

Compliance Assessment Report CAR_NRW0042489

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: Incident Response (Incident number 2306935).

On 14/09/2023 between 15:40 and 16:30.

Parts of permit assessed: Storage of waste

NRW Lead Officer: David Ellar, accompanied by Hugh Martin.

Report sent to: Diana Jones, Director on 26/09/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	1.1.1
A1 - Specified by permit	C2 Significant	2.1

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

Total number of non-compliances recorded	Total non-compliance score
2	62

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	Manage and operate site activities in accordance with an EMS that minimises risk of pollution. E.g. reduce waste, create stockpiles with separation between them and create fire breaks.	31/10/2023
A1	All waste must be stored and treated on an impermeable surface with a sealed drainage system as detailed in table S1.1	15/11/2023

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

An unannounced visit was made by David Ellar and Hugh Martin (NRW) to the site following concern raised by the Mid and West Fire Rescue Service about quantity of waste being stored. During the visit NRW officers were accompanied around the site by site foreman Phil Harris (Enviroventure).

The weather was grey and overcast and it had been raining.

During the inspection the following observations were made:

Storage of waste:

There was one large stockpile of mixed waste that filled up nearly half of the site running from the boundaries at each side of the site, the pile was approximately 4m high. The eastern end of the waste pile was predominantly mixed wood waste and there was no separation between the wood and the other wastes. It was not possible to see limits of the existing area of impermeable concrete with sealed drainage as the stockpile of waste was too large and was clearly extending beyond its limit.

Fire Risk:

Concern regarding quantity of waste on site raised by the FRS was confirmed. All waste was in one large pile with no separation or fire breaks in between. It is also believed the total quantity of waste on site exceeds the total amount quoted in the current site EMS.

Infrastructure improvements:

A new area of concrete had been laid to the western boundary of the site. It had not long been laid and was still in the 'curing' stage so unable to be utilised for waste storage. Phil Harris explained it was the intention to utilise this area for waste storage and continue on with infrastructure improvements and concrete the rest of the yard.

Permit Breaches:

Stockpiles:

The operator must manage and operate site activities in accordance with an EMS that minimises risk of pollution. The current EMS dated January 2023 (which has not yet been agreed by NRW) states that there would be distinct stockpiles of waste with fire blocks or separation distances in between them, this is not the case. The waste on site is currently all in one large stockpile running the full width of the site. **This is a breach of permit and has been recorded as a category 2 non-compliance under (A1) condition 1.1.1 as it poses a significant fire risk.**

Photograph showing stockpiles of waste:

**Actions:**

- Reduce amount of waste on site
- Create distinct stockpiles with fire blocks and / or separation gaps between them.

Impermeable surface:

Waste was being stored on made ground and not on an impermeable surface. Table S1.1 of the permit states that waste must be stored and treated on impermeable surface with a sealed drainage system. **This is a breach of permit and has been recorded as a category 2 non-compliance under (A1) condition 2.1 and table S1.1 as it poses a significant risk to the surrounding environment.**

Photograph showing waste being stored on made ground and not an impermeable surface:



Action:

All waste must be moved, treated and stored on an area of impermeable surface as detailed in table S1.1 of the permit.

Thank you for your time during our visit.

Ends.

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 2012.

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.