

## Compliance Assessment Report CAR\_NRW0039401

**Permit being assessed:** CB3096HG.

For: Land Adjacent to Ty Newydd, held by McKenna Waste Ltd

At: Thornhill Road, Cwmgwili, Llanelli, SA14 6PT.

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

On 28/01/2022 between 10:00 and 11:30.

Parts of permit assessed: General Site inspection

**NRW Lead Officer:** Sally Wakeford.

**Report sent to:** Duncan McKenna, Director on 17/02/2022.

### 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)      |                  |
| C3 - General Management - Materials acceptance                                                                 | Assessed (A)      |                  |
| B3 - Infrastructure - Site drainage engineering (clean and foul)                                               | Assessed (A)      |                  |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | Assessed (A)      |                  |
| C1 - General Management - Staff competency/training                                                            | 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

On 28 January 2022 a site inspection was carried out by Sally Wakeford (NRW). Present were Duncan McKenna and Tony Davis (TCM).

This site is newly permitted bespoke activity for a non-hazardous and inert transfer station. At present only mixed waste from the McKenna skip company which requires sorting is being brought to the site.

The site is well designed and organised, with new impermeable pavement and associated sealed drainage system. There was an obvious downward slope to the drainage channels.

Tony Davis will remain as TCM until such time as Mr McKenna's son will have completed the training.

### Storage of waste in skips

Permit condition 2.3.1 (a) and Table S1.2 stipulates you must store waste in accordance with section 4.3 of your Environmental Management System Revision 4.

This section states:

*4.3 Storage of Materials on Site: A maximum of 300 cubic meters of material is proposed to be kept at the site at any one time, which would equate to ten, full, 40 cubic yard roll on-roll off containers. The business benefits from the timely import and export of sorted material from the site to generate site turnover, which is the approach the operator will be taking. Wastes are therefore not planned to be stored on the site for the long term. Skips of mixed waste brought to the site will be tipped onto the hardstanding pad and **immediately sorted into constituent components, with these placed in their respective skips/containers at the site.** Each skip/container kept at the site will be clearly labelled to ensure the correct material is placed within it and **all materials will be stored within suitably sheeted/covered skips or containers kept on the site hardstanding.** No stockpiles of material are proposed on site.*

At the time of the inspection there was some wood waste stored directly onto the impermeable pavement. As this issue was not picked up at the time of the inspection, we are unable to ascertain if this was going to be placed in a container after the waste had been sorted.

Please ensure in future you are following the methods as laid out in your Environment Management System as noted in Table S1.2 - All waste to be stored in skips.

### First Inspection Checklist

During the inspection we ran through a first inspection checklist, to ensure we discussed all the topics relevant to your operation, including the technical guidance, your environmental management system and the requirement to run the site using this document, technical competence, waste returns, scoring of non-compliances and the reports you will receive following an inspection. We also discussed Duty of Care and other relevant topics stated

within your permit.

### **Variation to add waste codes**

You mentioned you may wish to add some waste codes onto your list of accepted wastes. This will require a permit variation. As stated in our charging scheme guidance this would fall under a minor technical variation:

*2 Changes solely to the list of wastes the facility is permitted to accept, provided the change would not alter the nature of the facility's operation or increase the environmental risk posed. We will accept up to 15 waste type changes in one variation application, except for permanent deposit of waste to land for recovery, which is limited to a maximum of three waste types.*

Minor technical variations cost £1,311.

Thank you for taking the time to accompany me around the site.

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 1<sup>st</sup> 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](mailto: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](mailto: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.