

Compliance Assessment Report CAR_NRW0040766

Permit being assessed: KP3095FE.

For: Woodstock Waste Transfer Stn, held by Gwilym Eirwyn Williams

At: Woodstock Waste Disposal, Unit 7B, Castle Way, Severn Bridge Industrial Estate, Portskewett, Caldicot, Monmouthshire, NP26 5PR.

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

On 05/12/2022 between 10:40 and 11:25.

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

NRW Lead Officer: Carla Curtis, accompanied by Anthony Bruten.

Report sent to: Eirwyn Williams, Site Manager on 09/12/2022.

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)	
C1 - General Management - Staff competency/training	Action only (X)	
C3 - General Management - Materials acceptance	C2 Significant	1.1.1
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	7.2.2

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

Total number of non-compliances recorded	Total non-compliance score
2	31.1

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
C1	Operator to submit updated WAMITAB certificate when completed course	31/01/2023
C3	- Remove waste tonnages down to the maximum storage capacity of 90 tonnes by 31 January 2023. - Implement measures to see that this waste level is not exceeded in future.	31/01/2023

Criteria	Action needed	Complete by
D2	The site must produce a Fire Prevention and Mitigation (FPMP) document.	31/01/2023
G4	Submit outstanding waste return documents	31/01/2023

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Compliance Assessment Report – Woodstock Waste.

This report details the site inspection of the environmental permit EPR-KP3095FE held by Gwilyn Eirwyn Williams on the 5 December 2022 by Officers Carla CURTIS and Tony BRUTEN. Officers met with Mr E Williams during the inspection who accompanied around the permitted area.

Weather conditions were cold and dry during inspection.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact on effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property
- 4 – A non-compliance which has no potential environmental effect

PERMIT COMPLIANCE – BREACHES

CATEGORY 2 BREACH – PERMIT CONDITION 1.1.1

C3 – General Management – Material Acceptance -.

At the time of the inspection, it was evident that the maximum storage capacity of 90 tonnes was being largely exceeded – estimated to be around 400-500 tonnes. There was a large and alarming sized stockpile of construction and demolition/soil-based wastes present

across areas Unit 7b and Unit 7 – as seen in Image 5.

The site has continued to accept waste beyond its storage capacity, which has created environmental issues of materials leaving site boundary and unnecessarily increasing the fire risk. This is a direct non-compliance with permit condition 1.1.1, which has scored a Category 2 breach as a result.

- **Action:**
- ***Remove waste tonnages down to the maximum storage capacity of 90 tonnes by 31 January 2023.***
- ***Implement measures to see that this waste level is not exceeded in future.***

CATEGORY 4 BREACH – PERMIT CONDITION 7.2.2

G4 – Reporting and notification to Natural Resources Wales

‘A summary record of the waste types and quantities accepted and removed from the site shall be made each quarter of the financial year and shall be submitted to the Agency within one month of that quarter.’

- ***Failure to submit annual waste return data to NRW for 2021 and 2022***
- **Action:**
- ***Submit outstanding waste return documents***

STATUTORY ENFORCEMENT NOTICE

NRW intend to issue an Environmental Permitting (England and Wales) Permitting Regulation 36 Statutory Notice for the removal of the excessive waste over 90 tonnes by **31 January 2023**.

The operator expressed willingness to co-operate with this request and has endeavoured to reduce the tonnages by this date.

Waste Exemptions The operator has registered exemptions for the storage of wastes adjacent to the permit boundary. There was no distinction between these two work areas, which is a cause for concern. Waste was witnessed pushed against the site boundary and, in some instances, falling outside of the permit boundary.

The permitted site boundary covers Unit 7B only. Activities including the storage and processing of waste were being conducted in Unit 7 (which is directly adjacent to Unit 7B) at the time of the inspection. These activities were clearly associated with Unit 7B as there was no delineation and demarcation of the permitted site boundary.

Storage of waste in the Unit 7 area has previously been undertaken under the authorisation of

a S2 Waste Exemption An exemption can be registered within or directly adjacent to a permit boundary for a waste operation. However, NRW expect these activities to be clearly separate with documentation to demonstrate this. You must be able to demonstrate to NRW whether an activity is being carried out under a waste exemption or an environmental permit.

Action

Adhere to current permit boundary, ensure activities of the permitted site (Unit 7B) and under the Compliance Assessment Report CAR_NRW0039214 [www](#)

GENERAL OBSERVATIONS

The housekeeping and separation of waste streams within the permit boundary was noted to be poor. Wastes were stored in metal skips across the site; however, the site was storing too much waste for its size and capacity. Wastes need to be treated and removed from site as a priority before any more is brought onto site.

C1 – General Management – Staff Competency/Training – Action only –

Permit condition 1.5.1 requires the operator to submit evidence that personnel have the required technical competence to manage site activities. Evidence of technical competency is required to assess compliance with permit condition 1.5.1. This can be in the form of electronic copies of any continuing competency certificates held by the site manager.

Action

Submit evidence of technical competency for review.

A deadline of 31 January 2023 has been specified for this action to be completed.

The drainage system and infrastructure were not examined on the inspection.

D2 – Incident Management - Fire Prevention & Mitigation Plan (FPMP) – Action only

On 19 June 2018, the permit underwent an NRW-led variation to include permit condition 4.3. This condition requires the operator to manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

Action

The site must produce a Fire Prevention and Mitigation (FPMP) document.

TRANSFER OF WASTE PERMIT

The operator has previously voiced intentions to sell the site. It was mentioned by the operator that the site is likely to be sold in the New Year and the Permit transferred to a new company. Further information on the process for how to apply for the transfer of a waste permit can be found on the NRW website here:

[Natural Resources Wales / Apply to transfer a waste permit.](#)

Please note that all non-compliances with regard to waste volumes must be rectified before NRW would sign-off a transfer of the permit and its responsibilities.

WASTE RETURN SUBMISSIONS

According to NRW records, Woodstock Waste have failed to submit any waste return data over the last few years, Permit condition 7.2.2. states that:

'A summary record of the waste types and quantities accepted and removed from the site shall be made each quarter of the financial year and shall be submitted to the Agency within one month of that quarter.'

As a reminder to the operator, please see below the waste return submission deadlines:

WASTE RETURN SUBMISSION DEADLINE

ACTION:

Please ensure all recent / up to date waste return data is submitted to NRW by 31 January 2023.



Images 1,2 & 3 showing the height of the waste pile (Image 1)



Image 2



Image 3



Image showing the skips, containing plasterboard, wood & general waste (Image 4)



Images showing excessive waste pile sloping down to boundary fence at the back of the site (image 5)



Image showing boundary fence to the left hand side (Image 6)



Image showing storage of tyres (Image 7)



Image showing fire extinguishers (Image 8)

If you have any queries regarding this Compliance Assessment Report, please contact regulatory officer Carla Curtis on 07815977574, or via email at Carla.curtis@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.

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.