

## Compliance Assessment Report CAR\_NRW0041185

**Permit being assessed:** CB3096HG.

For: Land Adjacent to Ty Newydd, held by McKenna Waste Ltd

At: Thornhill Road, Cwmgwili, Llanelli, SA14 6PT.

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

On 08/02/2023 between 11:00 and 12:30.

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

**NRW Lead Officer:** David Morgan.

**Report sent to:** Duncan McKenna, Site Manager on 15/02/2023.

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

| Part of permitted activity assessed (criteria)                       | Assessment result | Permit condition |
|----------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                             | Assessed (A)      |                  |
| B3 - Infrastructure - Site drainage engineering (clean and foul)     | Assessed (A)      |                  |
| C2 - General Management - Management system and operating procedures | C4 No impact      | 1.1.3            |
| C3 - General Management - Materials acceptance                       | Assessed (A)      |                  |
| D1 - Incident Management - Site security                             | C4 No impact      | 1.1.1 (a)        |
| F3 - Amenity - Dust/fibres/particulates and litter                   | 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 |
|------------------------------------------|----------------------------|
| 2                                        | 0.2                        |

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       | Ensure copies of the Environmental Permit and Environment Management System are made available on site. | 01/09/2023  |
| D1       | Identify risks posed by site security and consider improvements to site security.                       | 01/09/2023  |

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.

**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**

A routine site inspection was undertaken on Wednesday 8th February 2023. Present at the time of the inspection were David Morgan (Natural Resources Wales) and Duncan McKenna (McKenna Waste Ltd).

A site inspection was undertaken and the following observations were made:

**Site Security**

It is noted that the site is situated on land off Thornhill Road in Cwmgwilli. Whereas the site is set back from the main road, the access road is not gated. On entering the site, it was noted that large sections of the boundary fencing had fallen down and/or have been taken down.

The site is accessible and measures should be taken to deter and prevent unauthorised access.

The Environment Management System (EMS) for the site does not address this risk under 'Site Security'. As a result, a non-compliance with the Environmental Permit has been recorded.

**A non-compliance (Category 4 - No Impact) (Ref:D1) has been recorded against condition 1.1.1 (a) of the Environmental Permit.**

Please review site security measures and ensure steps are taken to prevent unauthorised access. You should also review site security measures risks and measures in the Environment Management System.

**Amenity**

Lack of sufficient fencing/netting at the site boundary can lead to litter and waste escaping site. Although the adjacent property is allegedly under your ownership, improved boundary fencing will prevent escape of waste from site.

On this occasion, the site boundary was inspected and was free from any litter. No waste had escaped site.

**Waste Storage & Treatment**

At the time of the inspection, all waste appeared to be stored and treated on the concrete pad. Sorted wastes were segregated into different skips accordingly and all waste present on site appeared to be compliant with the list of acceptable wastes in the Environmental Permit.

We discussed quarantine measures and procedures for rogue/hazardous wastes that may

be found on site.

### **Drainage**

The concrete pad, where waste is stored and treated, is served by a French drain and underground storage tank. The drains were clear and free from debris, thus appear to be well maintained.

The manhole for the underground tank was removed and the tank appeared to be full. The water in the tank was free from any visible oils/greases, but this tank should be emptied at your nearest convenience. Failure to regularly clear the sump may result in site surface waters discharging/overflowing from the manhole.

### **Environmental Permit & Environment Management System**

Following the site inspection, a request was made for copies of the Environmental Permit and Environment Management System. Copies of these documents were not available on site.

You must make copies of these documents available on site and all staff should have a knowledge of their responsibilities and how their roles impact compliance with the Environmental Permit.

### **A non-compliance (Category 4 - No Impact) (Ref:C2) was recorded against condition 1.1.3 of the Environmental Permit**

It is recommended that after having made copies of these documents available on site that some form of 'toolbox' training session takes place so all staff with responsibilities on site are aware of what these documents are and how to use them.

### **Summary**

The site appears to be well organised and waste storage & treatment operations appeared to be compliant with the Environmental Permit.

You must review site security risks and measures that can be implemented to prevent unauthorised access and escape of litter from site.

You must ensure copies of the Environmental Permit and EMS are kept on site and that staff know where to find these documents.

You may benefit from installing a sensor with alarm on the sump to notify you when it requires emptying. Please ensure this drainage unit is regularly checked to prevent it overflowing.

Thank you for your time during the inspection.

END OF REPORT

***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.***

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.