

Compliance Assessment Report CAR_NRW0038825

Permit being assessed: JP3198FJ.

For: Graigola Wharf, held by Stenor Environmental Services Ltd

At: Swansea Docks, Swansea, SA1 1QR.

Type of assessment carried out: Audit, Reason: Routine.

On 14/10/2021.

Parts of permit assessed: Reporting & Duty of Care

NRW Lead Officer: Sally Wakeford.

Report sent to: Steve Norman, Director on 14/10/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	

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
C2	Update management system to include all relevant information	31/01/2022

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

Site Inspection 25 August 2021

A site inspection was conducted on 25 August 2021 by Sally Wakeford, accompanied on site by Steve Norman and Stacey Norman. The purpose of the inspection was to discuss the ongoing removal of wastes and product from the site.

It could be seen from the site inspection that movement of waste offsite was a priority for Stenor, with some areas worked to remove waste/products from the site.

We discussed the use of the aggregate protocol, but also that there is no protocol for soil. As such, as detailed below in the CAR form, the use of End of Waste for soils could be utilised.

We also discussed the survey undertaken on the site by Wardell Armstrong, which shows the volume of waste imported to site between 2008 (permit determination) and 2017. This gave a baseline for which the landlord is looking to get the site down to. As NRW are aware that the surface of the land was not flat level when Stenor arrived on site, and therefore can only request that the waste brought on following permit issue. This survey is discussed below with reference to the Section 59 Notice currently in place at the site.

Environment Management System

A review of the EMS submitted by you in August 2020 has been completed. Please see the table below for comments regarding this Environment Management System.

EMS Review:

Section	Compliant with HTC? Yes / No / N/A	Date of plan / revised plan	Comments
Type of EMS	In house	August 2020	Required from Permit Variation under notice as previous EMS did not comply with HTC.
Risk Assessment	Yes	August 2020	
Legal Requirements	No	August 2020	Mentions legal requirements but does not explore what those are/evaluate them.
Site Condition Report	Yes	On application & August 2020	Bespoke permit requires site condition report on application. Previous site history examined again in August 2020 EMS.
Site Plans	Yes – mostly	August 2020	Site plans show extent of boundary of site only. There are no drainage or discharge points on site. Waste storage areas – quarantine area, storage facilities for oils etc used for machinery, sensitive receptors not shown on plan

			although mentioned within EMS.
Contingency Plans	Yes	August 2020	Complaints, Notice board, Fire, non-conforming wastes, non-conformance issues, breakdowns, procedures for dealing with a series of incidents/accidents provided.
Operations	TBC	August 2020	Site specific processes. Waste acceptance, treatment etc described. DoC. Operations described regarding Wrap QP seem appropriate – discussion required over soil operations. Minimal amounts of storage of wastes once accepted onto site.
Waste Storage	No	August 2020	As described below, no mention of storage times, capacities, procedures to ensure not exceeded, storage heights. Should be no incompatible wastes on site.
Maintenance	Yes	August 2020	
Accidents and Incidents	Yes	August 2020	
Site Security	Yes	August 2020	
Closure	TBC	August 2020	Permit surrender mentioned – hand back as raised plateau – what is meant by this, how is this to be done without being a permanent deposit of waste. What levels and how much higher than road level? Agreed with landlord?
Complaints	Yes	August 2020	Specific measures for dealing with complaints noted in external communications.
Sufficient Competent Persons, resources and training	Yes – but TCM not got right qualifications – already actioned.	August 2020	Records of training to be maintained. Stacey Norman named TCP – needs to ensure correct certification and renewal.
Emissions and Monitoring	Yes	August 2020	Mentions monitoring for dust emissions etc.
Records	Yes	August 2020	Records of waste movements, document retention (6 years), waste returns
Access to permit	TBC	August 2020	signage, meetings, environmental awareness training sessions, tool-box talks, inductions and posters. No mention of in a prominent place.

Review	Yes	August 2020	EMS reviewed annually. Relevant training, and working instructions and records reviewed.
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Site Plans

Does the written management system include the following:	Yes/No	Comments	Page No. in reviewed WMS
Activities carried out	Yes	Location plan and site plan included – no specific areas within the plans included.	
Discharge points	n/a	None exist	
Drainage – surface / foul & destination	n/a	None exist	
Location of waste storage areas	Yes	Location plan and site plan included – no specific storage areas.	
Oil & Chemical Storage facilities	No	No mention on any plans but mentioned within the EMS.	
Sensitive receptors	Yes	Location plan included and noted within the risk assessment	
Contaminated land on site	No	No locations noted, mentions previous land uses in EMS.	

Waste Storage

Does the written management system include the following:	Yes/No	Comments	Page No. in reviewed WMS
Storage times and procedures to ensure times are not exceeded	No	No mention found on time frames for waste to be stored on site.	
Maximum storage capacities for specific storage areas and facility as a whole	No		
Procedures to ensure capacities are not exceeded	No		
Maximum storage	No		

heights.			
Procedures to identify specific waste types stored at the facility	Yes		Page 9 onwards
Procedures to segregate incompatible wastes – separation distances/engineering measures.	N/A		

Comments:**Stockpiles:**

Page 22 (8.6): Stockpile heights are limited – To what height are they limited?

Use of manure: Page 22 (8.6) and 27 (10.2.3): Using manure as a growing medium to stabilise stockpiles and prevent pollution – unless the location is an agricultural premise, manure is considered a waste. The required waste code would need to be listed in your permit, which is it not. Therefore, you cannot consider the use of manure for stabilisation of stockpiles.

Surrender:

Page 40 “At the point of surrender, Stenor will hand back the site as a raised plateau, as set out in the plan of the Permit boundary included in the Permit, reproduced in Figure 19-1. This plateau is understood to be required for flood defence and to protect subsurface utility assets.”

As stated in the EMS:

The legal test for surrender is – “that the necessary measures have been taken:

- (a) to avoid a pollution risk resulting from the operation of the regulated facility; and*
- (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.”*

Stenor would be required to return the site to its original state prior to surrender.

A survey has been provided by the landlord regarding the volume of waste which was present on site at the time of permit issue compared to the amount of waste present in 2019/2020 through drone survey compared to LIDAR data. An assessment will be made with regards to this survey, once confirmed by NRW, the original site investigation report and photographs of the site at the time of permit issue, to understand if the site had

reached satisfactory state.

ACTION: Update the Environment Management System to ensure it contains all the relevant information as listed in the tables above.

Inputs to site during July 2019 to March 2020.

Following receipt of information from Stenor and PGS regarding loads taken to the docks in the period July 2019 to March 2020 from the development in Swansea, the information gathered was assessed.

Although the transfer notes did not contain the location at which the waste materials were kept, i.e. they did not stipulate which site each of the loads were taken to, information was also provided in spreadsheet form which confirmed where each load had been deposited.

During the period **July 2019 to March 2020 approximately 17,900 tonnes was imported** to the Docks site.

At the time NRW had been informed that Stenor were not importing waste to the site, however we understand that the majority of this waste was to be processed and returned to the PGS site. And would also reduce the carbon footprint of the haulage through taking it to a closer site.

Although information was provided slightly outside this range, the date range used here correlates to the information of products leaving the site (see below).

Products leaving site July 2019 to March 2020.

A spreadsheet was provided titled "OUT Products for Stenor ENV SERVS LTD" which detailed outgoing loads of product from both Swansea Docks and Fforesfach sites.

Through this 9-month period of July 2019 to March 2020 it is shown that **18,815 tonnes of material left site as a product**, no waste has been reported as leaving site in this time period.

These products should all be meeting end of waste through case by case assessment or utilising the WRAP protocol for aggregates.

End of waste – Soil Recovery Operation:

The Environment Management System provided via email on 17 August 2020 gives information regarding the steps taken by the company to attempt to reach end of waste on soil.

The EMS lays out 3 methods by which a waste can meet end of waste criteria.

End of waste can be determined using one of three methods:

- Compliance with end of waste regulations (of which there are none in place for soils),
- Meeting a quality protocol (of which there is none for soils)
- and through an individual assessment on a case by case basis.

The EMS states:

“A more complicated first principles assessment is required i.e. Does Stenor consider that the following have been met:

- *the waste soil has been converted into a distinct and marketable product*
- *there is a genuine market for the soil so it will definitely be used*
- *the soil can be used in exactly the same way as a non-waste soil*
- *the soil can be stored and used with no worse environmental effects when compared to the material it is intended to replace”*

The EMS states that this material starts as a waste. And that *“At the start of the soil resource recovery process, accepted soils are separated into their constituent parts and placed into storage.”*

More information about meeting the end of waste test can be found at this web page:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/meeting-the-end-of-waste-test/?lang=en>

Case by case assessment:

Specific points which need to be considered are:

- (1) it will be used for specific purposes
- (2) there is an existing market or demand for it
- (3) it fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products
- (4) the use will not lead to overall adverse environmental or human health impacts

Before an assessment against the criteria is made, it must be established if the use is a genuine recovery activity. If the activity in question is a disposal activity, then the material will not be capable of meeting the end of waste test.

The following questions can help assess if the product meets the end of waste criteria:

- Is there an intended market for the material i.e. is it certain to be used or is there a risk that it will be stockpiled? Offering a product to an open market where there is no demand would mean that the test has not been met.
- Has it been considered what it is their waste would be replacing?
- Can the operator describe how their material can be used in exactly the same way as the ordinary material it is replacing?

- Does the material require any further treatment before being put to use that the material it is replacing would not require?
- Has the operator made an assessment of the composition of their waste compared to the material it is replacing?
- Is it genuine use and not disposal?

The operator needs to have evidence to support the assessment of end of waste on a case by case assessment. The EMS makes no reference to this.

The evidence to support the assessment could include:

Criteria	Information needed and examples of evidence
(1) It will be used for specific purposes	A clear description of what the material is and the specific purpose it will be used for. A description of which raw material the material will be used instead of. Evidence the material will not need any further treatment before being put to use. It is a genuine use and not recovery.
(2) There is an existing market or demand for it	A description should be given of the intended use and customers for the material and the quantities needed. Evidence to show there is a clear use and demand for the quantity that will be used, including; • purchase contracts • purchase orders, • letters of intent
(3) It fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products	Evidence that it meets required standards and if safe to use can include; • Product specification • Specification and standards for the proposed use • Technical Data Sheet • Safety Data Sheet • Material Safety Data Sheet • Reach registration (if required) A comparison must be provided between the product and an equivalent raw material that would be put to the same intended use. This should include an analysis and comparison of the two materials. A summary table should clearly show, side by side, the relevant properties, characteristics and analysis results and

	data.	
(4) Further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protections requirements for the specific use and will not lead to overall adverse environmental or human health impacts.	A detailed description of the sampling and analysis completed must be provided, that shows the methods used to interpret the results. If contaminants are present it is demonstrated this doesn't impact the use of the material. Any special precautions that are needed to ensure protection of the environment or human health.	

It is the responsibility of waste producers to correctly classify the waste and material they produce; NRW do not provide a service to make this decision on your behalf. We will challenge a view if we believe the end of waste criteria are not met and there is a risk to the environment or human health.

Meeting the criteria is reliant on the specified technical specifications and standards being met, any batch that fails to meet the prescribed technical specification you have supplied will be regarded as waste, unless you can prove otherwise. You will need to ensure you have the necessary quality assured processes and testing regimes in place to ensure this specification is always achieved.

Should any process, standard or specification change in the future you may need to review and amend your assessment to ensure your material continues to meet the end of waste criteria.

Once waste has been fully recovered and ceases to be waste, waste management controls cease to apply.

End of Waste – WRAP Protocol:

Stenor utilises the WRAP Quality Protocol Aggregates from inert waste to reach end of waste for the production of aggregates at the site.

You must meet certain requirements to ensure you are compliant with the protocol and the aggregates meet end of waste. This is done through your Factory Production Control document. Which contains details of the various methods of production and testing regime.

Stenor's Factory Production Control document supplied to NRW on 14 August 2020 states to following routine testing periods.

Table 7-2 Routine Testing Schedule

Property	Test Method	Type 1 sub-base	Granular fill for capping (Class 6F5)	Class 1 granular General Fill
Grading / Particle size distribution (PSD)	BS EN 933-1	Each production week	Each production week	Each production week
Particle density	BS EN 1097-6	1 per production month	1 per production month	
Resistance to fragmentation (Los Angeles)	BS EN 1097-2	2 per year	2 per year	
Fines content	BS EN 933-1	Each production week	Each production week	
Classification of constituents	BS EN 933-11	1 per production month	1 per production month	
Water soluble sulphate (WS)	BS EN 1744-1	1 per production month	1 per production month	
Crushed particle category	BS EN 933-5	1 per production month		
Magnesium sulphate soundness	BS EN 1367-2	Once every 2 years		
Plasticity of fines	1377: part 2		Each production week (if required by client)	
Frost heave	812: part 124	1 per year		
There are further requirements relating to water soluble sulfates, total sulfur and sulfides which vary depending on material and location of use. See Specification Highway Works Series 600, Series 800 and check customer specification.				

5 samples were supplied by Stenor for the year July 2019 – March 2020.

Those samples are as below:

- 21 June 2019 – Particle size & water content – 6F5
- 24 June 2019 – Particle size & water content – Type 1
- 02 July 2019 – Particle size – Type 1
- 11 June 2020 – Particle Size – 6F2
- 11 June 2020 – Particle size - 6F2

Outgoing loads during this period were provided on spreadsheet for the Docks site on a spreadsheet “OUT products for Stenor Env Serv Ltd” and were noted to be within a 9-month period, from July 2019 – March 2020. During which they were supplied throughout 28 weeks. It is noted that this does not necessarily align with “production” weeks.

Three of the five samples are outside of the range of the tickets which were provided, however could have been taken from the stockpile of aggregate that was supplied in the months following.

Knowledge about when the aggregate was being produced on site is not known during these months, however NRW and the WRAP QP expect much more extensive testing considering these are a year apart rather than weekly.

If the WRAP QP is not followed then the materials have not met with end of waste, remain a waste and waste controls apply.

Section 59 Notice – volume of waste on site:

You currently have a Section 59 Notice in place at the site due to the storage of waste longer than 3 years.

A volumetric assessment titled “Graigola Wharf – Quantitative assessment of waste material @07.09.2019” was provided to NRW by Wardell Armstrong (ABP consultant) to NRW to provide some details regarding the amount of waste on site at permit issue to date. Using Lidar data and a volumetric survey completed in 2017 to provide volumes of waste on site. I understand you have already had sight of this document.

Information provided within the document include:

2008 Lidar Model v Restoration Profile

· *Comparison of the 2008 LiDAR data against the restoration profile indicates there to be c. 238,157m³ of material on site.*

Sept 2017 v Restoration Profile

· *The current volume of material present on site @ 07.09.2017 (measured to the restoration profile) is c. 536,897m³.*

The restoration profile being 7.1m AOD, as stipulated in Clause 8.5(a)(ii) of a Licence held with the Landlord.

As the permit was issued in 2008 NRW can only request the removal of waste which has been imported since this time, to return the site to that at permit issue.

Using these figures above, the difference between the 2008 and 2017 waste volumes has been calculated as **298,470m³**. (i.e. 536,897m³ – 238,157m³)

Conversion figures have been gathered from various sources to estimate the tonnage of waste still remaining on site from imports to the site between 2008 and 2017, using the most commonly imported waste type EWC code of 17 05 04 Soils and Stones.

Sources include SEPA, EA and WRAP, which give a range of 1.06 – 1.25t per m³.

It is estimated that the tonnage of material to be removed from the site would be approximately **316,664 – 373,425 tonnes** to return it to the condition the site was in at permit issue.

NRW will re-evaluate these figures if further information comes to light.

NOTE:

This volume of waste is not definitive. It is known that waste and product has been imported and exported from the site since the drone survey was completed in 2017.

Any information Stenor can provide which will assist in a complete calculation of further

wastes imported and exported since this date, alongside the information already being provided quarterly, will aid in understanding notice compliance.

END.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.