

Compliance Assessment Report CAR_NRW0043622

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: Routine.

On 17/01/2024 between 11:00 and 11:45.

Parts of permit assessed: Various

NRW Lead Officer: Carla Curtis, accompanied by Jodie Baskerville, Rhiannon Munro, Cerys Phillips.

Report sent to: Eirwyn Williams, Site Manager, TCM on 27/02/2024.

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 |
| D2 - Incident Management - Accidents, emergency and incident planning | C3 Minor | 4.3.2 |
| 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 |
|--|----------------------------|
| 5 | 43.1 |

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 | Please ensure that activities undertaken under the permit (Unit 7B) and those undertaken under the exemption (Unit 7) are clearly distinguishable | 31/05/2024 |
| C2 | Operate in accordance with working plan/written management system | 31/05/2024 |
| C3 | Improve operations and adhere to maximum storage capacity of 90 tonnes. | 31/05/2024 |

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| D2 | Confirmation of the most recent FPMP in place for site activities is required. Please supply via email or hard copy of your FPMP | 31/05/2024 |
| G4 | Please ensure all recent / up to date waste return data is submitted to NRW | 31/05/2024 |

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

Introduction

This report details the site visit made on the 17 January 2024 to Woodstock Waste, Permit number EPR- KP3095FE. Officers Carla CURTIS, Jodie BASKERVILLE, Cerys PHILLIPS & Rhiannon MUNRO arrived at site at around 11:00 and were met by Mr. Eirwyn WILLIAMS. Weather conditions at the time of the inspection were cold and overcast.

ACTIONS FROM PREVIOUS SITE INSPECTION October 2023 CAR FORM - CAR_NRW0042686

| Action | Completed Yes/No/Ongoing | Action taken by Operator |
|---|-----------------------------|--|
| A1 - Adhere to current permit boundary, ensure activities of the permitted site (Unit B) and under the S2 Waste exemption (Unit 7) are clearly separate | No Due 11/12/23 | Two activities are not clearly distinguishable |
| C2 -Operate in accordance with working plan/written management system | On Going | Operator is focusing on removing stockpiles |
| C3 -Remove waste tonnages down to the maximum storage capacity of 90 tonnes | On Going | Some of the waste has been removed but this has been hampered by staff sickness and wet weather conditions |
| G4- Submit outstanding waste returns | No | No waste returns received |

Due 11/12/23

Observations –

The following permit breaches and actions were identified during the inspection:

PERMITTED ACTIVITIES

In addition to the Environmental Permit held by Woodstock Waste, the site has also had an exemption registered for S2 Storage of waste. These activities should be clearly separate with evidence an activity is being carried out under a waste exemption or an environmental permit. Whilst on site it was evident that the two activities are not clearly distinguishable from one another. (See image 1)



Image 1 – Photo taken by officer Chris BURGE on 14 February 2024, shows the volume of waste on site and also shows two activities are not clearly distinguishable

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.”

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 (Unit 7B) and those undertaken under the exemption (Unit 7) are clearly distinguishable with documentation to demonstrate this. Deadline 31 May 2024.

GENERAL MANAGEMENT- MATERIAL ACCEPTANCE

Condition 1.1.1 of you permit states;

- 1.1.1 No waste management operations shall be authorised by this licence unless:
- a) specified in and undertaken in accordance with the limitations in the following table; or
 - b) otherwise required by the conditions of this licence as being an integral part of those operations;
- and unless they are carried out on the site in accordance with sections A1.2, A1.3, A2.11 and B2.3 of the working plan and with the documented information contained in the sections of the working plan referred to in the other conditions of this licence.

| Table 1.1 Specified waste management operations | | |
|--|---|--|
| Specified Waste Management Operation | Permitted Waste Types which may be subject to the Specified Operation | Limits on Specified Waste Management Operations |
| Storage (D15 and R13) pending disposal or recovery | All | i) Maximum storage capacity to be 90 tonnes and to include; <ul style="list-style-type: none"> • Quarantined waste of total volume 3m³ • No more than 30m³ to be stored on the sorting slab prior to sorting |

The above breach of condition 1.1.1 has been scored a Category 2 under C3 - General Management – Material Acceptance

An agreement has been made with NRW to allow ongoing work to facilitate the removal of waste in excess of 90 tonnes.

Action: Improve operations and adhere to maximum storage capacity of 90 tonnes. A deadline of the 31 May 2024 has been specified for these actions to be completed, failure to meet the requirements will result in further enforcement action being considered. As discussed previously, this may include revocation of your Environmental Permit.

GENERAL MANAGEMENT – MANAGEMENT SYSTEMS

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”

The above breach of condition 1.4.3 has been scored a Category 3 under C2 - General Management – Management Systems & Operating Procedures

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.

Action: Operate in accordance with working plan/written management system

INCIDENT MANAGEMENT – FIRE PREVENTION & MITIGATION PLAN (FPMP)

On 19th June 2018, the permit underwent an NRW-led variation to include permit condition 4.3. Fire. To date, Natural Resources Wales has not received a copy of your FPMP.

Permit condition 4.3.2 states;

“The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance”

The above breach of condition 4.3.2 has been scored a category 3 under D2 – Incident Management - Fire Prevention & Mitigation Plan (FPMP)

Action: – Confirmation of the most recent FPMP in place for site activities is required. Please supply via email or hard copy of your FPMP.

WASTE RETURN SUBMISSIONS

According to NRW records, Woodstock Waste have failed to submit any waste return data over the last few years.

Permit condition 7.2.2. states;

“ A summary record of the waste types and quantities accepted and removed from the site shall be made each quarter of the financial year and shall be submitted to the Agency within one month of that quarter.”

The above breach of condition 7.2.2 has been scored a category 4 under G4 – Reporting and notification

Action: Please ensure all recent / up to date waste return data is submitted to NRW by 31 May 2024

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.