

Compliance Assessment Report CAR_NRW0039362

Permit being assessed: CB3096ZB.

For: Orthios Eco Park, held by Orthios Feedstock (Anglesey) Limited

At: Penrhos Works, Holyhead, Sir Ynys Mon, LL65 2UX.

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

On 04/02/2022 between 10:00 and 12:10.

Parts of permit assessed: 1.1.1(a), 1.1.2, 1.1.4, 2.2.1(a), 2.2.1(b)

NRW Lead Officer: David Wilby, accompanied by Anthony Roberts, Leon Williams.

Report sent to: Warren Steele, managing Director on 15/02/2022.

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)	
C1 - General Management - Staff competency/training	Assessed (A)	
C3 - General Management - Materials acceptance	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?

No action required.

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 site inspection was carried out at Orthios Eco park, Penrhos works, Holyhead on the 4th February 2022 between 10 a.m and 12:10pm

Weather conditions bright, dry, windy day.

Persons present:

Orthios Staff present were Philip McCormick, Warren Steele, JJ Van Rooyen.

Consultant: Clair Thomas, Maderne ltd

Consultant: Richard Lucas, Smallbrook Environmental.

Natural Resources Wales(NRW) regulators: David Wilby, accompanied by Tony Roberts and Leon Williams.

This was the first inspection since this permit was issued.

Permit conditions inspected:

General management 1.1.1(a) 1.1.2, 1.1.4

Waste Acceptance 2.2.1 (a) & 2.2.1(b)

Of the permit conditions inspected, there were no compliance issues.

A short meeting was convened prior to visiting the permitted area.

Discussion points included medium term aspiration for site in terms of permitting strategy.

The main purpose of the standard rules permit is to enable the processing of waste from the A-Frame area on site.

A key aspiration is for the company to amalgamate the current standard rules permit into the larger treatment and storage capacity of the bespoke permit.

80 tonnes of RDF baled waste have been removed from the A -Frame to the standard rule permitted area.

Currently plastic waste is not going to the Small Waste Incinerator Permit (SWIP) facility as it is not yet functional.

Orthios outlined an aspiration to manage waste streams through export via trans frontier shipment of waste and the production of refuse derived fuel and solid recovered fuel for energy from waste facilities in the U.K

Suitable plastics waste types will go as feedstock to the SWIP.

Fines arising from trommel activity are undergoing Loss of ignition testing (LOI) with a view to classifying as inert waste.

Note: Waste characterisation is also a key aspect of determining whether a waste is truly inert

During the discussion Clair Thomas confirmed her status as technically competent manager for the standard rules permit and confirmed continued competency completion through to 21.5.24.

Richard Lucas confirmed an environment management system (EMS) and Fire prevention & mitigation plan (FPMP) was submitted to NRW on the 3rd February 2022 just prior to the site visit.

At the time of inspection these documents had not been reviewed by NRW.

An exempt activity 'S2 storing of waste in a secure place' has been registered adjacent to the permitted area

Warren Steele confirmed (by email 7/2/2022) that waste types 19 12 01 Plastics, 19 12 02 and 19 12 03, Metals 19 12 07 Wood (non-hazardous) 19 12 01 Paper and card will be stored here.

Following the meeting, a short visit was made to the permitted area. The permitted area is

within a large building.

At the time of visit, the waste reception bay had waste present. Waste was not being treated at the time.

Warren Steele provided a description of the waste acceptance procedure, rejected loads procedure and quarantine procedure. This will need to be cross referenced with the permit EMS by NRW

There was a small amount of processed plastic waste in the building deemed as feedstock for the SWIP.

Observation:

The permitted area boundary needs to be marked out to ensure that permitted waste activities only occur within the permitted area site boundary

The area used for the exempt S2 activity needs to be clearly marked out. This is to ensure that there is no confusion between the exempt storage area and the permitted area. This is to avoid mixing activities between exempt and permitted area, (EPR '16 Regulation 22 (8) – prevents operators 'topping-up' their activities/ annual throughputs by registering exemptions)

Encroachment of permitted activities into the exempt activities and vice versa will revoke parts of the standard rule permit.

Please ensure that the permitted area and exempt area boundary are clearly marked and that staff are aware of the permit conditions and exempt criteria that are to be adhered to in those discreet areas.

Observation:

Waste transfer notes in and out of the permitted area and in and out of the exempt area need to be accurate and kept for inspection. Similarly, waste transfer notes need to reflect waste out of the A-frame to the permitted areas.

NRW expectation is that the waste currently on site in the A frame is processed in the permitted area or removed for recovery or disposal elsewhere within the timescale set by Leon Williams

Permit Regulator-David Wilby, Lead Specialist, Industry and Waste Regulation Team, North West Wales.

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.

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.