

## Compliance Assessment Report CAR\_NRW0040756

**Permit being assessed:** JB3531AB.

For: Enviroventure Waste Solutions Recycling Facility, held by Enviroventure Waste Solutions Ltd

At: Waterston Ind Est, Waterston, Milford Haven, Pembrokeshire, SA73 1DP.

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

On 21/10/2022 between 12:30 and 14:00.

Parts of permit assessed: A, B, C, D

**NRW Lead Officer:** David Morgan, accompanied by Sally Wakeford.

**Report sent to:** Diana Jones, Director on 02/12/2022.

### 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)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	

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?

No action required.

### 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

This Compliance Assessment Report contains information relating to recent compliance activity undertaken at your site. This report includes observations made during a recent site inspection (Friday 21<sup>st</sup> October 2022) and feedback following a review of the site's Environment Management System.

Please note, I have also made comments regarding Waste Returns, Waste Coding and Waste Transfer Notes. **At the end of this report, you will find a list of actions you need to take to ensure you are compliant with your Environmental Permit and relevant environmental legislation.**

No non-compliances with the Environmental Permit have been recorded. However, this report does contain Advice & Guidance regarding Duty of Care and general permit compliance.

### Site Inspection

A site inspection was undertaken on Friday 21<sup>st</sup> October 2022. Present on site during the inspection were David Morgan (Natural Resources Wales), Sally Wakeford (Natural Resources Wales), Diana Jones (Enviroventure Ltd) and Gareth Hill (consultant representing Enviroventure).

During the inspection, the following observations were made:

- Large volumes of waste had been removed since the previous visit
- Some fire damaged waste has remained on site at the request of the insurance company with the intention of the company conducting a site visit to review the fire-damaged material
- All waste was being stored on the concrete pad
- All waste on the concrete pad was being stored with firebreaks so that in the event of a fire incident, spread between stacks will be prevented
- It was agreed that you would ensure access to the rear of the site is made possible so Natural Resources Wales officers can undertake boundary checks in future inspections
- The boundary netting, which prevents the escape of litter off-site, had not been replaced. It was noted that this netting has been purchased but you are waiting for weather conditions to be suitable before netting is erected
- The site's sump, when checked, appeared to almost be at capacity. When discussing the sump, it was advised that detail is provided in the Environment Management System (EMS) regarding the size of the sump. Please see EMS review comments below regarding the sump
- A large pile of material (including site surface scrapings from unmade ground) remains on site. It was noted that this material would be tested prior to its removal from site. Following an issue with the company undertaking the sampling (loss of sample), removal of this material has been delayed

No non-compliances were recorded during the inspection.

### **Review of Environment Management System**

Natural Resources Wales has reviewed the Environment Management System (EMS) for the site. This review has been completed in line with the document 'How to Comply with Your Environmental Permit'.

Following a review of the EMS, we recommend that the EMS is reviewed and updated to include further information that reflects changes to the site and/or operations since the document was originally written.

### **Initial Observation**

The most recent copy of the Environment Management System for the site is dated October 2012. Generally, it is advised that the EMS is reviewed and updated to reflect any changes to operations since the EMS was first written.

You should remove all references to The Environment Agency and replace contact details with those of Natural Resources Wales (Incident Contact Centre Tel: 0300 065 3000).

### **Identifying Risks**

The H1 Risk Assessment that accompanied the permit application does appear to identify all current risks to the environment posed by operations. On review of the H1 Risk Assessment, it is suggested that the following updates be made:

- Remove references to waste being sorted/stored and/or treated 'under cover'. It is noted that in the initial application, it was stated that the concreted area would be put under cover. As this is not the case, please amend the risk assessment to reflect current infrastructure
- In relation to the potential escape of litter, where the site has invested in fencing/netting around the site, ensure this detail is added as a risk management measure
- The risk assessment states the concrete pad is served by an underground tank that is regularly checked. You may wish to include detail about the total capacity of the underground storage tank and what maintenance is undertaken to ensure its integrity

### **Site Layout & Plans**

Appendices 1.1 & 1.2 are diagrams of the site location and site boundary. It is unlikely these diagrams will need to be updated or amended. However, you should review and update the plan titled 'Site Layout Plan' (Figure 2.4.1). This document is a diagram of the site which shows concreted surface areas, site drainage and direction of flow for surface water run-off. Please update this plan if infrastructure has changed (notably any extension

to concreted areas/installation of boundary fencing etc.).

### **Operations**

The EMS refers to onsite acceptance and treatment of 'exempt waste'. As of 18<sup>th</sup> November 2022, our public register indicates there are no waste exemptions registered to the site. Please ensure the EMS is updated to reflect this.

Alternatively, if waste exemptions are registered to the site, please clearly define procedures for managing this waste (specifying which waste exemptions are registered).

### **Other notes on waste storage**

- The EMS contains detail about waste acceptance and treatment procedures. You should include information regarding volumes accepted and treated on site, such as:
  - Volumes typically accepted/treated on an annual basis
  - Volumes of waste typically on site at any one time
  - Include procedures that are in place to ensure these limits are not exceeded
  - Detail waste storage heights and how current practices comply with any relevant planning permission (refer to limits set out in planning permission)

### **Site Condition Report**

The application for the original permit (2012) contains extensive information about the history of the site and site condition records. You may wish to update these records as it will show you have taken the necessary measures to prevent pollution from occurring during the operational lifetime of the site.

You may wish to produce records on infrastructure developments, pollution incidents and mitigating measures taken during the operational lifetime of the permit.

### **Information & Records**

Thank you for sending Duty of Care Waste Transfer Notes to Natural Resources Wales. These Waste Transfer Notes covered the transfer of waste off site during a recent fire incident.

Please ensure Waste Transfer Notes are fully completed and contain information regarding volume/how waste is contained. Some of the Waste Transfer Notes are not fully completed, and some are missing information such as EWC code, quantities, and confirmation of how waste is being contained.

Appendix 2.9 'Site Inspection Checklist' is a template record for daily site inspections. This appears to capture the information required. It is likely Natural Resources Wales officers will request to see copies of recent site checklists during the next inspection.

### **Site Security**

You may wish to review the security measures section of your EMS to reflect current infrastructure on site. The EMS states that there is 2-meter-high steel palisade fencing around the site. During the last inspection of the site, the rear of the site upon entering does not have steel palisade fencing to prevent unauthorised access. It may be appropriate

to add infrastructure to your site plan.

All other security measures appear to conform to the requirements of 'How to Comply With your Environmental Permit'.

### **Staffing & Management Structure**

Appendix 2.1 'Site Management Structure' contains information on staffing numbers. You should consider adding information regarding TCM attendance on site and a commitment that all staff will be trained be made aware of their responsibilities in relation to compliance with the Environmental Permit. You should also ensure staff have access to a copy of the EMS (containing Accident Management Plan).

Appendix 2.2 'Training Checklist' has been received. This is a template for training of site staff. During the next inspection, it is likely that Natural Resources Wales will request to review training records for staff on site.

### **Accident Management Plan**

An Accident Management Plan was received upon request via email. There does not appear to be a version number or date on the document. Can you please add this detail to confirm the plan is up to date and relevant to activities currently ongoing at site.

The plan does contain an emergency contact for the business owner. You may wish to consider secondary contacts or contact details for other employees on site in the event the business owner is unavailable. You should include staff lists with contact details for times when the business owner is not on site.

Your Accident Management Plan must contain a site plan which identifies location of any emergency kits or equipment for fire, spill kits and drain caps.

### **EMS Review Summary**

The Environment Management System for the site appears to be largely compliant with the requirements set out in the document 'How to Comply with Your Environmental Permit'. However, you should consider reviewing the document as the latest version of the document is now ten years old.

It is suggested that you review the Environment Management System, so all changes, updates and information requested above is considered. Once the review is complete, you should add the details of the date the review took place and send a copy to Natural Resources Wales.

### **Waste Returns**

It appears that Natural Resources Wales has not received Waste Returns information from you since 2018. We discussed this during the inspection and you suggested the possibility of an administrative/IT issue. Can you please provide emails/evidence to suggest these documents have been submitted as we do not have these records on our system.

### **Waste Coding**

During our recent inspection we discussed the coding of waste that was leaving site. Having reviewed this information, we agree with the classification of waste as being unchanged to when it is accepted on site as treatment on site is manual only and the wastes are not altered physically, biologically, or chemically.

You may need to consider the coding of waste in skips that do not come from construction & demolition sources if/when such waste is accepted on site. An example would be skip waste from municipal sources that may be different in source to that of mixed construction & demolition waste.

### **Waste Transfer Notes**

Following the recent fire incident (August 2022), Natural Resources Wales requested copies of Waste Transfer Notes for waste that was removed from site during the incident. Having reviewed these Waste Transfer Notes, information does appear to be missing from some of the documents.

As an example:

- Waste Transfer Notes '59436', '59309' and '59435' do not contain EWC codes
- None of the Waste Transfer Notes contain information about the process (if any) waste has been through
- The Waste Transfer Notes do not contain weights/volumes of the loads

All Waste Transfer Notes **must** contain the following information:

- a description of the waste
- any processes the waste has been through
- how the waste is contained or packaged
- the quantity of the waste
- the place and date of transfer
- the name and address of both parties
- details of the permit, licence or exemption of the person receiving the waste
- the licence or registration number of the person handing over the waste, if they have a waste management licence or are a registered carrier of controlled waste
- the appropriate European Waste Catalogue (EWC) code for your waste
- the Standard Industry Code (SIC) of your business

### **Actions**

Following a recent site inspection and review of the Environment Management System, you must complete the following actions to be compliant with your Environmental Permit and

relevant waste legislation:

- 1. Install boundary netting/fencing on site and inform Natural Resources Wales when this work is complete**
- 2. Ensure all areas of the site are accessible in future inspection**
- 3. Review the site's Environment Management System and appendices, using observations made in this report and following the 'How to Comply with Your Environmental Permit' guidance**
- 4. Provide evidence to/information that clarifies Waste Returns data has been submitted to Natural Resources Wales**
- 5. Consider origin of waste when coding waste for removal of site**
- 6. Ensure all Waste Transfer Notes contain the relevant information**

**These actions should be completed as soon as is practically possible but will not be reassessed before Friday 3<sup>rd</sup> March 2023.**

*Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1 st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.*

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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](mailto: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](mailto: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.