Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0033522

This form will report compliance with your permit as determined by an NRW officer					
Site	J M Envirofuels (Barry) Limited	Permit Ref	AB3690CP		
Operator/Permit holder	JM ENVIROFUELS (BARRY) LIMITED				
Regime	Waste Operations				
Date of assessment	16/05/2018 - 13/06/2018	Time in	10:00	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Specified Activities and Management				
Lead officer's name	Ward, Adam				
Accompanied by	Coleman, Craig				
Recipient's name/position	Alan Webb/ Director	Date issued	22/06/2018		

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	2.1
C2 - General Management - Management system and operating procedures	C3	3.4.1

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	2	Total compliance score (see section 5 for scoring scheme)	8

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

JMEL Site Visit – 16th May 2018

Senior Environment Officer Adam Ward attended site and met with JMEL staff, including Alan Webb and Robert Moody. The main purpose of the inspection was to discuss key findings from a previous audit (8th March to 9th April 2018, CAR Reference: CAR_NRW0033231) and to develop an agreed action plan to achieve compliance in a timely manner.

FPMP Improvements

Stack height and freeboard: We discussed potential compliance issues with the FPMP and related guidance. NRW highlighted the requirement of the 1 metre freeboard between the top of the shredded waste wood stacks (4m high) and the top of the concrete walls (5m high) that form the 'Maltese Crosses' that are used as firebreaks. While efforts had been made to create the freeboard at the wall, some sections of the stockpiles were above 4 metres which is above the limit of the FPMP guidance document. Further, the second Maltese Cross structure has not yet been completed and therefore is unable to provide the 1m freeboard required.

Temperature Monitoring: ITOM Temperature probes are now being used for continuous monitoring. As the site does not currently benefit from a mains electricity supply, the ITOM probes are powered by a generator from Monday to Friday, although data is recorded for an additional 24 hours when the generators are turned off. Currently, none of the ITOM or handheld probes are indicating temperatures above 35 degrees Celsius.

JMEL has explained that alarms are triggered when temperatures are above 60 degrees Celsius, but a traffic light system is used to initiate responses when temperatures above 40 and 50 degrees C. This ranges from additional monitoring and stockpile management to the removal or dampening down of waste wood to ensure any hotspots are dealt with in a timely manner. It has also been pointed out that these temperatures are well below the 100+ degrees Celsius required for combustion of waste wood.

Ignition Sources: Risks from neighbouring scrap metal site has now been included in the FPMP and risk mitigation has included a request for any activities that could cause a spark to be moved further away from JMEL's permit boundary, as well as the introduction of additional visual checks of the waste wood stockpiles. These will take place several times daily.

Plant and Equipment: JMEL has shown NRW a written agreement between themselves and the neighbouring scrap yard to use their plant and equipment to manage waste wood stockpiles if required, while JMEL is not fully operational.

Permit Storage Limits

As highlighted in the previous audit report, JMEL started importing waste wood into the site on the 8th February 2018. At the time of this inspection, waste had been stored for almost 14 weeks, while the permit limit is 3 months (12 weeks). NRW highlighted this as a minor non-compliance which has the potential to escalate to a more significant permit breach due to the associated fire risk with increased storage times. The operator has explained that this limit has been breached due to temporary problems with the supply chain and it is not envisaged to be an issue longer term. NRW has therefore proposed to implement an action plan for site improvement with JMEL.

Compliance

A1) Specified Activities

Permit Condition 2.1, referring to Table 2.1, states that 'no waste must be stored for more than 3 months'. At the time of issuing this CAR form, JMEL has stored some waste stockpiles for more than 4 months. A Category 3 breach against this condition has therefore been scored.

This condition ensures that excessive storage times are not incurred, as the risk of heating and self-combustion of waste stockpiles increases over time (amongst other issues such as degradation and reduction in quality of recyclate). However, due to additional risk control measures proposed by JMEL, NRW believes the implementation of an action plan will suffice at this stage of non-compliance. This does not mean an escalation of the breach categorisation will not occur over time.

C2) Management Systems and Operating Procedures

Permit Condition 3.4.1, states that 'the operator shall manage and operate the activities in accordance with

a written fire prevention plan using the current, relevant fire prevention plan guidance'. While JMEL have made improvements since the previous audit, there are still sections of the FPMP that have not been fully complied with. These include ensuring there is a 1m freeboard and there is no risk of stockpiles merging around the concrete walls. A Category 3 non-compliance has therefore been scored against condition 3.4.1 of the permit.

This breach has been escalated from a Category 4 due to the length of time the operator has not been in full compliance with its FPMP and the storage times of the waste on site. However, the risk remains relatively low at this stage due to the robustness of the temperature monitoring system.

Action Plan – Reference: EPR/ AB3690CP/AW180621

A follow up inspection was conducted on 13th June 2018 to discuss JMEL's proposals for an action plan that would ensure additional risk mitigation measures are implemented while the operator is in breach of the 3 months storage limit for waste deposits.

NRW accepts that the site is not yet fully operational while the operator awaits the completion of commissioning at a nearby biomass plant. NRW has therefore agreed to implement the action plan and suspend future scoring of the above breaches, pending the successful completion of the agreed plan, in line with Section 6.3.3 and Appendix G of JMEL's FPMP. If the operator fails to comply with the plan, all scores will be unsuspended and NRW will have to consider its regulatory response in line with its Enforcement and Prosecution Policy.

The action plan provides a number of measures that must be complied with to reduce the risk of fire and the degradation of the material, which include additional temperature monitoring, the testing of moisture and calorific content of the waste wood and contingency plans should waste need to be removed from site. These steps are enforced in the Action Plan for Site Improvement.

If you have any questions regarding this Compliance Assessment Report (CAR) for, please contact Adam Ward or Craig Coleman on 03000 653149, 03000 654363, or via email on adam.ward@naturalresourceswales.gov.uk or craig.coleman@naturalresourceswales.gov.uk.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0033522**

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

Site	J M Envirofuels (Barry) Limited	Permit Ref	AB3690CP
Operator/Permit holder	JM ENVIROFUELS (BARRY) LIMITED	Date	16/05/2018

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			
C2	C3	Ensure storage conditions of the FPMP document are complied with in a timely manner. Comply with risk control measures in Appendix G of the FPMP.	27/07/2018
A1	C3	Comply with the additional risk control measures specified by Appendix G of your FPMP while waste is stored beyond the 3 month limit.	22/06/2018

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.