

Compliance Assessment Report CAR_NRW0037747

Permit being assessed: FB3390HM.

For: Griffiths Waste Solutions, held by Griffiths Waste Solutions (gws) Ltd

At: Haverfordwest, Pembs, SA62 4BW.

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

On 25/02/2021 between 10:30 and 11:30.

Parts of permit assessed: A, D

NRW Lead Officer: David Morgan.

Report sent to: Mark Griffiths, Operator on 09/03/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	1.1.1 (a)

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

Total number of non-compliances recorded	Total non-compliance score
1	31

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	The facility is not being operated in line with a written Environment Management System that identifies the risk posed by operations.	07/05/2021

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.

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

A site inspection was conducted on Thursday 25th February 2021. Staff were not on site at the time of the inspection and access to the site was made via open gates at the rear of the site.

During the inspection, several issues were identified that are a significant breach of the Environmental Permit. Our findings are recorded below and please note; immediate action is required to resolve non-compliances on site.

It is likely you will be issued with a notice requiring you to take actions to improve compliance. Failure to comply with the notice may result in Natural Resources Wales taking enforcement action against you.

Natural Resources Wales is currently considering its enforcement response with regards to non-compliances of the Environmental Permit that were recorded on Thursday 25th February 2021.

During the inspection, the following observations were made:

Site Security

The gates at the main entrance to the site were locked at the time of the inspection. However, access to site was made from the lane running behind the site. At the time of the inspection the gates were open and the larger steel gates were damaged and lying on the ground. The whole rear of the site has no fencing or infrastructure to prevent unauthorised access. The lane to the rear of the site is a public right of way. **You must ensure infrastructure is installed to keep the site secure and to prevent unauthorised access.** In its current state, the site is easily accessible and may be prone to arson attack which could result in a significant incident, which could potentially result in a large-scale pollution.

A fence bordering the site has also fallen down. This must be maintained and/or replaced to prevent access from nearby properties. This fence should also prevent waste/litter escaping site and entering adjacent properties.

Waste Acceptance & Storage

At the time of the inspection, the building on site, designated as "Waste Segregation Building", was full of mixed waste. Waste was stacked up to the roof of the building. There did not appear to be any segregation of wastes, any separation of waste types or treatments of waste having taken place. Wastes included, but were not limited to; building, construction & demolition wastes, mixed plastics and plastic packaging.

The Waste Segregation Building was inaccessible as waste was piled up and the access to the building was blocked by waste. There were piles of mixed waste stored outside the building at the entrance. Packaging waste in this area contained manufacturers shipping dates and this waste has been brought to site since November 2020. This waste had not been sorted, segregated or treated.

Elsewhere on site, outside of the building, there were piles of PVC window frames and mixed wood.

Fires & Incident Management

The site, in its current state, poses a significant fire risk. The site is easily accessible and precautions to prevent unauthorised access are not in place. The main building, which is full of waste, does not benefit from any firebreaks and it is inaccessible. If a fire incident were to occur, emergency services would need to commit significant resources to manage the incident. Also, a potential fire incident would have a detrimental impact on the local amenity.

During the inspection it was noted that there were signs of a fire having taken place on site and burnt materials (wood) were present.

You must take actions in order to prevent and mitigate a potential fire incident.

Nearby watercourse

To the rear left of the site, upon entering the site through the main gates, there is a watercourse. The site appears to be naturally graded towards this watercourse. There is a large pile of inert waste, which is grassed over, in this area, but the site appears to drain into this watercourse.

If site surface waters (including silt from inert wastes such as soil) are draining into a nearby watercourse, this could have a serious detrimental impact on the environment. **You must take steps to mitigate this and prevent pollution into nearby receptors.**

Environment Management System

Following the inspection, Natural Resources Wales can confirm that operations were not being undertaken in line with the written Environment Management System for the site.

Operations are non-compliant with several written procedures. The Environment Management System (EMS) states the following points:

1.6.4 states that Technical Competent Managers will oversee the operation. Our records indicate there is no qualified Technical Competent Manager (TCM) for the site.

3.1 states that access to site will be through security gates at the front and back of site. The site is easily accessible from the rear as there is no boundary fence or gate along the rear perimeter of the site. Gates to the rear of the site were open and are damaged. There is no perimeter fence as suggested in 3.1 of the EMS.

4.6.7 & 4.7.1 state that waste accepted on site shall be tipped in the building on the floor. At the time of the inspection the building was full and inaccessible. Waste was being stored in large piles outside of the building.

4.7.7 states that mixed municipal waste will not be held on site for more than 96 hours (excluding public holidays). Natural Resources Wales does not have any records (Waste Returns) of waste movements for the site and therefore cannot confirm if waste is on site for more/less than 96 hours.

Condition 1.1.1 (a) of the Environmental Permit was breached (Category 2 – Significant) (Ref: A1)

Operations are not being managed in line with a written management system that identifies risks and potential for operations to impact the environment. The operation is non-compliant with procedures in several areas. The lack of site security to prevent unauthorised access and the large volume of waste on site pose a major fire risk. You must take actions to mitigate this risk.

Summary

There are several areas of concern regarding operations at Griffiths Waste Solutions. Most notably, the site is not secure, appears to be over capacity for waste storage, and in its current state presents a significant fire risk. It is accepted that Covid-19 has had an impact on business, however, while on site there was evidence showing waste was being accepted up until the end of last year. The site currently poses a risk to the environment and other sensitive receptors. You must take measures to improve operations.

Natural Resources Wales is considering an enforcement response to the non-compliance of the permit.

It is likely you will be issued with a notice requiring compliance with the Environmental Permit. Failure to comply with this notice may result in Natural Resources Wales taking enforcement action against you.

It is recommended that a full review of operations is undertaken, and, also that a review of the Environment Management System is undertaken in line with the guidance document 'How to Comply with your Environmental Permit'.

END OF REPORT

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.