

Compliance Assessment Report CAR_NRW0042686

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: Other.

On 09/10/2023 between 11:00 and 12:00.

Parts of permit assessed: Various

NRW Lead Officer: Carla Curtis, accompanied by Jodie Baskerville.

Report sent to: Eirwyn Williams, Site Manager, TCM on 13/11/2023.

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	1.1.2
C2 - General Management - Management system and operating procedures	C3 Minor	1.4.3
C3 - General Management - Materials acceptance	C2 Significant	1.1.1
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
4	39.1

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
A1	Adhere to current permit boundary, ensure activities of the permitted site (Unit 7B) and under the S2 Waste Exemption (Unit 7) are clearly separate	11/12/2023
C2	Operate in accordance with working plan/written management system	11/12/2023
C3	Remove waste tonnages down to the maximum storage capacity of 90 tonnes	11/12/2023
G4	Submit outstanding waste returns	11/12/2023

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

Introduction

This report details the site visit made on the 9 October 2023 to Woodstock Waste, Permit number EPR-KP3095FE. The purpose of the visit was to check compliance with the recently expired Regulation Notices issued to the site. Officers Carla CURTIS and Jodie BASKERVILLE arrived at site at around 11:00 and were met by Mr. Eirwyn WILLIAMS. Weather conditions at the time of the inspection were warm and sunny.

Background

Since December 2022, the HSE have also been undertaking investigations at the site and have served various enforcement notices regarding unsafe working conditions. One such notice issued to site was a Prohibition Notice, which remained in place until a safe system of work devised by an accredited structural engineer, was submitted to HSE. An adequate system of work was finally agreed by HSE in May 2023 and their investigation remains ongoing.

Regulation 37 Notice

Following the approval of an adequate system of work in May 2023, NRW issued a Regulation 37 with a deadline of 31 August 2023. This was to partially suspend waste coming into site and to get the site back into compliance by removing waste to get back to permitted allowance. However, following a site visit on 7 September 2023 the site was found to be non-compliant with the Notice. Mr. Williams admitted that he had been bringing in waste in order to allow him to generate an income. Following discussions with our legal department we took the pragmatic approach of withdrawing the Regulation 37 notice and issued a Regulation 36 notice with a deadline of 6 October 2023. This notice, whilst allowing waste to be brought onto the facility, also required Mr. Williams to bring the volume of waste on site back into compliance with the permitted amounts. Despite issuing a new notice, NRW will still be considering our enforcement response in relation to the noncompliance with the Regulation 37 Notice.

Regulation 36 Notice

Officers attended site on 9 October and found the Regulation 36 notice has not been complied with. NRW will now be considering next steps in line with the permitting regime in EPR.

Observations – Breaches

A1 – Specified Permit – CAT 3 – Permit condition -1.1.2 These activities should be clearly separate with evidence an activity is being carried out under a waste exemption or an environmental permit.

Condition 1.1.2 of your permit states:

“Where wastes are brought onto site for waste management operations which are exempt from licensing under the 1994 Regulations, then the wastes which are subject to the specified waste management operations shall be kept clearly segregated and identified from those wastes which are being kept on the site

for the exempt waste management operations”

Whilst on site it was evident that the two activities are not clearly distinguishable from one another.

The above breach of Condition 1.1.2 has been scored a Category 3 breach under A1 – Specified by permit.

Action – Please ensure that activities undertaken under the permit and those undertaken under the exemption are clearly distinguishable with documentation to demonstrate this.

C3 - General Management - Materials Acceptance - CAT 2 - Permit Condition 1.1.1 - the permit states that the maximum storage capacity on site is 90 tonnes. Waste consisted of mixed residual waste and part fines is stockpiled on site in excess of 90 tonnes: conservative estimate of total waste mass in excess of 500 cubic metres. This is a direct breach of the permit. I have scored this as a non-compliance with the Permit condition 1.1.1 as a category 2 breach due to the sheer volume of waste.

G4 - Reporting and notification to Natural Resources Wales – CAT 4 – Permit Condition 7.2.2 - No waste return submissions received since Quarter 3 2022

C2 - General Management - Management System & Operating Procedures - CAT 3 - Permit Condition

“Whilst it is evident that your current permit is very outdated, it is clear that the site is not being run in accordance with the conditions of the permit, nor the working plan.

Condition 1.4.3 of your permit states;

“All site staff shall be, or shall work under the direct supervision of a member of staff who is, fully conversant with those aspects of the licence conditions and working plan which are relevant to their specific duties”

It is vital that your working plan adequately reflects the current activities being undertaken on site and how they are carried out to minimise risks. All risks need to be identified and processes put into place and documented as to how these risks are managed so as not to cause harm to the environment or people and to ensure full compliance with your permit conditions.

If you have any queries regarding this Compliance Assessment Report, please contact regulatory officer Carla CURTIS 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.