

Compliance Assessment Report CAR_NRW0037675

Permit being assessed: AB3690CP.

For: J M Envirofuels (Barry) Limited, held by JM ENVIROFUELS (BARRY) LIMITED

At: Berth 31 Wimbourne Rd, Barry Docks, Barry, CF63 3DH.

Type of assessment carried out: Site Inspection, Reason: Other.

On 11/02/2021 between 12:35 and 13:35.

Parts of permit assessed: D2, G4

NRW Lead Officer: Elysia Lovelock, accompanied by David Warwick-Brown, Gillian Coates.

Report sent to: Managing Director, Managing Director on 08/03/2021.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

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
D2	Please either provide NRW with a revised version of FPMP v5 or ensure operations are line with FPMP v5. If you wish to submit a revised FPMP, please take into account the points highlighted within the CAR and the comments previously provided by NRW on v5 and v6 and provide a date/reasonable timeframe for agreement with NRW within 14 days, by the 22nd March 2021, for when you will provide an updated FPMP.	22/03/2021
G4	Please provide Duty of Care Transfer Notes as evidence of the waste transfer to a permitted facility, for the wood waste stored for more than 3 months by the 15th March 2021 (as per the requirement of the notice).	15/03/2021

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

[Compliance Assessment Report amended as per the request of the operator March 02, 2021, March 08, 2021]

A site inspection was undertaken on Thursday 19th February 2021 at 12:35 p.m. at the regulated facility of JM Envirofuels (Barry) Limited, Berth 31 Wimborne Road, Barry, Glamorgan, CF63 3DH. The operator holds a Standard Rules permit SR2011 No4 which allows the operator to store and treat waste wood in accordance with Table 2.1. of SR2011 No4, which details the limits of the activities.

Waste Regulation Officers David Warwick-Brown, Gillian Coates and Elysia Lovelock of Natural Resources Wales NRW were met on site by the Managing Director of JMEL and Site Manager.

Following NRW receiving reports concerning volumes on site, an inspection was conducted on 17th December 2020 by Officers David Warwick-Brown, Loku Ranasinghe and Gillian Coates, assessing the sites compliance with the conditions of the environmental permit EPR/AB3690CP. Compliance Assessment Report CAR_NRW0037341 was sent to the Operator on 14th January 2021 which detailed the non-compliances identified during the visit and a Regulation 36 Notice was also issued on the 14th January 2021 to address the issues identified. The purpose of this visit was to assess compliance with the Regulation 36 Notice. Schedule 1 of the Notice stipulated the following steps:

Step Number	Condition Number	Steps to be taken	By date
1.	3.4.1	Reduce heights of waste stockpiles to a maximum of 4m in line with current FPMP guidance.	15/02/2021
2.	3.4.1	Reduce heights of waste stockpiles to allow a minimum of 1m freeboard between the waste and height of the bay walls.	15/02/2021
3.	3.4.1	Reduce heights of waste stockpiles to allow a minimum of 1m freeboard between the waste and height of the bay walls.	15/02/2021

4.	3.4.1	Remove waste stored in the quarantine area.	15/02/2021
5.	3.4.1	Ensure a coupling system is available for the FRS to access the water supply held in the water tank in the event of a fire.	15/03/2021
6.	2.1.1	Remove wood waste stored onsite for more than 3 months and provide Duty of Care Transfer Notes as evidence of the waste transfer to a permitted facility.	15/03/2021

Fire Prevention and Mitigation Plan FPMP v6 (Dec 2020)

Ahead of the visit, JMEL were also issued with a review of Fire Prevention and Mitigation Plan FPMP v6, submitted by the operator to NRW on the 8th December 2020. Upon review of version 6, NRW informed the operator that FPMP v6 had not been agreed, as it did not meet the standards required by the Fire Prevention & Mitigation Plan Guidance – Waste Management v2 (August 2017). Providing comments if they wished to revise v6 and were advised that compliance would continue to be assessed against FPMP v5.

Following this visit, NRW now require the operator to either provide an amended version of FPMP v5 or ensure that site operations are in line with FPMP v5. Further information on this request has been included as part of this Compliance Assessment Report.

FRS coupling facility

On our arrival, the Managing Director advised officers that the coupling facility (requirement of the Regulation 36 Notice), which would enable the Fire and Rescue Service FRS to access the water supply had arrived, and showed officers the connection for the FRS being the 4" BSP Male Thread, attached to the water tank, as photographed below.



The Managing Director advised the stand for the valve and pipe was subsequently fitted on the 22nd February 2021. The Managing Director explained that the water tank would solely be for use by the FRS in the event of a fire. The Managing Director advised that in the event of a fire, site operatives would use the four fire hydrants available, with three located on site and a fourth available on the access road. During the visit Officers were shown two fire hydrants, one located dockside and another closer to the adjacent Maltese Cross configuration.

Water Supply

In terms of the sites water tank, it was clarified that it would be the sites intention to *recirculate fire-water runoff in the event of a fire*. Officers advised due to the potential for contaminants being present, the FRS could deem re-harvesting the water unsuitable. If this situation were to occur, the Managing Director did explain that the FRS could take water from the dock.

ACTION: The FPMP should acknowledge that the FRS could deem recirculating fire-water unsuitable and be clear on any alternative water supply available, including if there is any authorisation in place or required from the Port Authority to extract water from the dock if required in the event of a fire.

As the water tank also forms part of the sites drainage system, information must be clear within the FPMP and the total capacity of the water tank specified within the body of the FPMP i.e. is it 1 million litres or 1.5 million litres. As if the tank is 1 million litres in capacity, to have approximately 33.5% extra/free space storage capacity available to accommodate/collect site run-off, this means the water tank would not provide the amount specified in FPMP v5 as '1 million litres in surface water tank', available to extinguish a fire in 50% of the volume of the largest stack.

ACTION: The sites primary water supply must be effective. I note, the site plan states the capacity of the surface water tank is 1.5 million litres, therefore this information should be clear within the body of the FPMP.

It should also be considered that with no shut-off valve from the drainage system, to stop run-off entering the water supply in the event of a fire, contaminants entering the water supply may render the remaining water available unusable by the FRS.

Site Drainage

It was clarified on site that the sites drainage channels, located along the perimeter of the site, flow to the interceptor, into the sump and then pumped into the water tank. With no shut-off valve stopping site run-off from entering the water supply. Therefore, if the tank provided the amount of water required at all times, this would impair the effectiveness of the sites drainage system as there would be no capacity available to collect site run-off.

ACTION: The sites drainage must be effective. As stated above, the site plan states the tanks capacity is 1.5 million litres, therefore this should be included within the body of the FPMP to demonstrate available capacity.

Containment of run-off must be considered within the FPMP in terms of the sites infrastructure and drainage system and what amount of fire water would

the sites infrastructure be capable of containing in the event of a fire and if capacity were to be reached, what procedures would be taken.

I also note the location of the interceptor (behind the portacabin) is different to that specified in FPMP v5 and v5 does not include the location of the sump. Therefore, please ensure the information on the site plan is up to date.

Revised Storage Layout

The Managing Director advised that the corner of the site adjacent/nearest to the water tank and opposite a Maltese Cross, is now to be used as a 'freestanding storage area' located on the western edge of the site, as shown below marked in yellow. During the visit, officers observed this area to be empty, with no indication/or markings on the ground as to how large the stockpile would be.



Officers asked what this new additional storage area would be used for and were advised for wood waste. The Managing Director pointed out that this area was included in v6 of the FPMP submitted to NRW December 2020. Whilst it is acknowledged that the above revised layout plan is an extract from FPMP v6 (only used to demonstrate the location), as v6 has not been agreed by NRW, the use of this area as a wood waste storage area, as this is not included in the agreed FPMP v5, in which compliance will continue to be assessed, this area cannot be used for the storage of wood waste until such time that a revised version of FPMP v5 has been amended by the operator, reviewed and agreed by NRW. **Until such time, any use of this area for the storage of waste would be considered a breach of permit condition of 3.4.1.**

ACTION: Please be advised, if you wish to use this area for the storage of waste, prior to site using this area to store wood waste, a revised version of the FPMP v5 must be submitted for review and agreed by NRW. In order to assist the operator in the revision of the FPMP, the operator has also previously been provided comments on both FPMP version 5 and 6.

A & G: In addition to the comments provided on this area in the FPMP review of v5 and v6, officers noted whilst on site that as a 'freestanding' storage area for

wood waste, if access is only available from one side of the freestanding stockpile, the maximum stack width is 10m and a calculation would be required based on the length of the stack to ensure the appropriate separation distances. For further guidance, please refer to the Fire Prevention Plan Guidance.

Waste Storage

Officers then proceeded to walk around the perimeter of the site with the Managing Director and Site Manager in order to check the volumes of wood waste stored within each quadrant of both Maltese Cross configurations. The condition on site was photographed, as seen below.



The Notice issued required the removal of wood waste that had been stored onsite for more than 3 months. The Managing Director advised that the waste stored for more than 3 months had now been removed from site. Officers who had attended previously observed that the majority of the woodchip, as well as all of the unprocessed wood had been removed and confirmed that this requirement of the notice had been complied with.

Officers observed during the visit that there was material being stored within 4 out of the 8 Maltese cross quadrants, as seen above. As per the requirements of the notice, officers confirmed that the wood waste was being stored in line with current FPMP guidance, with stack heights no greater than 4m, with a minimum freeboard of 1m between the stockpile and top of the bay and at stack widths of no greater than 17.5m, as specified in FPMP v5. Officers took sample measurements of bay 6 and confirmed the length of the walls within the quadrant measure at a length of 17.5m and 18.1m. The Managing Director advised there may be some minor variation between bays due to how the blocks were constructed on site.

Each bay/quadrant segregated waste wood containing pallets, waste wood from a local Council, waste from various skip companies and woodchip which arrived in December. Please ensure that no wood waste is stored for more 3 months in accordance with your permit. V5 of the FPMP contains an 'Extended Storage Programme'. The Managing Director explained that the programme was introduced previously as part of an agreed action plan with NRW, as a temporary measure. **The Managing Director was advised before the site visit that use of this programme is no longer suitable and storage over 3 months would constitute a breach of the permit conditions.**

ACTION: If submitting a revised version of FPMP v5, please ensure that the 'Extended Storage Programme' is removed.

Duty of Care Transfer Notes

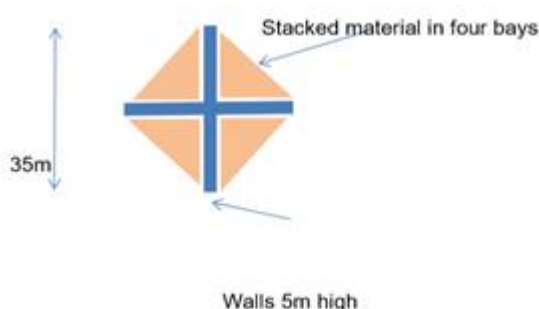
Officer Gillian Coates reviewed a sample of weighbridge tickets on site and was provided with a printout for unprocessed wood waste removed from site between 14/01/2021 and 29/01/2021. However, the notice required the operator to provide evidence in the form of Duty of Care Transfer Notes to prove that the waste stored for more than 3 months had been removed to a permitted facility.

REQUIRED: Please provide Duty of Care Transfer Notes as evidence of the waste transfer to a permitted facility, for the wood waste stored for more than 3 months by the 15th March 2021 (as per the requirement of the notice).

DUE DATE: Monday 15th March 2021

Maltese Cross Configuration

The Managing Director advised that each quadrant of the Maltese Cross, if at their full storage capacity would form areas square in shape of 17.5m x 17.5m x 4m. Officer Elysia Lovelock queried this due to the formation shown within the FPMP as shown below, which shows triangular quadrants.



This information is significant as an area square in shape could hold twice as much (in terms of volume) of an area triangular in shape. Therefore, clarification is required within a revised version of the FPMP, as this information on the volume of a stockpile informs information on/but not limited to the: firefighting water supply required, how much run-off a fire could create, radiant heat, the separation distances required, size of the quarantine area required etc.

Whilst NRW do not accept BRW as evidence, I note in the BRE report number: 136540 included in both v5 and v6 FPMP (v6 submitted to NRW December 2020, reviewed and not agreed) as supporting evidence. The report explains that a Maltese cross configuration

'creates triangular bays "back-to-back" separated by substantial concrete walls 5m high'. Providing measurements for the outward facing edge of the stack e.g. $(17.5^2 \times 17.5^2)^{1/2} = 24.7\text{m}$, implying this is the base of the triangle. Further information shows the outward radiation effects from the outer edge of the triangular bay pile, as shown below.



Figure 3 Radiation from pile

Therefore, due to the ambiguity of the information currently contained in v5 FPMP (and v6) and considering the information provided on site by the operator, the management system documents for the site must accurately reflect the dimensions and shape of the quadrants as they would be used in operations on site.

ACTION: If submitting a revised FPMP of v5, please clarify the stack layout (incl. dimensions and shape), considering the comments previously provided to the operator on FPMP v5 and v6.

In addition to the comments provided on v5 and v6, I note the height of each quadrant should be 4m in accordance with the FPMP guidance and as stated on site by the operator, however FPMP v5 states a height of 5m, therefore please amend accordingly.

Quarantine Area

The notice also required the removal of waste stored in the quarantine area by the 15th February 2021. Officers observed during the visit that the quarantine area was now clear, as photographed below.



Officers were informed that the quarantine area was sometimes used to store delivered loads that were rejected and awaiting collection and that collection may take a few hours, or up to 1-2 days. Officers explained that in the event of a fire, a quarantine area, large enough to accommodate 50% of the volume of the largest stockpile, must be available at all times.

Officers noted an area next to the quarantine area which appeared to be constructed as a bay however, with a rear wall at a lower height of 2-3 blocks. At the time of the visit, this area was empty. It was unclear from discussions on site as to the use of this area. This area has been photographed as seen below:



Officers noted that there was plant machinery behind this area, which officers were advised form part of the regulated operations on the adjacent site to that of JMEL. Officers were advised that the adjacent site/operator had previously moved machinery due to the potential for sparks. We therefore require clarification on the use of this area.

ACTION: A revised FPMP of v5 must clearly explain the use of this area and ensure that it is appropriately identified on the site plan and that all potential ignition sources are appropriately identified within the FPMP.

From discussions on site, it appears that version 5 of the FPMP may no longer reflect the sites operations and deviations have not been agreed by NRW and therefore, amendments are required in order for NRW to review and agree a revised version to ensure site is compliant with the Fire Prevention and Mitigation Plan guidance and permit condition 3.4.1.

REQUIRED: Please either provide NRW with a revised version of FPMP v5 or ensure operations are in line with FPMP v5. If you wish to submit a revised version, please take into account the points highlighted above and the comments previously provided by NRW on v5 and v6 and **provide a date/reasonable timeframe for agreement with NRW within 14 days, for when you will provide an updated FPMP.**

DUE DATE: Thursday 22nd March 2021

The visit concluded at 13.35 p.m. We wish to thank you for your time during the inspection. Officers confirm there is one remaining outstanding action as detailed in the CAR required to achieve compliance with the Notice and one outstanding action from the previous CAR form in relation to waste returns. As explained on site, I Officer Elysia Lovelock and Senior Officer Yeliz Marshall will be the regulating officers and points of contact for the site going forward. I look forward to working with you. If you have any queries regarding the information contained within this Compliance Assessment Report, please contact me.

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.