

Compliance Assessment Report

Report ID:
CAR_NRW0035350

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

Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE			
Operator/Permit holder	Bryn Recycling Limited					
Regime	Waste Operations					
Date of assessment	20/06/2019	Time in	13:30	Out	15:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Various					
Lead officer's name	Lee, Jonathan					
Accompanied by	Tye, Laoni					
Recipient's name/position	Alun Price, Jennifer Price/ Director, Manager	Date issued	23/07/2019			

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
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
C4 - General Management - Storage, handling labelling and Segregation	C3	2.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.5.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	X	

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	3	Total compliance score (see section 5 for scoring scheme)	12
------------------------------------	----------	---	-----------

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

Compliance Assessment Report - Bryn Recycling Limited

Introduction

Officer Jonathan LEE and Senior Officer Laoni TYE in attendance of Bryn Recycling Limited, Gelligaer to complete a partial compliance inspection of the permit **EPR-WB3933HE**. Officers met with Bryn Recycling representatives Ms Jennifer Price and Mr Alun Price.

The visit was arranged to inspect the permitted area used for the open windrow composting of green waste. The inspection of the permitted area was accompanied by a review of site management documents, documentation relating to your PAS100 Certification and a discussion regarding the outputs of your composting activities.

Compliance Breaches

The following permit breaches were identified during the inspection.

C4 Storage, handling, labelling and segregation – Category 3 breach – Permit Condition 2.1.1

Permit condition 2.1.1 states that 'the operator is only authorised to carry out the activities specified in Schedule 1, Table S1.1'. Table S1.1. states 'waste stored prior to composting, composted material and material undergoing maturation shall be prevented from becoming anaerobic.'

At the time of the inspection, it was evident that there were issues with the storage and processing of green waste stockpiles and oversize/plastic contaminated green waste stockpiles. It was noted that the size of some of these stockpiles had been reduced in recent months through effective processing; screening on site or sorting through the site picking line. However, there was still significantly sized stockpiles of off-spec materials which were heavily contaminated with plastic present on site.

In addition, there was a stockpile of material in the Western corner of the composting pad which was heavily overgrown with vegetation. The overgrown nature of this material indicates that it has been stored for a long period of time.

The storage and processing techniques of the stockpiles present on site is not compliant with The Composting Industry Code of Practice, The Compost Quality Protocol (and therefore your PAS 100 Certification) and several sections of your current Odour Management Plan. It is reasonably foreseeable that some stockpiles of waste are being stored in a manner which pockets of the waste are likely to become anaerobic. Furthermore, it is reasonably foreseeable that the capacity issues in this area could contribute to odour emissions during periods when stockpiles are being processed or moved.

A **Category 3 breach** of permit condition 2.1.1 has been scored for failure to prevent composted material from becoming anaerobic.

Action(s):

- Provide a timetabled action plan outlining your intended plans to recover/dispose of the stockpiles of waste currently present on the compost pad area of the site.
- Implement site procedures to ensure that stockpiles of waste are actively managed in accordance with site management documents, the Composting Industry Code of Practice and the requirements of your PAS100 Certification.

A deadline of the **Friday 2nd August** has been set to provide the action plan required. Deadlines specified in your action plan will need to be reviewed and then agreed by Natural Resources Wales.

It should also be noted that the waste(s) stored in the area inspected will need to be accounted for in your site Fire Prevention and Mitigation Plan, which is currently being prepared. The current storage techniques of all waste in this area poses a **considerable fire risk** as the material is being stored without adequate separation distances. In addition, access to all sides of the stockpiles in the event of a fire is problematic due to space confinements.

C2 – Management system and operating procedures – Category 3 breach – Permit Condition 1.1.1 (a)

Permit condition 1.1.1 (a) states that ‘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, accident, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.’

Site management documents, including your site Environment Management System (EMS), Site Specific Bioaerosol Risk Assessment (SSBRA) and Odour Management Plan (OMP), are out of date. These documents do not accurately reflect the current permitted activities, the associated risks of these activities and methods in which these risks are managed. Your current site management documents refer to site processes which took place when the In-Vessel Composting (IVC) element of the wider site was operational.

Updates to site management documents have been requested on several previous compliance inspections by regulatory officers. A **Category 3 breach** of permit condition 1.1.1 has been scored for failure to operate site activities in line with appropriate and up to date site management documents.

Action – Update site management documents to reflect current permitted activities and their associated risks. Operate site activities in accordance with up to date site management documents.

A deadline of the **25th October 2019** has been set to rectify this non-compliance.

G1 – Monitoring of emissions and environment – Category 3 Breach – Permit Condition 3.5.1

Permit condition 3.5.1. states that ‘the operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in Schedule 3 to this permit: (a) bioaerosol monitoring specified in Table S3.1.

Table S3.1 requires bioaerosol monitoring reports to be submitted to Natural Resources Wales for assessment every 4 months. With periods beginning the 1st January, 1st May and 1st September.

A bioaerosol monitoring report has not been submitted for review by Natural Resources Wales since the previous round of monitoring was completed by Cardiff Metropolitan University on the 9th October 2018 – the CAR for this report was issued on the 4th December 2018 (CAR_NRW0034310).

Whilst it is understood that problematic weather conditions prevented a round of monitoring being completed in the period starting 1st January, a breach of your permit needs to be recorded as a bioaerosol report has not been submitted.

You have been scored a **Category 3 Breach** of permit condition 3.5.1 for failure to submit a bioaerosol monitoring report for the period beginning January 1st.

Action: Ensure that future bioaerosol monitoring reports are submitted for each period.

A deadline of **2nd September 2019** has been set to rectify this non-compliance.

G4 – Reporting and notification to Natural Resources Wales – Action only – Permit Condition 4.2.2

Permit condition 4.2.2. requires the operator to submit quarterly waste return information on the waste accepted and removed from the site in that calendar quarter.

Officers advised on some issues regarding the submission of site waste returns; there have been issues

regarding the permit numbers used on returns spreadsheets and the waste(s) which are reported on the spreadsheets for each of the permits held at the 'wider' site. Advice and guidance on this matter has been sent separate to this CAR form.

Action – Ensure that all future waste returns are submitted accurately and on time.

The deadline for the submission of your Quarter 2 return (April 1st to June 30th) is **Wednesday 31st July**.

Other

Permit Variation

A permit variation application is currently being processed by the NRW permitting department to extend the permitted boundary of the facility.

During the inspection you raised queries regarding whether the drying of wastes was permitted under the current activity limits of permit. NRW are currently reviewing your permit and your regulatory officer will provide confirmation of this in due course.

Summary

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

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.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035350**

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

Site	Gellia'r-gwellt Uchaf Transfer & Composting Station	Permit Ref	WB3993HE
Operator/Permit holder	Bryn Recycling Limited	Date	20/06/2019

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			
G4	X	Ensure that future waste returns are submitted accurately and on time.	31/07/2019
G1	C3	Ensure that future bioaerosol monitoring reports are submitted as required by permit.	02/09/2019
C4	C3	Provide timetabled action plan for review and agreement by NRW. Implement site procedures to ensure active management of green waste stockpiles.	02/08/2019
C2	C3	Update site management documents to reflect current permitted activities. Operate site activities in accordance with up to date site management documents.	25/10/2019

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.