

Compliance Assessment Report CAR_NRW0039923

Permit being assessed: AB3296HT.

For: Unit 12F, held by Install Waste management Limited

At: Atlantic Trading Estate , Barry, CF63 3RF.

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

On 25/03/2022 between 11:00 and 11:30.

Parts of permit assessed: Compliance with the Regulation 36 Notice

NRW Lead Officer: Magda Leonowicz, accompanied by Gareth Davies.

Report sent to: Dean Horgan, Site Manager and TCM on 18/05/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Ongoing (O)	1.1.4 requires the operator 'to comply with an approved competence scheme'.
C4 - General Management - Storage, handling labelling and Segregation	Ongoing (O)	2.1.1 the operator is only authorised to carry out the activities specified in Schedule 1, Table S1.1'. Table S1.1 states: 'all waste must be stored and treated on an impermeable surface with sealed drainage system to sealed sump' and 'all waste must be stored and treated within a building
D2 - Incident Management - Accidents, emergency and incident planning	Ongoing (O)	3.5.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance
C2 - General Management - Management system and operating procedures	Ongoing (O)	3.5.1. The operator shall manage and operate the activities in accordance with a written fire

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		prevention plan using the current, relevant fire prevention plan guidance.

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

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
C1	Provide details of a Technically Competent Manager for the site and evidence of their relevant qualifications.	03/06/2022
C4	Remove all waste stored outside of the building on site	03/06/2022
D2	Ensure all stockpile dimensions are in line with the Fire Prevention And Mitigation Plan Guidance, including heights, lengths and appropriate separation distances between stockpiles. Reduce stockpile heights to below 4 metres.	03/06/2022
C2	Submit a Fire Prevention and Mitigation Plan written in line with the Fire Prevention and Mitigation Plan Guidance Version 2.	03/06/2022

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

A site inspection was undertaken at Unit 12F, Atlantic Estate, Barry on Friday 25th March 2022 by the Waste Regulation Team Leader Gareth Davies (GD) and the site's regulatory officer Magda Leonowicz (ML).

The primary purpose of the visit, was to assess the operator's compliance with the

Regulation 36 Notice issued on 26th November 2021, requiring steps to be taken by the operator to achieve compliance by 31st January 2022.

The weather was dry and sunny at the time of the visit.

Officers met with the Site Manager and the TCM Dean Horgan (DH) upon arrival at the site, who provided a walkover tour of operations. During the walkover officers inspected waste activities. The site was fully operating during the visit. The site inspection was pre-arranged.

REGULATION 36 NOTICE

Schedule 1 of the Notice detailed the steps to be taken by the Operator, namely:

1. In respect of the permit condition 1.1.4: *'Provide details of a Technically Competent Manager (TCM) for the site and evidence of their relevant qualifications.'*

The Wamitab Certificate held by DH expired on 21.01.2021. The site has been operated without the TCM since then.

The operator failed to provide a technical competency certificates or a different TCM by the requested date 31/01/2022.

2. In respect of the permit condition 2.1.1 *'Remove all waste stored outside of the building on site.'*

It was noted that the stockpiles of construction and demolition waste, piles of wood waste and waste tyres stored outside were reduced in size comparing to the stockpiles seen during the previous site visit in July 2021.

However, storing of any amount of waste outside of the building is a breach of the permit condition 2.1.1 *the operator is only authorised to carry out the activities specified in Schedule 1, Table S1.1'.*

Table S1.1 states: *'all waste must be stored and treated on an impermeable surface with sealed drainage system to sealed sump'* and *'all waste must be stored and treated within a building'*.

Hence it has been noted that the operator did not comply with this step (condition 2.1.1) indicated in Schedule 1 of the Notice.



3. In respect of the permit condition 3.5.1 *'Ensure all stockpile dimensions are in line with the Fire Prevention and Mitigation Plan Guidance (FPMP), including heights, lengths and appropriate separation distances between stockpiles. Reduce stockpile heights to below 4 metres.'*

It was noted that the stockpiles within the building were reduced in size compare to the stockpiles seen during the previous site visit in July 2021. The waste was stored in bays however the FPMP Guidance states that 'minimum of 1 metre freeboard should be left between waste and bunker height' p. 28, which was not complied with at the time of the visit



4. In respect of the permit condition 3.5.1 *'Submit a Fire Prevention and Mitigation Plan written in line with the Fire Prevention and Mitigation Plan Guidance Version 2.'*

The amended FPMP has not been provided and this part of the notice has therefore not been complied with. The operator stated that they are due to apply to vary the permit which would include significant changes to the site's storage and treatment. An FPMP will need to be submitted as part of the permit variation and we are therefore requesting a deadline for when this will be submitted. This condition will remain a breach until an agreed FPMP in line with the current guidance is in place, but the score may be suspended providing the application is made to NRW in a timely manner.

During the visit, DH confirmed that the permit is due to be varied. The intention is to change the building, the layout of the site and the permit boundary. Currently, all wastes are being removed from the site, and the site is being prepared for upcoming changes.

In conclusion, none of the steps indicated in the Schedule 1 of the Regulation 36 Notice has not been complied with and Natural Resources Wales intends to issue a warning for the offences on this occasion:

Environmental permitting Regulations 2016 Regulation 38:

(2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.

(3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice, landfill closure notice, mining waste facility closure notice, flood risk activity emergency works notice or flood risk activity remediation notice.

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.