| Cyfoeth Naturiol Cymru Natural Resources Wales | **EPR Compliance Assessment Report** | Report ID: 34290/0216478 |
|---|---|---|

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

| | | | | | | |
|---|---|---|---|---|---|---|
| Site | Graigola Wharf | | | Permit Ref | 34290 | |
| Operator/ Permit holder | Stenor Environmental Services Ltd | | | | | |
| Date | 06/08/2014 | | | Time in | 09:00 | Out 10:00 |
| What parts of the permit were assessed | A1, B1, B4, C2, C3, D1 | | | | | |
| Assessment | Site Inspection | EPR Activity: | Installation | Waste Op X | | Water Discharge |
| Recipient's name/position | Stacey Norman | | | | | |
| Officer's name | Sally Wakeford, David Morgan | | | Date issued | 20/08/2014 | |

## Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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** | | | | **Condition(s) breached** |
|---|---|---|---|---|
| **a)** Permitted activities | **1**. Specified by permit | C3 | | 1.1.1 and Schedule1 |
| **b)** Infrastructure | **1.** Engineering for prevention & control of pollution | A | | |
| | **2.** Closure & decommissioning | NA | | |
| | **3**. Site drainage engineering (clean & foul) | N | | |
| | **4**. Containment of stored materials | A | | |
| | **5**. Plant and equipment | N | | |
| **c)** General management | **1**. Staff competency/ training | N | | |
| | **2**. Management system & operating procedures | A | | |
| | **3**. Materials acceptance | C3 | | 2.2.1 and Schedule 2 |
| | **4**. Storage handling, labelling, segregation | N | | |
| **d)** Incident management | **1**. Site security | A | | |
| | **2**. Accident, emergency & incident planning | N | | |
| **e)** Emissions | **1.** Air | N | | |
| | **2**. Land & Groundwater | N | | |
| | **3.** Surface water | N | | |
| | **4**. Sewer | NA | | |
| | **5**. Waste | NA | | |
| **f)** Amenity | **1**. Odour | N | | |
| | **2**. Noise | N | | |
| | **3**. Dust/fibres/particulates | N | | |
| | **4**. Pests, birds & scavengers | N | | |
| | **5**. Deposits on road | N | | |
| **g)** Monitoring and records, maintenance and reporting | **1**. Monitoring of emissions & environment | N | | |
| | **2**. Records of activity, site diary, journal & events | N | | |
| | **3**. Maintenance records | N | | |
| | **4**. Reporting & notification | N | | |
| **h)** Resource efficiency | **1**. Efficient use of raw materials | NA | | |
| | **2**. Energy | NA | | |

**KEY**: **C1, C2, C3, C4** = CCS breach category **( * suspended scores are marked with an asterisk),**
**A** = Assessed (no evidence of non-compliance), **N** = Not assessed, **NA** = Not Applicable, **O** = Ongoing non-compliance – not scored

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

**If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

The site was visited on 6 August 2014. Environment Officers Sally Wakeford and David Morgan were accompanied around the site by Stacey Norman. The visit was conducted as a routine site inspection, focussing mainly on the site boundary.

**Breaches:**

**A1 Specified Activities - CAT 3 - Permit Condition 1.1.1 and Schedule 1 (Site Plan)**

During our inspection a GPS Survey was completed using a handheld device. This data was mapped and compared to the permit boundary. Your permit requires all activities to be undertaken within the boundary marked in red on the attached plan; however it was observed that both storage and treatment of waste was being undertaken in the area marked in blue as well.

During the inspection it was noted by Stacey that you believed you were operating slightly outside the boundary.

You are required to take the following action to remediate/rectify the breach by the dates listed on page 4 of this form under actions required. **You must cease waste operations in this area outside of the permit and operate only within the permitted area.** You have expressed interest in extending the boundary of your permit, to encompass the area you are currently operating in. If this is the case, your application to vary your permit should be submitted before the deadline.

**C3 Management - Materials Acceptance - CAT 3 - Permit Condition 2.2.1 and Schedule 2 (Waste acceptance)**

During the inspection it was noted that a non-permitted waste had been accepted on site. As a result a breach of the permit was recorded. The waste (namely wood chip) from Griffiths is coded as EWC 03 01 05 on the transfer note issued by Griffiths Waste Management. You must stop accepting this waste or vary your permit to add this to your list of wastes. If you wish to vary your permit your application should be submitted before the deadline on page 4.

**Notes from inspection:**

All waste assessments (i.e. Hazardous waste/contaminant checks) are reported to be carried out off site at location of demolition/building work thus negating non-compliant waste arriving at site.

It is our understanding that all waste is recovered in line with WRAP Protocol. The majority of the wastes on site appeared compliant at the time of the visit, excluding the wood waste from Griffiths Pallets.

The wood waste which had been brought onto the site (although not permitted) is classified as waste. It was stated that this was to be combined with WRAP grade top soil to create a product. If waste is mixed with a product which has gone through WRAP testing, then all of this material

becomes waste, unless this material is WRAP compliant and goes through further testing.

During the inspection it was also noted that a stockpile of materials which had gone through WRAP testing had vegetation growing in it (photograph below). The aggregate must require no further processing for the use for which it is destined to comply with the Quality Protocol (Aggregates from inert waste - WRAP Quality Protocol Guidance). The material in question, which appears to be stored indefinitely, will require further processing by removal of vegetation, before it can be used. Therefore this is no longer a product and the material becomes waste again and subject to waste management controls.



At the time of the visit there were stockpiles of materials which were no longer considered to be waste. This material cannot be store indefinitely, and as such at the time it is produced it should have a use for which it is destined, i.e. a customer lined up for the product. Please consider this when waste is treated on site.

Please note that all waste which is brought onto the site must be removed or recovered within three years, or will fall under the Landfill (England and Wales) Regulations 2002, and will be deemed an illegal deposit of waste.

While on site it was noted that Stenor (under agreement of ABP) are planning to carry out groundworks that includes using processed waste (WRAP standard so non-waste). ALL materials used in these works MUST be WRAP standard. If waste is used for these works it will be deemed an illegal deposit of waste.

During the visit we were unable to walk around the site because of working machinery. Please be aware that we may require you to shut down machinery temporarily in future while we carry out an inspection of all operations permitted areas.

We will contact you to review the site boundary and plan for continuing operations.

Thank you for your time during the visit.

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| Site | Graigola Wharf | Permit | 34290 |
| Operator/ Permit | Stenor Environmental Services Ltd | Date | 06/08/2014 |

| **Section 3- Enforcement Response** | **Only one of the boxes below should be ticked** |
|---|---|
| You must take immediate action to rectify any non-compliance and prevent repetition.<br>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. | |
| Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed. | X |
| 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. | |
| We will now consider what enforcement action is appropriate and notify you, referencing this form. | |

**Section 4- Action(s)**

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

| **Criteria Ref.** | **CCS Category** | **Action Required/Advised** | **Due Date** |
|---|---|---|---|
| See Section 1 above | | | |
| A1 | C3 | You must apply to vary the permit or cease waste operations in the un-permitted area. | 31/10/2014 |
| C3 | C3 | You must apply to vary the permit to include relevant waste codes or only accept waste onto site which is listed in your permit. | 31/10/2014 |

## 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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 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 the officer's line managers. 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.