

## Compliance Assessment Report CAR\_NRW0041591

**Permit being assessed:** VP3598FA.

For: Thomas Brothers, held by Phillip Anthony Thomas & Stephen Charles Thomas

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

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

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

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

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

**Report sent to:** Stephen Thomas, Operator on 21/03/2023.

### 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)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
D1 - Incident Management - Site security	Assessed (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
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

A site inspection was undertaken on Friday 21<sup>st</sup> October 2022. The purpose of the inspection was to assess compliance with the Environmental Permit following the fire incident that occurred on site in August 2022.

At the time of the inspection, present on site were David Morgan, Sally Wakeford (Natural Resources Wales) and Stephen Thomas (TBS).

**Following an inspection of the site, no non-compliances were recorded, and operations at the time of inspection were deemed to be compliant with the Environmental Permit.** Natural Resources Wales has since reviewed the site's Environment Management System and feedback has been provided below.

During the inspection, the following items were discussed, and observations made:

### **Fire Incident & Recovery Work**

A fire incident occurred on site on August 14<sup>th</sup> 2022. Following an investigation, the Fire & Rescue Service have confirmed that the fire did start on the TBS site, however, having reviewed CCTV footage, the cause appeared to be accidental with the likely source of ignition being a lithium-ion battery or other ignition source was mixed amongst an incoming waste load.

At the time of the inspection on 21<sup>st</sup> October 2022, the area of the site where the incident began was now clear and waste had been removed from this area of the site.

It was noted that engineers had been appointed to begin repair work on the roof which covered that main waste reception area. Roofing in this area had been damaged by the fire.

The waste storage bay to the rear of the yard (upon entering the site) was full of mixed waste. It was suggested that the picking line would need to be operational prior to this bay being emptied.

### **Infrastructure & Operating Techniques**

During the fire, the roof on the main building was damaged and was partly removed. It is understood that the aim is to replace roofing when possible. Please be mindful of the implications in terms of compliance with 'Operating Techniques' stated in your Environmental Permit.

Table 2.3 states that unless stored outside as a specified waste, all bulking, transfer or treatment of waste shall be carried out inside a building. Please see table 2.3 below, as is stated in the permit:

**Table 2.3 Operating techniques**

1. Unless stored or treated outside as specified waste<sup>3</sup>:
  - a) all bulking, transfer or treatment of waste shall be carried out inside a building;
  - b) all waste shall be stored in a building or within a secure container.
  - c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.
2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system.

You may wish to review operating techniques against infrastructure in the coming months to ensure

activities on site remain compliant with the Environmental Permit.

### **Site Drainage**

The site is served by an underground storage tank which can be accessed to the rear of the site behind the building. The manhole was removed for inspection and the level of water appeared to be high which suggested the storage sump was almost at capacity.

It was suggested on site that the maximum storage volume of the sump is 60,000 litres, however, your Environment Management System states the total capacity of this unit is "3,000 gallons) which equates to approximately 11,000 litres. It is likely that in future inspections, Natural Resources Wales will request further information regarding this storage sump including evidence of its total capacity and records of maintenance checks. We may also request copies of the consignment notes issued for removal of site surface waters.

### **Environmental Permit & Environment Management System (EMS)**

Your Environmental Permit requires you to keep copies of the permit and Environment Management System on site. On request, copies of the permit and EMS were made available. It was noted that EMS was last updated in January 2015.

The guidance document 'How to Comply with Your Environmental Permit' describes the standards and measures that need to be in place to ensure any potential pollution from your activities is mitigated and that your activities comply with your Environmental Permit.

Having reviewed your Environment Management System, the following observations were made. You may wish to take these in to consideration when next reviewing your EMS:

Page 35 of 'How to Comply with Your Environmental Permit' states your EMS must include the following information in relation to **waste storage**:

- Storage times and procedures to ensure these times are not exceeded
- Maximum storage capacities for specified storage areas (you may wish to consider adding a waste storage location plan if this is not included in your EMS)

In relation to **staff and competent persons**, you may wish to add the details of the Technical Competent Manager and confirm the time they spend on site each week. Also, please consider:

- Adding information regarding staff numbers, roles and responsibilities
- Training records for staff in relation to permit compliance
- Providing evidence that staff are aware of their responsibilities in relation to the permit

The site is served by an **underground storage sump** which the EMS states as having a capacity of 3,000 gallons. Please consider adding the following information to the EMS regarding the sump:

- Commitment to undertake regular checks of the integrity of the system
- Confirm the maximum storage capacity for the sump
- Confirm whether sump has level probe and alarm or if emptying is prompted by visual check
- You may wish to consider the implications of storage capacity following damage to the roof from the fire incident as with increased rainfall on site, it is likely the sump will need to be emptied more regularly

A copy of the site's **Accident Management Plan** was not requested by officers and thus was not provided for inspection. Please ensure an Accident Management Plan is on site and made available to staff. It is noted

that a number of Risk Assessments are contained within the EMS.

Other than what is identified in the Risk Assessments, your Accident Management Plan should include:

- A site plan that identifies location of emergency kits (first aid kits, spill kits etc)
- A list of key contacts (likely to be contained in Fire Prevention Plan)
- Plans to undertake drills and exercises to manage accidents and incidents
- You may wish to consider incident recovery procedures such as identifying alternate permitted sites to take waste to in the event of an incident and also a list of companies that can tanker away site surface waters (24-hour availability)

Appendix 7 of the EMS is titled '**Site Drawings**' but these appendices are not attached to this document. You may wish to add these documents to the EMS.

All **staff** on site should have access to the Environmental Permit and management systems and they should be aware of their responsibilities and how their roles impact permit compliance.

The **fire incident** that occurred in August 2022 is confirmed, by the Fire & Rescue Service, to have been caused by accidental ignition in the main waste pile. This could have been caused by a lithium-ion battery or similar electrical item of waste that was stored out of sight within the general mixed waste.

You may wish to consider the following as further preventative measures, if they are not already in place:

- Providing extra information to customers as to what can/can not be placed in skips
- Thermal imaging camera or other form of monitoring to measure pockets/build-up of heat within mixed waste loads with measurements being taken at the end of the day (especially before site is left unattended on a Sunday and/or bank holiday)

### Summary

Following a fire incident in August 2022, recovery work, including reinstatement of roofing on the main building is underway.

An inspection was undertaken on October 21<sup>st</sup> 2022, and operations at the time of the inspection were deemed to be compliant with the Environmental Permit. **No non-compliances with the permit were recorded on this occasion.** It is likely, that in a future inspection, Natural Resources Wales officers will request further information regarding the underground storage sump including its maximum capacity and records of any maintenance work undertaken.

Thank you for providing the Environment Management System. The EMS appears to identify risks of pollutions and states procedures that are in place to help achieve compliance with the Environmental Permit. You may wish to consider some of the information above following a review of the EMS.

As the most recent version of the EMS is dated January 2015, and as the EMS is considered a 'live' document, it is recommended you review this document in line with the contents of the guidance document 'How to comply with your Environmental Permit'.

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 1st 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.