

Compliance Assessment Report

Report ID:
CAR_NRW0000005

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

Site	Briton Ferry Shipping Services Ltd		Permit Ref	ZP3198FN	
Operator/Permit holder	Briton Ferry Shipping Services Ltd				
Regime	Waste Operations				
Date of assessment	28/01/2016	Time in	11:00	Out	12:30
Assessment type	Audit				
Parts of the permit assessed	Permitted area				
Lead officer's name	Davies, Gareth				
Accompanied by	Chris Thomas				
Recipient's name/position	Neil Rickard/ Shipping Manager	Date issued	17/03/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	2.1.2 and Table 2.1.4
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	X	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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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

Present

Neil Rickard (NR) - Briton Ferry Shipping Services Limited (BFSS)

David Forey (DF) - Briton Ferry Shipping Services Limited (present for meeting after site tour)

Kevin Stewart (KS) - Technically competent person for Briton Ferry Shipping Services Limited

Joe Gatley (JG) - Environmental Consultant for Briton Ferry Shipping Services Limited

Gareth Davies (GD) - Natural Resources Wales

Chris Thomas (CT) - Natural Resources Wales

The purpose of the site inspection was to assess compliance with the environmental permit held by BFSS, reference EPR-ZP3198FN. BFSS have not operated under their environmental permit for a number of years. BFSS started operating under their environmental permit on the 18 December 2015 and have started accepting Grade C waste woodchip for export. The woodchip is currently being imported by South Wales Wood Recycling Limited.

Following introductions an initial site tour was carried out in order to view the current waste storage arrangements on site. The pictures below show the volume of waste being stored on-site. BFSS were able to confirm that 1407 tonnes of wood chip were currently on site following the 2 loads received on 28 January 2016. Following the site tour BFSS provided a print out of the loads received to date. It was expected that the first load of wood chip would be loaded for export in the middle of February 2016.

The wood chip was currently being stored in 1 large stockpile that can be seen in the photographs below.





The current working plan (appendix D) states that the woodchip will be stored in accordance with Flowchart 1.2 whereby the woodchip will be stored in Storage Sheds 1, 2 and 3 prior to storing it outside. NR confirmed that the reason for doing this was for a number reasons. Firstly if a fire were to take place in one of the buildings, then it would likely take place at the back as this wood chip would have been there the longest. It would be very difficult to tackle a fire if one was to take place in a storage shed. A large amount of material would have to be removed before being able to tackle and remove any material on fire. BFSS have a number of loading cranes and front loading shovels available on the dockside that will allow them to handle material should a fire occur on the dockside. Further to this the storage arrangements were based on a different grade of woodchip.

Section 2.1.1 of appendix D provides details of the maximum stack sizes for combustible material. Within this it provides details for wood chip and that the maximum height of the stack must be no more than 3 metres. NR confirmed that this was not currently being done for the reason highlighted above. NR also stated that it would not be feasible for them to store the material within these dimensions as it would take up the whole dockside. The material is currently being stored adjacent to the dockside where it will be loaded and at the length of the ship that will loaded with the woodchip. BFSS do not intend to store it beyond this length.

NR confirmed that they made contact with Gary Williams of the Mid & West Fire and Rescue Service with a view to carrying out a further site visit. Gary Williams is no longer in the same role and BFSS are awaiting the details of a new contact to arrange a site visit. NR confirmed that he would notify NRW when the site visit was due to take place with a view to NRW attending.

Although the current storage arrangements would be considered a breach of the permit, it has not been scored due to the reason provided by BFSS and the on-going review with the Fire and Rescue Service. An action has been included to update the working plan following the proposed meeting with the Fire & Rescue Service and Natural Resources Wales. Please provide a timescale for the completion of the updated working plan (written management system) to be agreed with Natural Resources Wales by 8 April 2016.

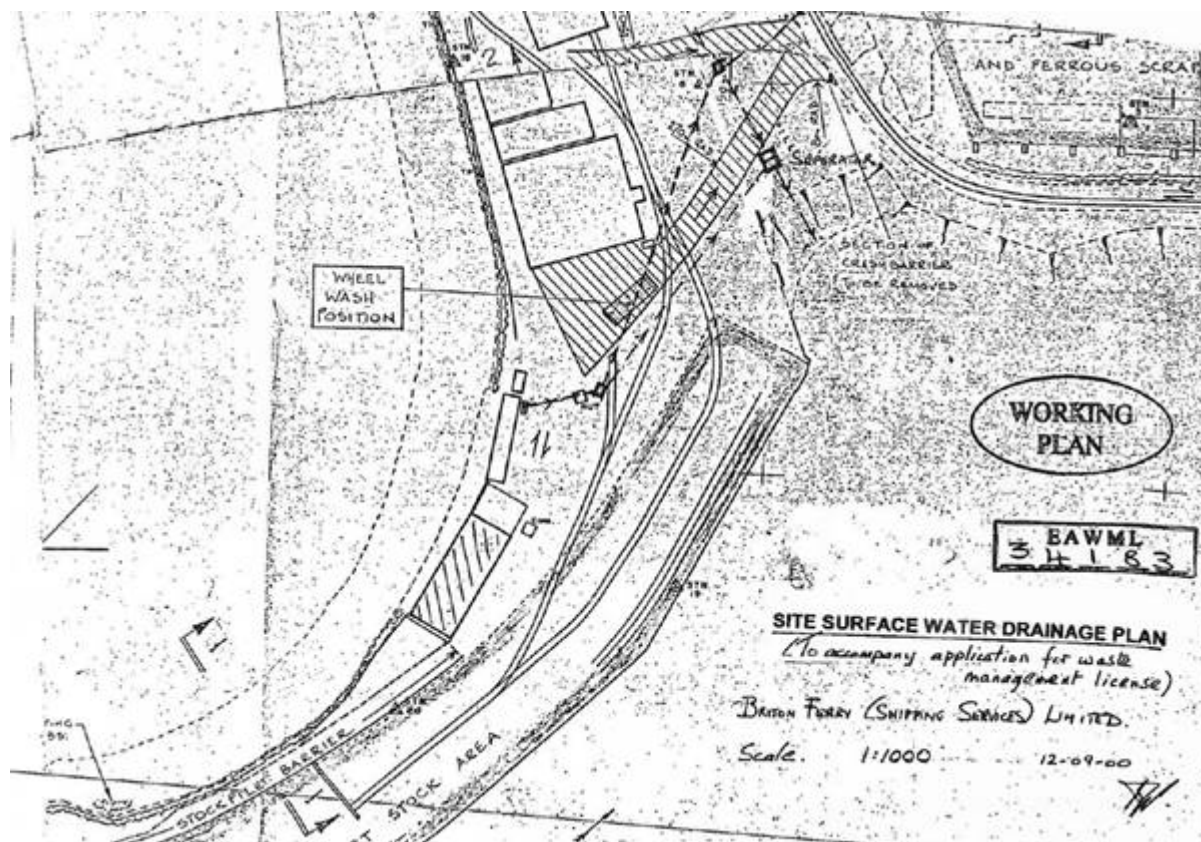
Following the site tour GD went through NRW's 'First Inspection Checklist'. Although this was not the first inspection of the site, the site had not operated for some and it was deemed beneficial to go through the information contained within the check list.

Technical Guidance was discussed and that How to Comply was one of the main reference documents. It was also confirmed that NRW will be publishing 'Fire prevention and mitigation plan guidance – Waste'. A copy of this document has been sent alongside this Compliance Assessment Report.

The drainage arrangements were discussed. BFSS confirmed that they were not aware of an up to date drainage plan for the drainage system on site and couldn't confirm what the current arrangements were

for any surface water treatment and management on site. There is the potential for surface water to discharge and have an impact on either the Neath Canal that lies to the north of the site or to the River Neath that runs to the south of the site if not managed appropriately.

Appendix E from the previous working plan was located within NRW's electronic records. A scan of the drainage plan dated 12.09.00 that is referenced within Table 2.1.4 of the permit can be seen below.



BFSS were not able to demonstrate the drainage arrangements on site are in accordance with the drainage plan dated 12.09.00. This has been scored a CCS Score of 3 under B3 Site Drainage engineering (clean and foul) for a breach of condition 2.1.2 and Table 2.1.4.

It is recommended that an up to date drainage survey is carried out to assess what the current state of the drainage infrastructure is. The drainage should be assessed to ensure that it meets the specifications outlined in Appendix E and is suitable for handling the waste types that have been added since initial permit application. Please provide a date for agreement with Natural Resources Wales for the assessment of the current surface water drainage system by 8 April 2016.

BFSS confirmed that KS will be acting as their technically competent person. Copies of KS's certificates were provided. The minimum attendance requirements for technically competent person is outlined in How to Comply. This is available via the link below. Please ensure that a record of attendance is kept in order to demonstrate that BFSS are meeting the requirement for minimum attendance.

<http://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

Waste Returns will need to be submitted for the material accepted under BFSS' permit. Further information is available via the link below. Waste Returns will be required for the loads accepted during Quarter 4 of 2015.

<http://naturalresources.wales/waste/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

GD provided an outline of the compliance and CCS system and how this can impact on the yearly subsistence fee.

GD also provided an outline of the Compliance Assessment Report, the public register and duty of care requirements.

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

END

EPR Compliance Assessment Report

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Site	Briton Ferry Shipping Services Ltd	Permit Ref	ZP3198FN
Operator/Permit holder	Briton Ferry Shipping Services Ltd	Date	28/01/2016

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
B3	C3	An assessment of the current drainage system should be carried out to establish the current condition and the location of any discharges. Please provide a date for agreement with Natural Resources Wales for the assessment of the current surface water drainage system.	08/04/2016
C2	X	Although the current waste storage arrangements are not being carried out in accordance with the written management system, this has not been scored as a breach of the permit for the reason highlighted in the compliance assessment report. The operator shall update the written management system following the intended meeting with the Fire & Rescue Service and Natural Resources Wales. Please provide a timescale for the completion of the updated environment management system to be agreed with Natural Resources Wales by 8 April 2016.	08/04/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.