

Compliance Assessment Report CAR_NRW0042951

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 20/11/2023 between 11:00 and 11:30.

Parts of permit assessed: Notice Compliance

NRW Lead Officer: Sally Wakeford.

Report sent to: Steve Norman/Stacey Norman, Director/TCM on 06/12/2023.

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	30/06/2024
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	30/06/2024

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 inspection was undertaken at Stenor Environmental Services Ltd permitted site EPR/JP3198FJ at Swansea Docks on 20 November 2023. This inspection was to assess compliance with the Section 59 ZB(2)(a) and (b) served on 21 January 2021. This notice required the removal of controlled wastes namely soils and stones kept at the site by the 20 November 2023. During this time the site was to provide details of all wastes and materials leaving site and report this quarterly to NRW.

Waste and materials leaving site:

It is noted that Stenor continue to submit NIL returns for waste leaving site. During the notice period Stenor have submitted details of any material leaving site which does not fall within the waste returns (e.g. aggregate removed under the WRAP QP).

In 2017 a survey was conducted by Wardell Armstrong, under instruction from the landowner ABP of the Stenor site. At this time, it is understood that Stenor had ceased accepting wastes, as discussed in Compliance Assessment Report NRW_CAR0032533 from November 2017.

Comparing this data and the LIDAR data from 2008 (approximately at the time of permit issue) resulted in a net volume increase on the site of 298,470m³.

Using the EA/SEPA conversion factor of x1.06 for the most commonly inputted waste stream of 17 05 04 (soils and stones) the total amount of waste to be removed from the site was estimated to be 316,378 tonnes of waste which remained on site.

The total tonnage of WRAP QP material removed from site during the notice period was reported as 11,484.28 tonnes.

	Outputs from product	Inputs on waste returns	Outputs on waste returns	Net removed from site
Q4 2020	2539.56	0	0	2539.56
Q1 2021	6254.82	0	0	6254.82
Q2 2021	2689.9	0	0	2689.9
Q3 2021	0	0	0	0
Q4 2021	0	0	0	0
Q1 2022	0	0	0	0
Q2 2022	0	0	0	0
Q3 2022	0	0	0	0
Q4 2022	0	0	0	0
Q1 2023	0	0	0	0
Q2 2023	0	0	0	0
Q3 2023	0	0	0	0
Q4 2023	0	0	0	0
Total	11484.28	0	0	11484.28

No waste was declared as being removed from site on the waste returns during the notice period.

This leaves an estimated total of 304,894 tonnes of waste still to be removed from the site.

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 that waste had been on site longer than 3 years. It has been previously stated that there is a 3-year limit before the temporary storage of waste effectively becomes a landfill or land raise, as stated in the Landfill Regulations 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 is 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”).*

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

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;

The Section 59ZB(2)(a) & (b) notice to remove the waste, issued on 21 January 2021, has not been complied with.

NRW will now consider its enforcement response for non-compliance with the notice.

Photographs of site inspection:





END

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 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.