

**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	17/09/2018 - 04/10/2018	Time in	11:00	Out	13:00
Assessment type	Site Inspection				
Parts of the permit assessed	Assessed part of permit				
Lead officer's name	Coleman, Craig				
Accompanied by	Dearle, Nessa				
Recipient's name/position	Alan Webb/ Director	Date issued	05/10/2018		

### 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	Permit condition 2.1
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	Permit condition 3.4.2 (b)
F3 - Amenity - Dust/fibres/particulates and litter	A	

**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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
------------------------------------	----------	---	----------

**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

### Barry Docks Site Visit – JMEL Envirofuels (EPR/ AB3690CP) – 17/09/2018

Environment officers Craig Coleman & Nessa Dearle attended the JMEL Envirofuels facility at ABP Barry Docks, Vale of Glamorgan; on 17/09/2018 and met with Alan Webb to discuss the future of the waste wood currently being held on site as fuel for the neighbouring biomass power plant and to conduct a site inspection. Thank you for taking the time to attend the inspection and for outlining the status and potential outlets for the material on site.

#### (A1) Specified activities: Permit condition 2.1 – Category 3 breach

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, data submitted to NRW in the form of temperature readings shows that the waste has been stored on site for over seven months; Adam Ward highlighted that the material had been on site for three months in his previous CAR form (CAR\_NRW0033522) dated 08/03/2018.

#### **A Category 3 breach has been scored against this condition.**

The waste has been held on site in anticipation of operations commencing at the nearby biomass plant. The commissioning of the nearby biomass plant has been delayed with several setbacks, and there is no confirmed date for operations to commence. JME cannot guarantee the use of the wood waste for combustion any time soon; and with the change in seasonal weather coming the waste will need to be utilised before it becomes a fire hazard on site or degrades beyond the point of use. NRW requires that the waste be removed from site for use at a suitably permitted facility.

**Action:** remove all waste stored longer than 3 months by 05/12/2018.

It was discussed during the site visit that JMEL has other outlets for the waste to be used as fuel; If the material on site needs to be relocated it can be moved to Birkswell Recycling; or directly to Birmingham Biomass to be utilised as fuel.

#### (D2) Accidents, emergency and incident planning: Permit Condition 3.4 – Category 3 breach

#### **A Category 3 breach has been scored against this condition.**

Permit condition 3.4.2 (b): The operator shall operate the activity in accordance with the fire prevention

plan, from the date of submission, unless otherwise agreed in writing by Natural Resources Wales. This has been assessed as the root cause of the breach above.

Your FPMP section 6.2 states “. . . material will not be on site for a prolonged period. When the material has been processed, it becomes a higher risk. This material will be removed from site within 3 months of production.”; & Section 6.3.3 (8) “At the end of the initial extended storage period the stock suitability will be reviewed to ensure that it can continue to be stored safely.

Demand and Supply considerations will also be considered in the context of stock retention:

- Likely power station requirements in the coming weeks
- Current production capacity within the fuel supply chain
- Market availability of raw materials
- Logistical considerations

Provided that the stock can be safely stored and retains its fuel value JMEL will liaise with NRW and advise that it wishes to retain the stock for a further 3 month extended storage period.”

As discussed above, the waste has now been on site for over 7 months which is well over the time specified within the permit conditions and over the time allowed within the FPMP guidance. NRW allowed the initial extended storage to allow for the biomass plant operations to commence, however seen as the plant is still not operational and there is no confirmed date for when it will be, NRW now requires that the waste be removed in order to comply with the permit and to protect the environment and human health from the reasonably foreseeable fire risk.

**Action: remove all waste stored longer than 3 months by 05/12/2018.**

#### **Fire Prevention & Mitigation Plan Requirements**

Stack Height & Freeboard: On the last inspection (CAR\_NRW0033522) Senior Environment Officer Adam Ward highlighted that the freeboard height requirement of 1m outlined in JMEL Envirofuels' FPMP was not being met. The Eastern Maltese Cross still requires additional blocks to bring it up to the 5m specified in the FPMP, but work has taken place to ensure that the wood stored in the bays of this Maltese Cross was under the 4m requirement to allow for a 1m freeboard to comply with the FPMP criteria.

Temperature Monitoring: JMEL continue to utilise ITOM temperature probes to provide real time internal

temperature monitoring of the wood piles. The site is still without a mains connection and as such the temperature readings are transmitted for a period of time over the weekend. Most recent temperature data indicates that the average internal temperature of the waste piles is between 30°C - 35°C.

The site has a 1,000,000L storage drum of water for fire response at the site, the tank is currently not at maximum capacity, but this is not seen to be an issue as the site also benefits from its proximity to Barry Docks basin which has ample water supply in event of a fire. There are also four hydrant connection points on site should South Wales Fire & Rescue ever need to attend an incident.

#### **(B4) Containment of stored materials**

All of the waste wood is stored within individual bays of a Maltese Cross configuration. The material is stored up to a maximum height of 4m and must not be within 9m of an additional Maltese Cross storage bay. Up on the time of inspection each of the 8 bays utilised was compliant.

#### **(C2) Management Systems & Operating Procedures**

The operator has provided Natural Resources Wales with an up to date FPMP with the fire prevention action plan incorporated in to the document. JMEL has made the required improvements to the wood stock pile to ensure that the 1m freeboard is in place to minimize the risk of fire spreading between the waste bays in the event of a fire.

#### **(F3) Dust/fibres/particulates and litter**

The overall condition of the site was very clean, there was no litter on the floor and the boundary surrounding the site was also clear of litter and debris from site activity.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0034008**

**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	17/09/2018

### 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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

### 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			
D2	C3	Remove all waste stored longer than 3 months by 05/12/2018.	05/12/2018
A1	C3	Remove all waste stored longer than 3 months by 05/12/2018.	05/12/2018

## 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.