

Compliance Assessment Report CAR_NRW0040892

Permit being assessed: JP3198FJ.

For: Graigola Wharf, held by Stenor Environmental Services Ltd

At: Swansea Docks, Swansea, SA1 1QR.

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

On 23/11/2022 between 10:00 and 11:00.

Parts of permit assessed: Waste Storage

NRW Lead Officer: Sally Wakeford.

Report sent to: Steve Norman, Director on 04/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1 Table S1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1(a)

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
A1	Remove waste which has been imported to site since permit issue to ensure compliance with permit conditions	20/11/2023
C2	Ensure the removal of the waste within the appropriate time scales and undertake stockpile rotation in the future to ensure compliance with the regulations and permit conditions.	20/11/2023

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

On 23 November 2022 a site inspection at Stenor Environmental at Swansea Docks was undertaken by Sally Wakeford, and accompanied on site by Steve Norman.

The site is currently under notice to remove waste imported to the site during the lifetime of the permit. At present, there is no waste being imported to site. There is also no activity on site to suggest any waste is currently being processed and removed.

The future of the site was discussed, and Stenor is currently awaiting direction from the landlord, ABP.

Non-compliances:

The non-compliances marked below have been scored due to the continued non-compliance and enforcement notice currently in place at the site.

It is noted that to date NRW have received the information required under the notice for materials removed from site which do not fall within the waste returns (e.g. aggregate removed under WRAP QP), namely Q1 and Q2 2021.

A1 – Specified by Permit – Permit Condition 2.1.1 Table S1.1 – CAT 3 breach.

You have been given a breach of the above permit condition as when on site it was noted and discussed that waste had been on site longer than 3 years. It has been stated previously that there is a 3 year limit before the temporary storage of waste effectively becomes a landfill or land raise, as stated in Landfill Regulation 2002. In order to undertake a landfill activity, you need to have a permit with the appropriate D code in the Operations Table S1.1, as stated in the Waste Framework Directive. Namely a D1 code. Your permit does not contain this code, and only the R13 code for temporary storage of waste prior to recycling. Temporary storage limited to 3 years by the Landfill Regulations.

Permit condition 2.1.1 states: *The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).*

ACTION: Remove waste which has been imported to site since permit issue to ensure compliance with permit conditions.

It is noted that some waste/product has been removed, and a Section 59 Notice for the removal of waste has been served with a deadline of 20 November 2023.

C2 – Management Systems – Permit Condition 1.1.1(a) – CAT 3.

You have also been scored a CAT 3 breach of the above permit condition as the root cause for the failure to manage the stockpiles of waste on site as a temporary storage. The lack of sufficient management has meant a very large deposit of waste has occurred.

Permit Condition 1.1.1 states: *The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of*

complaints;

ACTION: Ensure the removal of the waste within the appropriate time scales and undertake stockpile rotation in the future to ensure compliance with the regulations and permit conditions.

Once the waste is removed NRW will request a stock rotation plan to be provided to NRW as part of your operating procedures and management system to ensure continued compliance.

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.