Cyfoeth Naturiol Cymru Natural Resources Wales

# Compliance Assessment Report

**Report ID: CAR_NRW0034580**

| 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 | 29/01/2019 | Time in | 10:00 | Out | 11:00 |
| Assessment type | Site Inspection | | | | |
| Parts of the permit assessed | Part of permit assessed | | | | |
| Lead officer's name | Coleman, Craig | | | | |
| Accompanied by | | | | | |
| Recipient's name/position | Alan Webb/ Managing Director | Date issued | 22/02/2019 | | |

## 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 |
|---|---|---|
| C4 - General Management - Storage, handling labelling and Segregation | C3 | Permit condition 2.1 |
| D2 - Incident Management - Accidents, emergency and incident planning | C3 | Permit Condition 3.4 |

**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.

| Number of breaches recorded | 2 | Total compliance score (see section 5 for scoring scheme) | 8 |
|---|---|---|---|

**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 – JM Envirofuels (EPR/AB3690CP) – 29/01/2019**

Environment officers Craig Coleman visited JM Envirofuel's facility at ABP, Barry Docks, Vale of Glamorgan on 29/01/2019 to conduct a follow up site inspection to establish if that the waste material that had been scheduled for removal in the Regulation 36 notice, served on 05/12/2018 had been cleared from site. The Site Manage and Fuel Manager were present during the visit.

**(C4) Storage, Handling, Labelling, and Segrigation : Permit condition 2.1 – Category 3 breach**








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

*Permit Condition 2.1: Referring to Table 2.1, states that "no waste must be stored for more than 3 months."*

It was highlighted in CAR_NRW0034376 that the waste had been on site for longer than the permit allowed. The waste remains on site and is still considered a fire risk, the waste is also non-compliant with the storage criteria outlined in the sites permit. A Regulation 36 notice was served alongside, which required that the all of the waste material be removed by 27/01/2019. The Regulation 36 notice has not been complied as there is still waste wood in three of the eight bays on the site. Noncompliance with the Regulation 36 statutory notice served is an offence under The Environmental Permitting (England and Wales) Regulations 2016.

**Action:** **Work to remove the remaining waste from site and meet the requirements of the notice will be considered when reviewing our enforcement response for non-compliance.**

**(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.*

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*

As of the site visit on 29/01/2019 waste material had been cleared from Bays 1, 2, 3, 5, & 6; with waste now only remaining in Bays 4, 7 & 8. However, the waste on site remains there out of compliance with permit conditions due to the length of time it has been stored. As previously stated, NRW had allowed an initial period of extended storage to allow for the neighbouring biomass plant to become operational. As there is still no firm date for this to happen all the waste is required to be removed to another acceptable waste facility.

FPMP section 6.2 states. . . *"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."* This section of the Fire Prevention and Mitigation Plan is not compliant with Section 7 of Natural Resources Wales guidance. The timelines outlined in the guidance are non-negotiable and must be adhered to.

**<u>Action</u>: JM Envirofuels are to review and improve the Fire Prevention and Mitigation Plan for the site to comply with NRW guidance and to implement the updated plan on site.**

**(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.

Craig Coleman

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*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.*

| Cyfoeth Naturiol Cymru Natural Resources Wales | **EPR Compliance Assessment Report** | **Report ID: CAR_NRW0034580** |
|---|---|---|

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 | 29/01/2019 |

## 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 | | | |
| C4 | C3 | Work to remove the remaining waste from site and meet the requirements of the notice will be considered when reviewing our enforcement response for non-compliance. | 21/02/2019 |
| D2 | C3 | Action: JM Envirofuels are to review and improve the Fire Prevention and Mitigation Plan for the site to comply with NRW guidance and to implement the updated plan on site. | 07/05/2019 |

## 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.