

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: JM Envirofuels (Barry) Limited
Meriden House
6 Great Cornbow
Halesowen
West Midlands
B63 3AB

Environmental permit: EPR/AB3690CP

Regulated facility: Berth 31 Wimborne Road, Barry Docks, Barry, CF63 4AB

Natural Resources Wales considers that the following conditions of the environmental permit are being contravened:

Condition 2.1.1- The operator is only authorised to carry out the operations specified in table 2.1 below (" the activities")

Table 2.1 activities	
Description of activities	Limits of activities
R13: Storage of wastes pending the operation numbered R3.	Treatment of wood wastes listed in table 2.3 consisting only of sorting, separation, cutting, pulverising, shredding, and chipping for recovery.
R3: Recycling or reclamation of organic substances which are not used as solvents.	Secure storage of wastes listed in table 2.3 at the place where it is to be treated
	Quantities of waste stored shall not exceed 10,000 tonnes in total at any one time.
	No waste must be stored for more than 3 months.
	No more than 75,000 tonnes of waste shall be accepted at the site in any one year.

Because waste in the form of unprocessed wood has been stored on site for approximately 6 months.

Condition 3.4.1 - The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

Because

Waste stockpiles on site are not being stored and managed in line with current fire prevention and mitigation plan guidance for the following:

- Waste stack heights are exceeding the maximum stipulated height of 4m
- A minimum of 1m freeboard is not available between waste stack and bunker wall height
- Waste stack widths are in excess of the 17.5m maximum width as specified in FPMP Version 5
- The only designated quarantine area according to the FPMP Version 5 , is currently being used to store wood pallets
- Lacking a coupling system on the water storage tank that is compatible with the Fire and Rescue Service equipment

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.



Date: 14 January 2021

Signed:
Gareth Davies
Team Leader Waste Regulation (South Central)

Natural Resources Wales
Rivers House
St Mellons Business Park
St Mellons
Cardiff
CF3 0EY

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

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 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
Condition 2.1.1	Remove wood waste that have been stored onsite for more than 3 months and provide evidence in the form of Duty of Care Notes to prove that these have been removed to a permitted facility	15/03/2021
Condition 3.4.1	Reduce waste stack heights in line with current FPMP guidance so that stockpiles are not greater than 4 metres in height.	15/02/2021
Condition 3.4.1	Reduce waste stack heights to allow minimum of 1m freeboard between the waste and bunker wall height	15/02/2021
Condition 3.4.1	Reduce waste stack widths to 17.5m or below as specified in FPMP Version 5	15/02/2021
Condition 3.4.1	Remove waste stored in the quarantine area	15/02/2021
Condition 3.4.1	Make available a coupling system on the water storage tank that is compatible with the Fire and Rescue Service equipment	15/03/2021