

Compliance Assessment Report

Report ID:
CAR_NRW0035148

This form will report compliance with your permit as determined by an NRW officer

Site	Cowbridge Compost Ltd	Permit Ref	BP3095SR		
Operator/Permit holder	Cowbridge Compost Ltd				
Regime	Waste Operations				
Date of assessment	16/04/2019	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Bio-aerosol monitoring report				
Lead officer's name	Tye, Laoni				
Accompanied by	Neil Davies				
Recipient's name/position	John Homphreys and Gary Goodge/ Director and site manager	Date issued	23/05/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
E1 - Emissions - Air	C3	3.1.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This was a desk based review of the bio-aerosol monitoring report submitted to NRW on the 23rd January 2019. The report has been reviewed by our internal Air Quality Modelling and Risk Assessment Team (AQMRAT). There was a breach recorded which is outlined below with actions for investigation. The comments on the report have been attached for information also.

Breaches

E1 – Emissions – Air. Category 3 breach.

Permit condition 3.1.2 states that the limits in schedule 3 shall not be exceeded.

Table S3.4 has the following limits:

Table S3.4 Bioaerosol monitoring requirements for open windows (A2)

Location or description of point of measurement	Parameter	Bioaerosol threshold limits CFU m ⁻³	Monitoring frequency
At a minimum of three separate locations, as described in the Industry Standard Protocol	Gram-negative bacteria	300	Quarterly
	Total bacteria	1000	
	Aspergillus Fumigatus	500	

The results from the monitoring were as follows:

Table 1: Summary of Microbiological Results (mean values)

Sample Location	Mesophilic bacteria cfu/m ³	<i>Aspergillus fumigatus</i> cfu/m ³	Gram negative bacteria cfu/m ³
SP1 – Upwind/ Sensitive Receptor	<222	<167	<83
SP2 – Downwind 1/ Workshops	<389	7,778	<139
SP3 – Downwind 2/ Workshops	<167	944	<83

This condition has been breached with *Aspergillus fumigatus* significantly higher than the bio-aerosol threshold limits at both downwind locations sampled. We are aware of a number of sensitive receptors that may be affected, including rented workshops and residents. The breach of this condition indicates failings in the process which therefore needs to be addressed and an internal investigation launched to ascertain what are causing these exceedances to ensure they are resolved. You will need to investigate what happened on the day of the sampling specifically, but as this is now the second time it has exceeded, it is likely an ongoing issue at present. Sampling will then need to be re-done to ensure that any changes in operation.

SSBRA 2014 – The SSBRA needs updating as all the on-site receptors have not been identified. There are workshops where people are for more than 6 hours a day and these will all need to be accounted for. Please as previously requested review the document to ensure it is up to date and in line with current on-site processes.

Action: Operations need to improve and an investigation conducted as above. SSBRA to be reviewed and updated. Findings are to be reported to NRW.

If you have any questions please get in touch with your regulatory officer.

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E1	C3	See comments in body of CAR	31/05/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.