

**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	23/04/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Environment Management System				
Lead officer's name	Wakeford, Sally				
Accompanied by					
Recipient's name/position	Stacey Norman/ Manager	Date issued	24/04/2020		

## 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	C3	2.4.1
C2 - General Management - Management system and operating procedures	C3	2.3.1(a) & 1.1.1(a)

**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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
------------------------------------	----------	---	----------

**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

A review of the Environment Management System dated August 2019 and submitted by Stacey Norman on 02 September 2019 was undertaken on 23 April 2020. This CAR form summarises the findings of this review.

Table S1.2 Operating Techniques contains the documentation which must be complied with. "How to comply with your environmental permit" (How to Comply) is listed within this table.

How to Comply contains information on what should be included within your Environment Management System. A review of the submitted EMS found that it does not contain all the information required by the document.

Using the categories laid out in How to Comply the following tables have been produced:

Section	Compliant with HTC? Yes / No / N/A	Date of plan / revised plan	Comments
Type of EMS	In house	August 2019	Required from Permit Variation.
Risk Assessment	No	August 2019	Does not contain all information required in a risk assessment. Only includes Hazard and Receptor. Should include – Hazard, Receptor, Pathway, Risk management techniques, probability of exposure, consequence and overall risk. As per links to H1 guidance (NRW links to EA guidance)
Legal Requirements	No	August 2019	Requirements of waste legislation not covered including directly applicable legislation and how waste is recovered into a product – WRAP protocol.
Site Condition Report	n/a	August 2019	Submitted on permit application.
Site Plans	No	August 2019	No site plan submitted
Contingency Plans	No	August 2019	Only information submitted on display of notice board. No FPMP required. Some information on control of dust and odours in relation to complaints. No info on what happens in event of breakdown, incidents & accidents, Non-conforming waste and complaints procedures

Operations	No	August 2019	No information on the codes of practice/industry standards for WRAP protocol – factory production control document must be in place and specific testing to standard for materials determined end use. limited information on site specific processes, activities or operations
Waste Storage	No	August 2019	No information on: <ul style="list-style-type: none"> <li>• Storage times and procedure to ensure times are not exceeded,</li> <li>• maximum storage capacities for storage areas and facility,</li> <li>• procedures to ensure capacity not exceeded,</li> <li>• maximum storage heights</li> <li>• segregation of wastes</li> </ul>
Maintenance	Yes	August 2019	Information on regular maintenance of machinery – in relation to noise. Diary will be kept of maintenance and breakdowns
Accidents and Incidents	No	August 2019	No accident management plan, which should include information on potential accidents, events or equipment failure, likelihood, consequences, steps to minimize, records, site plan, key contacts etc.
Site Security	Yes	August 2019	
Closure	No	August 2019	Consider putting plans in place to be able to demonstrate the state of contamination of site is no worse than when you began operations.
Complaints	No	August 2019	Small amounts of information on dust, odours and noise only.
Sufficient Competent Persons, resources and training	Yes	August 2019	
Emissions and Monitoring	Yes	August 2019	
Records	No	August 2019	Missing information on what records (other than waste transfer notes & site diary) will be retained to ensure compliance with permit, i.e. testing results to ensure compliance with WRAP protocol for production of aggregates.
Access to permit	Yes	August 2019	
Review	No	August 2019	No mention of internal audit/monitoring to ensure management system is being implemented or preventative/corrective actions to minimise breaches.

## **Risk assessments:**

Risk Assessments should be produced in line with the H1 guidance which can be found here:

<https://naturalresources.wales/permits-and-permissions/environmental-permits/horizontal-guidance/?lang=en>

<https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>

The following table is an example from the gov.uk website:

<b>Hazard</b>	<b>Receptor</b>	<b>Pathway</b>	<b>Risk management techniques</b>	<b>Probability of exposure</b>	<b>Consequence</b>	<b>Overall risk</b>
Emissions to air: Dust from screening plant 3	People living at Land End Cottage R1 – 400 metres east of the site	Wind-blown	Visual dust monitoring in accordance with local operating procedure. Shift manager is responsible for checking wind strength and direction, and will stop operations if necessary	Dust could potentially reach the dwelling when a strong wind blows in that direction, approximately 50 days a year	Nuisance – dust on cars, clothing, and so on	Low if we use the management techniques
Pests: flies on farmyard manure could move offsite and affect nearby residents	Local residents or school beyond the boundary of the activity	Airborne	Isolation and securing or removing waste that attracts scavengers. Regular inspections by nominated personnel	Waste left unattended could result in problems offsite	Potential for spread of disease and adverse health impacts on vulnerable people	Low if we use the management techniques

There is a further example on page 21 of How to comply.

## **Legislation:**

Waste legislation needs to be covered in your EMS, including directly applicable legislation. If your EMS it does not cover how the wastes are treated and procedures that are put in place. The EMS does not make it clear that the materials leaving the site are no longer a waste, nor the procedures which are undertaken to ensure that they meet the end of waste criteria.

Information on the WRAP Quality Protocol for Aggregates can be found here:

<https://www.gov.uk/government/publications/quality-protocol-production-of-aggregates-from-inert-waste>

The Factory Production Control needs to be in place, and specific testing of the wastes to the standard determined for the materials end use needs to be undertaken.

The quality protocol applies to aggregates only. There is no end of waste protocol for soils. Any soils leaving site will still be a waste and therefore any destination sites will require a permit or exemption for its use.

These wastes should be documented in your quarterly waste returns.

## **Site Plan:**

No site plan has been submitted with this EMS.

Does the written management system include the following:	Yes/ No	Comments	Page No. in reviewed WMS
Activities carried out	No	No site plans submitted	
Discharge points	No	No site plans submitted	
Drainage – surface / foul & destination	No	No site plans submitted	
Location of waste storage areas	No	No site plans submitted	
Oil & Chemical Storage facilities	No	No site plans submitted	
Sensitive receptors	No	No site plans submitted	
Contaminated land on site	No	No site plans submitted	

### **Waste Storage:**

Limited information is provided regarding waste storage.

Does the written management system include the following:	Yes/ No	Comments	Page No. in reviewed WMS
Storage times and procedures to ensure times are not exceeded	No		
Maximum storage capacities for specific storage areas and facility as a whole	No		
Procedures to ensure capacities are not exceeded	No		
Maximum storage heights.	No		
Procedures to identify specific waste types stored at the facility	No	Although permitted waste types are mentioned, it does not describe how the operator ensures was outside the license conditions are not accepted at the site.	3
Procedures to segregate incompatible wastes – separation distances/engineering measures.	No		

**A1 – Specified by Permit – CAT 3 breach - Permit Condition 2.4.1 Table S1.3**

You have been given a CAT 3 breach of the above permit condition as the report submitted for Improvement Condition 2.4.1 is not adequate as it has not been produced in line with How to comply, as shown above.

Condition 2.4.1 of your permit states:

*The operator shall complete the improvements specified in Schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.*

Table S1.3 states:

*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'.*

The deadline for submission is 3 months after permit issue. Permit was issued on 01/03/2017. As the site became non-operational shortly after this, it was agreed that the site could produce it 3 months after it became operational again.

The site became operational prior to the inspection on 03/05/2019 documented on CAR form CAR\_NRW0035117, a deadline was given of 16 August 2019 to produce the report in line with How to comply.

**ACTION: Produce an EMS in line with 'How to Comply with your environmental permit' by 24 June 2020.**

## **C2 – Management Systems – CAT 3 breach – Permit condition 2.3.1(a) and 1.1.1(a)**

You have been given at CAT 3 breach of the above permit condition as compliance assessment has determined that some, or all, of your written management procedures are inadequate to ensure full compliance with permit conditions.

2.3.1(a) states:

*The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.*

1.1.1(a) states:

*The operator shall manage and operate the activities 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 EMS is lacking in many areas to document the minimisation of risks of pollution. It has not been produced in line with How to comply, as documented above, including in procedures which ensure the waste which is imported to the site is treated correctly and ensuring compliance with the Quality Protocol for Aggregates.

**ACTION: As above, produce an EMS in line with 'How to Comply with your environmental permit' by 24 June 2020.**

**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.**

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0036577**

**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	23/04/2020

### 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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### 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			
A1	C3	Produce an EMS in line with 'How to Comply with your environmental permit' by 24 June 2020.	24/06/2020
C2	C3	produce an EMS in line with 'How to Comply with your environmental permit'	24/06/2020

## 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. 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.