters worth of waste transfer notes) within 2 weeks of the date of issue of this CAR.

If you have any questions please get in touch.

**\*\*We apologise for any photographs that are rotated, this is a technical issue and cannot be remedied at this time\*\***

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](mailto: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](mailto: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.