

Compliance Assessment Report CAR_NRW0037922

Permit being assessed: VP3598FA.

For: Thomas Brothers, held by Phillip Anthony Thomas & Stephen Charles Thomas
At: Waterston, Milford Haven, Pembrokeshire, SA73 1DP.

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

On 23/04/2021 between 13:00 and 14:10.

Parts of permit assessed: Inspection following waste fire on site.

NRW Lead Officer: James Kinkead.

Report sent to: Phillip Thomas / Steven Thomas, Site owners on 04/05/2021.

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	C3 Minor	4.3.1
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Ongoing (O)	3.4.1
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
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
1	4

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 ensure any on-site incidents involving waste are communicated to NRW as soon as practically possible.	Already completed
C2	Please provide an up-to-date site FPMP to NRW.	22/04/2022
G4	Please ensure Q1 2021 waste returns are submitted to NRW.	Already

Criteria	Action needed	Complete by
		completed

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

A pre-planned inspection of the waste transfer station located at plot 10 Waterston Industrial Estate, Waterston, Milford Haven SA73 1DP and operated by TBS Skips Ltd was conducted on 22/04/2021.

NRW Waste Regulation Officer James Kinkead conducted the visit and was accompanied by members of Mid and West Wales FRS. Both Philip and Steven Thomas of TBS Skips were present during the visit.

TBS Skips operate under a SR2008 no.3 permit (EPR-VP3598FA) at the site. The purpose of the visit was to conduct a site inspection following a waste fire incident on site on 30/04/2021.

Post incident management:

The waste fire on site was extinguished by MAWW FRS on 30/04/2021. The fire occurred in the main waste transfer shed within a walled section holding cardboard waste.

All fire-damaged waste had been removed from site on the day of inspection. TBS Skips confirmed that this material was disposed of as landfill.

All fire water from the dousing of the fire was collected on the sealed drainage pad that serves the main waste building and had been collected in one of the 3 interceptors that serve both plot 10 and plot 12a. The interceptor containing the fire water had been emptied on the day of the visit. **Action: please retain records of interceptor emptying/maintenance and ensure fire-damaged wastes that left site are coded and recorded appropriately.**

NRW were informed about the fire on 07/04/2021 – 1 week after it had occurred. You did not directly report this on-site incident to us. This is a non-compliance of section 4.3.1(a) (notifications) of your permit and has been given a C3 score under category D2 'Accidents, emergency and incident planning'. **Action: please ensure in the future NRW is informed of any on-site malfunction, breakdown, accident or emission of an uncontrolled substance/substance that may cause significant pollution as soon as is practical to do so.**

General site management.

The exterior of the site buildings, entrance and roadways were clear and tidy. No debris or loose waste material was observed outside the site entrance.

Waste within the main shed was mostly well segregated in material bays. All wastes were stored

within the roofed building. The buildings roof appeared to be in relatively good condition and the entire area is served by an impermeable surface with drainage leading to an interceptor.

A copy of the site permit and site diary was not available on request as these documents had been taken off site by another agency prior to the visit. **Action: please ensure a copy of the site permit, site FPMP and site diary/daily log are available for your next regulatory inspection.**

The site is currently evaluating the general working practices, including options for dust suppression/extraction for the manual sorting line, and general organisation of materials within the walled bays. Under condition **3.4.1** of your permit, the site should operate under a written fire prevention and mitigation (FPMP) plan. This would be a good opportunity to review your FPMP which still requires additional information as assessed in 2019 inspections. **Action: please send copies of any updated FPMPs or EMS documents to NRW as soon as possible. This has been recorded as an ongoing non-compliance.**

At the time of writing (04/05/2021), the latest waste returns for the site was for Q4 2020. Q1 2021 is due 30/0/2021. No score will be given as of time of inspection waste returns were up to date. Please ensure Q1 2021 has been submitted to NRW.

NRW would like to thank all TBS Skips staff for their time during the site inspection.

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.