Compliance Assessment Report CAR_NRW0040296

Permit being assessed: AB3690CP. For: J M Envirofuels (Barry) Limited, held by JM ENVIROFUELS (BARRY) LIMITED At: Berth 31 Wimbourne Rd, Barry Docks, Barry, CF63 3DH. **Type of assessment carried out:** Site Inspection, Reason: Routine. On 15/08/2022 between 11:35 and 12:25. Parts of permit assessed: A1, C2, C3, C4, D2 **NRW Lead Officer:** Elysia Lovelock, accompanied by Craig Coleman. **Report sent to**: Site Manager , Site Manager on 25/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.4.1
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
A1 - Specified by permit	C3 Minor	2.2.1
C2 - General Management - Management system and operating procedures	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
D2	1. Please ensure that all wood waste is stored, as stipulated, in the Fire Prevention and Mitigation Plan v5. 2. Please ensure that the correct materials are stored in the designated quarantine area pending removal. 3. Please provide evidence to demonstrate that the coupling link on the water tank works and that the tanks contain a sufficient water supply. If you wish to provide photographs, please ensure they are date and time stamped.	06/10/2022

Criteria	Action needed	Complete by
A1	Please ensure all waste is stored within the permitted boundary of the site.	06/10/2022
C2	As there is no evidence that the site has exceeded the permitted annual tonnage of 75,000 tonnes, please provide a date, by which the operator can amend the sites Fire Prevention and Mitigation Plan v5, in respect of permit condition 2.1.1. and resubmit to Natural Resources Wales for the revised plan to be agreed for use at the site.	06/10/2022

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.

At this time, we do not intend to take any further action.

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

I, Industry and Waste Regulation Officer Elysia Lovelock and Hazardous Waste Regulation Officer Craig Coleman, attended the permitted facility of JM Envirofuels Ltd, Berth 31, Wimborne Road, Barry Docks, Barry, Glamorgan, CF63 3DH on Monday 15th August 2022, to conduct an unannounced routine compliance visit, in respect of environmental permit, reference EPR-AB3690CP refers.

We arrived at approximately 1135 hours and were greeted on site by the Site Manager. During the visit, the weather was unsettled with light intermittent showers.

The purpose of the visit was to assess compliance with the conditions of the environmental permit, issued 7th November 2017. The operator holds a Standard Rules permit, with standards rules SR2011 No4 being conditions of this permit, which allow the operator to store and treat waste wood at the above location.

3.4 Fire

Officers initially noted that the site was not over capacity, with several of the quadrants either available or having sufficient capacity to store more wood waste. However, Officers did observe a small amount of overspill from two of the bays of the Maltese cross configuration, situated closest to the water tank, which needs to be addressed, as per the sites Fire Prevention and Mitigation Plan v5, which states, 'Overspill will be managed, following tipping off, the wood will be pushed into the quadrant.' Page 10 of the plan also stipulates that a freeboard space of 1 metre shall be maintained in every bay and demonstrates how the Maltese quadrants are intended to be used to store wood waste. Exert as below.

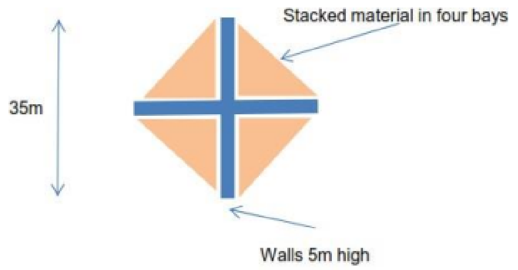


Figure 2 "Maltese Cross" stacks

There are 8 bays in total, which according to the Site Manager can store up to 250 tonnes each, totalling a maximum of 2,000 tonnes at any one time. However, I note Fire Prevention and Mitigation Plan v5, states each quadrant can store 367.5 tonnes. I appreciate this may have been an approximation given by the Site Manager during the visit, however if the plan is incorrect, please review and amend accordingly.

It was understood that the loader was temporarily out of use and required repair, which was in the process of being addressed by the Site Manager which he explained as we arrived, and the Site Manager advised the overspill would be addressed once the machinery had been fixed. Officers did appreciate that this was unforeseen circumstances, which the site were actively dealing with to resolve in a timely manner, however this does constitute a permit breach.

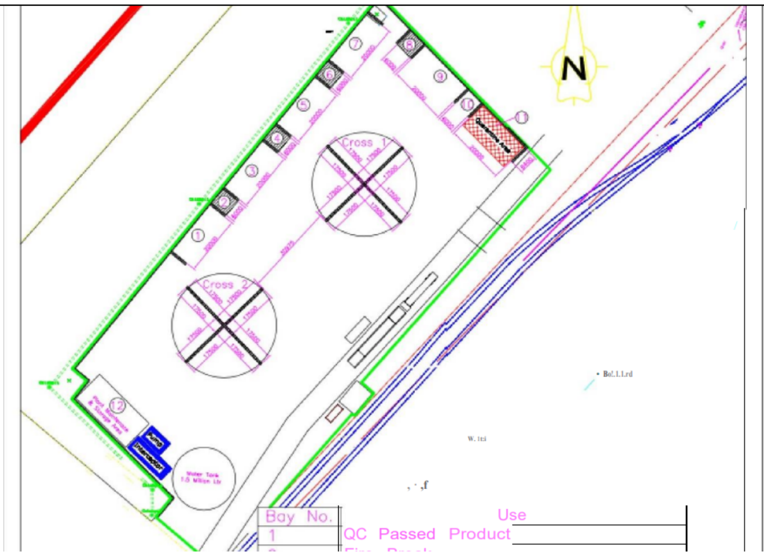
A category 3 breach with the potential for a minor environmental impact, has been recorded under (D2) Accidents, emergency and incident planning, for condition 3.4.1 which states, 'The operator shall manage and operate activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.'

As officers observed a small amount of overspill from two of the bays, demonstrating that waste is not being managed in accordance with the Fire Prevention and Mitigation Plan, as explained above.

ACTION: 1. Please ensure that all wood waste is stored, as stipulated, in the Fire Prevention and Mitigation Plan v5.

DUE: Thursday October 6, 2022

Officers also observed quarantined waste being stored next to the water tank and quayside, with wood pallets being stored in the quarantine area. Your Fire Prevention and Mitigation plan specifies a designated quarantine area, for rejected waste, identified on the plan, as Bay No. 11, as shown below.



ACTION: 2. Please ensure that the correct materials are stored in the designated quarantine area pending removal.

DUE: Thursday October 6, 2022

In inspecting the water tank on site, it was noted during discussion that the coupling link, which was fitted last year, has not been tested to ensure that it works correctly. During the visit, the possibility was discussed of the Site Manager providing evidence to demonstrate that the link works and date and time stamped photographs to demonstrate that the tank contains sufficient water supply, as stipulated in the sites Fire Prevention and Mitigation Plan. Following the visit, the Site Manager was asked via email on Thursday 18th August 2022 to demonstrate the above by providing evidence. I note, we have not received a response to date and a further request for information was sent on Monday 22nd August 2022. To formalise this request, please see below action.

ACTION ONLY: 3. Please provide evidence to demonstrate that the coupling link on the water tank works and that the tanks contain a sufficient water supply. If you wish to provide photographs, please ensure they are date and time stamped.

DUE: Thursday October 6, 2022

(C3) Materials acceptance & (C4) Storage, handling labelling and Segregation

According to the Site Manager, site last received a shipment approximately two months ago, with the last export being approximately three weeks ago. It was noted that some of the waste had been stored for 2 months and in accordance with condition 2.1.1., 'No waste must be stored for more than 3 months.' The Site Manager was aware that this would require removal from site in the coming weeks.

As advised on site, we acknowledge that the site is not over capacity and that waste has been separated to manage any fire risk, however, please ensure that all waste, including non-permitted and permitted waste is stored as specified in your working documents, or as required by the permit conditions. As it was noted, as explained above under '3.4 Fire', that wood waste pallets were currently being stored in the designated quarantine area and that there were three smaller piles quayside, which had been separated due to one containing metal fractions and the others being intended for allocated quadrants/bays, either for treatment or storage. With a skip in situ, next to the water tank, containing wastes to be removed from site.

(A1) Specified by permit

A Category 3 breach with the potential for a minor environmental impact, has also been recorded under (A1) Specified by permit, for condition 2.2.1 which states, 'The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.'

As officers witnessed three smaller piles of waste stored quayside and this area is not within the permitted boundary. As explained on site by the Site Manager, it is understood that the area quayside of the railway line does not form part of the permitted boundary.

ACTION: Please ensure all waste is stored within the permitted boundary of the site.

DUE: Thursday October 6, 2022

(C2) Management system and operating procedures

I note condition 2.1.1 states, 'The operator is only authorised to carry out the operations specified in table 2.1 below ("the activities"). Under Limits of activities, the permit states 'No more than 75,000 tonnes of waste shall be accepted at the site in any one year. However, I note the sites approved Fire Prevention and Mitigation Plan v5 states on page 6 that, 'it is anticipated that the total amount of wood waste grade B and C and oversize material to be handled will not exceed 85,000 tonnes per annum', which directly contravenes the permitted limit of 75,000 tonnes.

ACTION ONLY: As there is no evidence that the site has exceeded the permitted annual tonnage, please provide a date, by which the operator can amend the sites Fire Prevention and Mitigation Plan v5, in respect of permit condition 2.1.1. and resubmit to Natural Resources Wales for the revised plan to be agreed for use at the site.

DUE: Thursday October 6, 2022

During the inspection, it came to our attention that the site requires an admin variation in respect of the operator. I note following the visit, I subsequently received notification of application PAN-018440 on 19th August 2022.

The site visit concluded at approximately 1225 hours, and we wish to thank the Site Manager for his time during the site visit. For a summary of the actions required within 30 working days, by Thursday October 6, 2022, please refer to Section '2. What action is required?' of this document.

If there are any queries regarding the information contained within this report, due to planned annual leave in the coming weeks, please contact South Central Waste Regulation Team via email at wasteregulation.southcentral@cyfoethnaturiolcymru.gov.uk, in the first instance.

END

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.