

Compliance Assessment Report CAR_NRW0040336

Permit being assessed: CB3096ZB.

For: Orthios Eco Park, held by Orthios Feedstock (Anglesey) Limited

At: Penrhos Works, Holyhead, Sir Ynys Mon, LL65 2UX.

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

On 30/08/2022 between 10:30 and 12:15.

Parts of permit assessed: As below.

NRW Lead Officer: Leon Williams, accompanied by Anthony Roberts.

Report sent to: Asher Miller & Stephen Katz, Administrator on 15/09/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C2 - General Management - Management system and operating procedures	C4 No impact	1.1.1 (a)
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.4.1

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
C2	Present NRW with environment management system (EMS)	31/10/2022
C4	Transfer waste fines to a suitably permitted waste facility. Transfer cardboard and wood waste within permitted area or to a suitably permitted waste facility.	31/10/2022

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.

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

Routine site inspection undertaken by NRW Officers Leon Williams and Anthony Roberts accompanied by Helen Evans and Barry Kelsall of Orthios.

The site was operational during the first quarter of 2022 but has been mothballed since Orthios Feedstock (Anglesey) Limited was placed into administration in March 2022.

The administration of the company is managed by Begbies Traynor Group (London) LLP and agents, Eddisons.

Helen Evans and Barry Kelsall are part of a skeleton crew managing the site at present.

Environment Management System (EMS)

During an inspection at the site on the 4th of February 2022, Richard Lucas of Smallbrook Environmental advised that an Environment Management System (EMS) had been submitted to NRW.

Upon examination the EMS was jointly written to cover the standard rules permit CB3096ZB and installation permit CB3296HF. NRW have advised that a site specific Environment Management System is required to comply with permit condition 1.1.1 (a).

NRW requests that an adapted version of the original EMS is submitted for inspection by the **31st of October 2022**.

A CCS Category 4 score has been recorded against permit condition 1.1.1 (a) which requires the operator to operate in accordance with an Environmental Management System (EMS).

Waste Storage

NRW engaged with Richard Temple of Eddisons in April 2022 to discuss options for the removal of waste stored under permit CB3096ZB.

It is disappointing to see that no further action has been taken to remove the waste stored under permit CB3096ZB to an operational waste facility.

NRW estimate that there is currently 200 tonnes of mixed plastic waste stored within the waste transfer building in a holding bay and roll on roll off skips.

Several additional roll on roll off skips are stored in the forecourt outside the waste transfer building.

This area is not permitted to store waste under permit CB3096ZB as its outside the

permitted boundary.

A S2 exemption ref: NRW-WME070958 has been registered in this area of the site.

NRW will seek to de-register this exemption as three roll on roll off skips containing trommel fines were observed during the site inspection constituting an offence under Regulation 38(1)(a) of the Environmental Permitting Regulations 2016.

Trommel fines (EWC code 19 12 12) are not permitted to be stored under a S2 exemption.

NRW requests that the trommel fines are transferred to a suitably permitted waste facility by the **31st of October 2022**.

The additional roll on roll skips stored in the forecourt containing waste wood and cardboard should be moved within the permitted boundary of permit CB3096ZB or transferred to a suitably permitted waste facility for recovery or disposal.

A CCS Category 3 score has been recorded against permit condition 2.4.1 for this non compliance.



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 2012.

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.