

## Compliance Assessment Report

Report ID:  
CAR\_NRW0035117

This form will report compliance with your permit as determined by an NRW officer

|                              |                                   |             |            |          |       |
|------------------------------|-----------------------------------|-------------|------------|----------|-------|
| Site                         | Graigola Wharf                    |             | Permit Ref | JP3198FJ |       |
| Operator/Permit holder       | Stenor Environmental Services Ltd |             |            |          |       |
| Regime                       | Waste Operations                  |             |            |          |       |
| Date of assessment           | 03/05/2019                        | Time in     | 11:00      | Out      | 12:30 |
| Assessment type              | Audit                             |             |            |          |       |
| Parts of the permit assessed | A,                                |             |            |          |       |
| Lead officer's name          | Wakeford, Sally                   |             |            |          |       |
| Accompanied by               |                                   |             |            |          |       |
| Recipient's name/position    | Steve Norman/ Director            | Date issued | 14/05/2019 |          |       |

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

| Permit conditions and compliance summary            | CCS Category | Condition(s) breached |
|-----------------------------------------------------|--------------|-----------------------|
| A1 - Specified by permit                            | A            |                       |
| C1 - General Management - Staff competency/training | X            |                       |

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

**O** = Ongoing non-compliance, not scored.

|                             |   |                                                              |   |
|-----------------------------|---|--------------------------------------------------------------|---|
| Number of breaches recorded | 0 | Total compliance score<br>(see section 5 for scoring scheme) | 0 |
|-----------------------------|---|--------------------------------------------------------------|---|

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

An inspection as undertaken on 03 May 2019 by Sally Wakeford. It was an unannounced routine inspection. Stenor had recently started processing waste on site again after a period of inactivity.

Steve Norman met with me on site and accompanied me around.

The majority of the site was walked on foot. It was a dry morning, and processing was being undertaken on one large pile of waste.

You informed me operations had temporarily stopped in around November 2017, due to restrictions by the landlord on the import of waste and focussing on your new site in Fforestfach. Following discussions with the landowner and the need to start processing waste again from site, activity has resumed now the weather has improved.

### **Permit Variation and IPC1**

When your permit was varied in 2017, it was brought up to modern template standards. Condition 2.4.1 of your permit states:

*The operator shall complete the improvements specified in schedule 1 table S1.2 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.*

Table S1.3 consists of improvement programme requirements. And the improvement condition states (IPC1):

*The operator shall submit a written Environment Management System to Natural Resources Wales for approval. The Environment Management System must be produced in line with the standards set out in Technical Guidance Document: 'How to comply with your environmental permit'*

As the site was non-operational it was decided this would not need to be completed until the site was operational again. As such, this updated Environmental Management System is now required to be submitted to NRW for approval within 3 months of this CAR form.

**ACTION: Submit a written Environment Management System to Natural Resources Wales for approval. It must be produced in line with 'How to comply with your environmental permit' and submitted to NRW by 16 AUGUST 2019.**

How to comply with your environmental permit can be found here:

<https://cdn.naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf?mode=pad&rnd=131467604540000000>

### **Waste storage:**

The previous 2 inspections, noted in CAR forms CAR\_NRW0032533 from 14 November 2017 and CAR\_NRW0033679 from 26 June 2018, state that the waste currently on site should be removed from site by November 2020.

Article 2(g) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, and subsequent Landfill Regulations and Industrial Emissions Directive, provides that landfills 'do not include any site where waste is stored as a general rule for a period of less than 3 years prior to recovery or treatment' so it follows that if the waste is stored for more than 3 years prior to recovery or treatment, then the site could fall within the definition of a 'landfill.'

When Stenor stopped importing waste onto site in November 2017, this meant that any waste left

on site after 3 years could fall in the definition of a “landfill.” In light of this, and the operations starting again, the EMS should include information on how you will manage the site to ensure that the site does not fall within this definition.

Page 35 of ‘How to comply’ (linked above) includes information that should be included in your environment management system for waste storage:

“If you store waste pending its disposal or recovery elsewhere, your management system must include:

- Storage times and procedures to ensure that these times are not exceeded
- Maximum storage capacities for specified storage area and the facility as a while and procedures to ensure that these capacities are not exceeded.”

**ACTION: The EMS must therefore contain information on how you intend to remove all waste currently on site to ensure that waste is not stored, as a general rule, for a period of more than 3 years. Stating how the waste currently on site shall be removed by around November 2020.**

**If waste is to start being brought to site, the EMS must contain a stock rotation plan, or state that no waste will be imported to the site.**

#### **Current Waste on site:**

We discussed the amount of waste on site. A survey was completed by Stenor a few years ago, and you informed me that ABP had completed their own drone survey more recently.

**ACTION: Please provide a copy of the survey completed by Stenor by 16 AUGUST 2019.**

It is difficult to ascertain the amount of waste remaining on site which has been imported by Stenor to the site. This survey, alongside any photographs or surveys completed over the years, and when you first started operating under the permit will be vitally important when assessing compliance.

When on site it was noted where the side of a pile of waste had been dug into I could see what appeared to be a line of coal dust, and a lot of debris in the ground. This debris included lots of metal including steel rope. This metal waste appeared more typical of dock workings than of construction and demolition sites. The level you were digging this pile out to was approximately level with the road. You stated that this was the level you had agreed with the landlord to bring the site down to (7.1m).

It would be useful to gather as much information as possible to ascertain the condition of the site prior to Stenors arrival. This would gauge the waste which was imported by Stenor and therefore Stenors responsibility to remove from the site, to ensure the site does not fall under the definition of a landfill.

I understand the site condition report at the time of the permit application did not contain topographical levels.

**ACTION: Provide any photograph or information on the state of the site prior to or at the start of Stenors arrival on site by 16 AUGUST 2019.**

It was estimated that the pile in the centre of the site, which would be worked through this summer, was approximately 70,000 tonnes.

#### **Waste returns:**

Following a review of all the waste returns submitted to NRW/Environment Agency Wales since the permit was issued, a calculation of the waste Stenor have imported to the site is 524,747 tonnes (2008 – 2018).

For 2008 to 2011 an output for recycling was also reported, along with other waste outputs more recently, as a total of 32,957.78 tonnes.

A total, therefore, of **491,789.85 tonnes remains unaccounted for.** This will have either left site as a non-waste (WRAP) or remains on site.

**ACTION: Provide as much information as possible on the amounts (tonnage) of material which have left site as a non-waste since the permit was issued by 16 AUGUST 2019.**

This information should be available to be able to fully comply with the WRAP Protocol. Your current Working Plan states on page 23 that this information will be maintained on standard form SFR 08.

| Quarter | Waste in (tonnes) | Waste out (tonnes) | Notes            | Yearly Total (tonnes) | Year   |
|---------|-------------------|--------------------|------------------|-----------------------|--------|
| Q1 2008 |                   |                    | missing return   |                       |        |
| Q2 2008 | 12,772.00         | 2,514.70           | recycling        |                       |        |
| Q3 2008 |                   |                    | missing return   |                       |        |
| Q4 2008 | 18,915.00         | 1,635.38           | recycling        | 31,687.00             | 2008   |
| Q1 2009 | 9,226.00          | 12,000.00          | recycling        |                       |        |
| Q2 2009 | 2,116.00          | 2.00               | recycling        |                       |        |
| Q3 2009 | 4,967.00          | 0.90               | recycling        |                       |        |
| Q4 2009 | 8,737.67          | 2,881.24           | recycling        | 25,046.67             | 2009   |
| Q1 2010 | 10,189.00         | 0.83               | recycling        |                       |        |
| Q2 2010 | 17,482.00         | 6.35               | recycling        |                       |        |
| Q3 2010 | 7,259.00          | 0.00               |                  |                       |        |
| Q4 2010 | 4,430.00          | 3,480.48           | recycling        | 39,360.00             | 2010   |
| Q1 2011 | 11,592.00         | 327.00             | recycling        |                       |        |
| Q2 2011 | 7,095.00          | 488.00             | recycling        |                       |        |
| Q3 2011 | 5,986.00          | 3.54               | recycling        |                       |        |
| Q4 2011 | 7,103.00          | 4,935.72           | recycling        | 31,776.00             | 2011   |
| Q1 2012 | 28,681.00         | 5.51               | recycling        |                       |        |
| Q2 2012 | 22,002.00         | 13.14              | recycling        |                       |        |
| Q3 2012 |                   |                    | missing return   |                       |        |
| Q4 2012 | 50,342.00         | 0.00               |                  | 101,025.00            | 2012 * |
| Q1 2013 | 46,333.00         | 0.00               |                  |                       |        |
| Q2 2013 |                   |                    | missing return   |                       |        |
| Q3 2013 | 12,218.00         | 0.00               |                  |                       |        |
| Q4 2013 | 7,760.00          | 0.00               |                  | 66,311.00             | 2013   |
| Q1 2014 | 7,930.00          | 0.00               |                  |                       |        |
| Q2 2014 | 11,022.00         | 0.00               |                  |                       |        |
| Q3 2014 | 6,580.00          | 0.00               |                  |                       |        |
| Q4 2014 |                   |                    | missing return   | 25,532.00             | 2014   |
| Q1 2015 | 21,480.50         | 0.00               |                  |                       |        |
| Q2 2015 | 17,213.00         | 0.00               |                  |                       |        |
| Q3 2015 | 33,210.00         | 0.00               |                  |                       |        |
| Q4 2015 | 5,780.00          | 0.00               | 2 returns for Q2 |                       |        |
| Q4 2015 | 9,670.00          | 0.00               |                  | 87,353.50             | 2015 * |
| Q1 2016 | 16,101.46         | 0.00               |                  |                       |        |
| Q2 2016 | 28,141.00         | 0.00               |                  |                       |        |
| Q3 2016 | 20,690.00         | 0.00               |                  |                       |        |
| Q4 2016 | 16,963.00         | 0.00               |                  | 81,895.46             | 2016 * |
| Q1 2017 | 15,697.00         | 0.00               |                  |                       |        |
| Q2 2017 | 12,294.00         | 4,663.00           |                  |                       |        |
| Q3 2017 | 6,770.00          | 0.00               |                  |                       |        |
| Q4 2017 | 0.00              | 0.00               |                  | 34,761.00             | 2017   |
| Q1 2018 | 0.00              |                    |                  |                       |        |
| Q2 2018 | 0.00              |                    |                  |                       |        |
| Q3 2018 | 0.00              |                    |                  |                       |        |
| Q4 2018 | 0.00              |                    |                  | 0.00                  | 2018   |
| Total   | 524,747.63        | 32,957.78          |                  |                       |        |

Remaining waste to account for by removal under WRAP or remaining: 491,789.85

### **Technically Competent Manager**

On 24 April 2019 the TCM/Wamitab certificates for continuing competency were requested, but as yet have not been received.

**ACTION: Provide copies of current, up to date certificates for the Technically Competent Manager by 31 APRIL 2019.**

**AOB:**

You requested information on levels for development with reference to flooding, the NRW flood maps show the whole of Graigola Wharf is currently above what may be required for future development.

We discussed a partnership that Stenor may be entering into, with a company who has larger machinery for processing the waste on site, under the control of Stenor and under Stenors permit. This would aid in the processing of the large amounts of waste on site.

**SUMMARY OF ACTIONS REQUIRED:**

- ACTION: Submit a written Environment Management System to Natural Resources Wales for approval. It must be produced in line with 'How to comply with your environmental permit' and submitted to NRW by 16 AUGUST 2019.
- ACTION: The EMS must therefore contain information on how you intend to remove all waste currently on site to ensure that waste is not stored, as a general rule, for a period of more than 3 years. Stating how the waste currently on site shall be removed by around November 2020.

If waste is to start being brought to site, the EMS must contain a stock rotation plan, or state that no waste will be imported to the site. (due 16 AUGUST 2019)

- ACTION: Please provide a copy of the survey completed by Stenor by 16 AUGUST 2019.
- ACTION: Provide any photograph or information on the state of the site prior to or at the start of Stenors arrival on site by 16 AUGUST 2019.
- ACTION: Provide as much information as possible on the amounts (tonnage) of material which have left site as a non-waste since the permit was issued by 16 AUGUST 2019.
- ACTION: Provide copies of current, up to date certificates for the Technically Competent Manager by 31 APRIL 2019.

**Photographs of site inspection:**













Thank you for taking the time to accompany me around the site.

**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 1<sup>st</sup> April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.**



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## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0035117**

**This form will report compliance with your permit as determined by an NRW officer**

|                        |                                   |            |            |
|------------------------|-----------------------------------|------------|------------|
| Site                   | Graigola Wharf                    | Permit Ref | JP3198FJ   |
| Operator/Permit holder | Stenor Environmental Services Ltd | Date       | 03/05/2019 |

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

| Criteria Ref.       | CCS Category | Action required/advised                                                                  | Due Date   |
|---------------------|--------------|------------------------------------------------------------------------------------------|------------|
| See Section 1 above |              |                                                                                          |            |
| C1                  | X            | Provide copies of current, up to date certificates for the Technically Competent Manager | 31/05/2019 |

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

| CCS category | Description                                                          | Score |
|--------------|----------------------------------------------------------------------|-------|
| C1           | A non-compliance that could have a major environmental effect        | 60    |
| C2           | A non-compliance which could have a significant environmental effect | 31    |
| C3           | A non-compliance which could have a minor environmental effect       | 4     |
| C4           | A non-compliance which has no potential environmental effect         | 0.1   |

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.