

Mr. Simon Stone

**Our ref: PAN-000167
Your ref: PAN-000167**

Unit 1009
Caerwent Army Training Estate
Caerwent
Monmouthshire
NP26 5XL

Date: 17 January 2017

Dear Mr. Stone,

Application reference: PAN-000167

Operator: Mr. Simon Stone

Facility: Unit 1009, Caerwent Army Training Estate, Caerwent, Monmouthshire, NP26 5XL

We are writing to you to advise you of the current position with regards to the determination of your permit application.

On 4th March 2016 you have submitted a Tier 2 Bespoke permit application to us for the storage and treatment of non-hazardous and inert waste.

Your application was duly made on 1st April 2016. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

In order to proceed with the determination, on 5th July 2016 we served you with a Schedule 5 Notice requesting more information on your proposed activities. The deadline to this notice was 2nd August 2016. As per your request we also conducted a site visit to discuss your application and complete a site inspection on 10th August 2016. Following the site visit conducted by our Local Area Officer and a Permitting Officer, we advised you that due to the drainage (infrastructure) requirements, the proposed facility did not meet the criteria of a Tier 2 permit. In order to proceed with your application, we advised you that you must amend your application to a full Tier 3 bespoke permit. Due to the complex nature of the information required, we allowed you two weeks to provide us with the information we requested during our meeting and telephone conversations. Following our advice, you did not provide us with the information requested by the required date (24/08/2016).

Ffôn/Tel 0300 065 4513
Ffacs/Fax 0300 065 3001
Ebostr/E-mail mutluluk.williams@cyfoethnaturiolcymru.gov.uk
mutluluk.williams@naturalresourceswales.gov.uk

Gwasanaeth Trwyddedu (Caerdydd), Cyfoeth Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd.
CF24 0TP
Permitting Service (Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff. CF24 0TP

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

We served you with a second Schedule 5 Notice requesting more information and providing you with an opportunity to correct your application documents. The Schedule 5 Notice was sent on 5th September 2016 with a response date of 19th September 2016. You did not complete this request within the time frame you were provided with. We wrote to you on 23rd September 2016 and confirmed that you had not provided the information as requested and we then allowed you with a further 10 working days to submit the information. The ten working days expired on 7th October 2016. By this date you had provided us with some of the information.

Following receipt of some of the information, we served you with a third Schedule 5 Notice on 9th November 2016 and asked for more information to support your proposals. You did not provide the information within the time frame provided and following your request we extended the period to 5th December 2016.

The information we have requested is to address our concerns with regards to the inadequate site infrastructure and drainage that is currently in place and the sensitivity of the site location given that this site is within a Source Protection Zone 1 (SPZ1). **On the information provided to date, we do not consider that the infrastructure is suitable for proposed activities, at this location.**

To date, despite the number of information requests and the extended time that we have allowed, you have not provided the information requested in full.

We would like to provide you with a final opportunity to submit the requested information. **Please provide all of the information to us by the end of Friday 20th January 2017.**

As a reminder, please refer to Appendix 1 attached to this document for the information requested previously and in addition to this please see our comments as to what has and has not been provided to date.

Please note: Failure to provide us with ALL of the requested information by the end of 20th January 2017 will result in your application being deemed withdrawn. We will not extend this date any further. If this happens you will lose your fee.

Please be aware that if you provide all of the information requested, we will complete our determination on your application based on the information you have provided to date. If the information submitted is not suitable or does not address all of our concerns, we may decide to refuse your application. If this happens you will lose your fee.

If you have any questions about this notice please phone me on 0300 065 4513 or email mutluluk.williams@naturalresourceswales.gov.uk

Yours sincerely,

Mutluluk Williams
Permitting Officer

Cc: Mr. Julian Gregory sent via email jgregory@ecovigour.com

Appendix 1

Please see the copy of the Schedule 5 Notice containing the information that has been requested. Red text shows our comments to what information has/ has not been provided.

Schedule

1. Site Drainage Plan

The drainage plan (drawing EV/15/05/100) provided is not detailed and does not show sufficient information such as any drains, drainage network or gullies.

ACTION: Please provide a detailed drainage plan.

You have provided an amended drainage plan. However, although the wording of manholes and gully has been used, the plan does not show the network as a whole. I.e. the connection between these manholes and gully's as well as the connection to the water course that runs across the whole site is not included.

2. Site Condition Report

We have significant concerns with this permit application as the risks to groundwater in this sensitive location have not been assessed.

The information provided on the site geology and hydrogeology is incorrect. The site condition report states:

"From the British Geological Society Hydrogeological Map of South Wales, the site is underlain by Carboniferous Limestone overlain by glacial till. The site is not underlain by a Principal Aquifer and is not within a Source Protection Zone."

The Carboniferous Limestone beneath the site is classed as a Principal Aquifer. The site is also located within Zone 1 of the Great Spring Source Protection Zone. Source Protection Zones (SPZ) are used to identify those areas close to drinking water sources where the risk associated with groundwater contamination is greatest. Zone 1 is the area of highest risk.

ACTION:

Please submit a site condition report using our template, highlighting the SPZ1 and associated risks to groundwater.

Please note: Baseline reference data has not been provided with this site condition report. The provision of baseline reference data is not compulsory, however please be advised that in the absence of this information, any contamination which is found to be present at the site when the permit is surrendered will be assumed to have originated from the permitted activity.

This has been partially addressed. The information provided is an improvement on the previous submission and provides greater clarity on how the site will be drained. However, there remains concerns over the risks to groundwater within this Source Protection Zone 1 (SPZ1), in particular from the discharges of potentially contaminated run-off into a dry watercourse. There is a lack of information to demonstrate that the attenuation pond and bypass oil separator can provide a sufficient level of treatment prior to discharge to ground occurring. No assessment of

the risks to groundwater in the SPZ1 from run-off infiltrating to ground through the base of the watercourse when dry has been provided.

3. Environmental Management System (EMS)

The Non-Technical Summary states that an Environmental Risk Assessment has been prepared, which assesses the risk posed to hydrogeology. This is stated to be contained in Section 4 and 6 of the Environmental Management System (EMS). In the EMS the question *'Will the works affect groundwater or drainage into an aquifer?'* has been ticked as *'not applicable'*.

Given the sensitivity of this particular aquifer, which is classed as a Principal Aquifer and a Source Protection Zone 1 we would expect a more detailed assessment of the risk to groundwater to have been undertaken.

Section 9.1.1 of the EMS (Site drainage) states:

'As the site is located on hardstanding surface runoff from rainfall flows into site drainage which is discharged to the watercourse flowing through the centre of the site, via attenuation lagoons for remove suspended solids and a hydrocarbon separator to remove traces of hydrocarbons from vehicle and plant movements around the site'.

Having previously visited the site we are aware that the hardstanding beneath the site is not impermeable, and site run-off and any leaks or spills of contaminants are able to percolate into the underlying ground. It also states:

"Drainage from the lower section of the site, drains into the attenuation pond running along the front of the site. This pond discharges into the unknown watercourse via a hydrocarbon separator.Drainage from the upper level of the site drains into gullies, which discharge via a manhole to the west of the site, into an attenuation pond. This then flows into a hydrocarbon separator, which discharges into the watercourse."

ACTION:

- i. Please confirm if a survey of this drainage network has been undertaken to demonstrate that all pipework is sealed and leak free. Not provided. It is not clear- the drainage strategy submitted provide that a survey has been completed. But the Ems states that as survey will be carried out.**
- ii. If a survey has been carried out please provide evidence that all pipework is sealed and leak free. Not provided. If it has been carried out we have not received the evidence requested.**
- iii. Please provide evidence that the attenuation pond is suitably lined and impermeable. Not provided.**

It goes on to state:

"This watercourse is dry for the majority of the time, but during high intensity rainfall events, receives runoff from the woodland above the site. Much of the drainage from this wood has been diverted into a separate watercourse".

The watercourse and drains which convey site-drainage offsite are also not impermeable, with any contaminated run-off able to soak to ground and potentially able to reach the underlying Carboniferous Limestone and groundwater Source Protection Zone.

In 9.1.2 (Control of hydrocarbons and chemicals into surface and ground water) it states as a control to prevent pollution *"All runoff from site will be discharged through attenuation ponds and bypass hydrocarbon separators. Separate systems are in place for the eastern and western sections of the site"*.

The controls have not considered a pathway to groundwater from contamination percolating through the hardstanding and leaking from the onsite drainage system to ground. No mitigation has been suggested for this or an assessment of the potential Cont/d..

risk to groundwater from this event. One possible control would be to install an impermeable surface across the site and a new sealed drainage system.

Not provided. There are no control measures proposed to provide groundwater protection.

In 9.1.3 (prevention and control of silt contaminated runoff into surface and groundwater) states:

"Silt contaminated water will be directed away from drains. If necessary, this will be directed onto broken ground and allowed to soak away or into excavations, where silt can settle out".

This would not be acceptable as the silt contaminated water is likely to be contaminated with other pollutants which could soak into the underlying Principal Aquifer and affect the groundwater Source Protection Zone. All contaminated run-off should be contained in a sealed drainage system and either collected for off-site removal or undergo on-site treatment prior to being discharged into the environment.

Please note: position G4 (Trade effluent and other discharges inside SPZ1) from our Groundwater Protection: Principles and Practice (GP3) apply to this operation. It states: *"Inside SPZ1 we will object to any new trade effluent, storm overflow from sewer system or other significantly contaminated discharges to ground where the risk is high and cannot be adequately mitigated. If necessary, we will use a prohibition notice to stop any such existing discharge."*

The site drainage you propose to use is not considered to be impermeable and our position statement G4 of GP3 (as included above) applies.

- iv. ACTION:** In order to allow any trade effluent to be discharged to ground **please provide a detailed groundwater risk assessment and full details of how contaminated water would be captured and treated prior to any discharge taking place.** Key contaminants of concern during normal operating conditions will be suspended solids, hydrocarbons and leachate produced from degradation of the mixed wastes which might be received. Whilst the waste is tipped in buildings which minimises rainfall ingress, we know from previous experience that the floors may not be impermeable and any run-off generated as the mixed waste degrades is collected into drains at the entrance to the building. These drains are not considered to be impermeable and are expected to leak. **Not proposed.**

The table states that water samples will be screened for a hydrocarbon concentration of 1ml/l.

ACTION:

- v. Please can you clarify what this is intended to be read as? Not provided. (removed from the document)**
- vi. This analysis would also need to be extended to reflect other possible pollutants which could be contained in contaminated site run-off. Please confirm what other pollutants you intend on testing and monitoring for. Partially provided. Table of EQS limits provided however there is no justification as to how the decision was made to carry out sampling for such contaminants.**

Section 9.6.3 (mud on roads) states:

"All vehicles leaving the site shall be cleared of site material if required using a combination of dry brushing and jet washing."

- vii. ACTION:** Please confirm where the water from this jet washing will be discharged to and what measures you will have in place to contain this run off. **Not provided.**

Please note: As this water may be contaminated and given the sensitivity of the location with respect to groundwater, we would expect that a dedicated area to be

provided with sealed drainage to capture this water for further treatment or off-site disposal.

Section 6- Aspect identification poses the following question:

“Does a watercourse run through the site?” This has been answered as *“not applicable”*. This is incorrect as a watercourse does run through the site.

- viii. **ACTION:** Please provide a revised EMS that includes measures to prevent contamination to this watercourse. **Partially provided.**

Hydrocarbon and metal contaminated runoff from contaminated land, entering watercourses and groundwater. The answer to this risk is provided as; ‘No contaminated land has been identified’.

- ix. **ACTION:** As there is no baseline monitoring please provide an explanation as to how you have come to this assumption. **Not provided.**

Section 10.01- refers to the regulator as “Environment Agency”. The regulator is Natural Resources Wales.

- x. **ACTION:** Please revise the EMS accordingly. **Provided.**

Waste acceptance

Your EMS does not include waste acceptance measures that will be used to ensure only permitted wastes are accepted on site and what your process is for quarantining unacceptable waste.

- xi. **ACTION:** Please provide a revised EMS that is produced in accordance with our guidance *“How to comply with your environmental permit (version 8 2014)”* and includes this information. **Not provided. The EMS still does not refer to the aforementioned guidance.**

It is noted that some of this information is included in the non-technical summary, however this needs to be included in your EMS.

Asbestos

Section 6 – Aspect identification states:

“No asbestos identified, cautionary approach will be adopted during the processing of material from off-site”.

As there is potential for asbestos to exist within materials brought on site, asbestos management is vitally important especially as the site is on SPZ1.

- xii. **ACTION:** Please provide a groundwater risk assessment document demonstrating as to how the risks from accepting and storing asbestos will be managed. **Not provided.**

Also, this waste type is not included in the list of wastes. If this waste is to be accepted please provide a revised list of waste codes.

Hazardous waste

Appendix 1- Site waste management plan refers to hazardous waste. However, hazardous waste is not included in the list of waste types to be accepted at the site.

ACTION: Please confirm if you will be accepting hazardous waste. If so, please provide:

- xiii. Revised list of waste codes (currently these are included in the non-technical summary). **Provided.**
- xiv. Revised OPRA including the amount of hazardous waste to be accepted. **As the answer to xiii did not include hazardous waste acceptance- this is no longer required.**

4. Odour Management Plan

The odour management plan states:

“Mixed skip waste will be sorted within buildings at the site. Segregated waste will be stored within quarantine bays in buildings or within skips on site. Skips of segregated wastes will not be retained on site for more than 72 hours. Skips of mixed waste will not be stored on site for more than 48 hours. Stockpiles of organic waste will be regularly turned to ensure they do not become anaerobic, resulting in odours”.

ACTION: Please confirm:

- i. If this is an enclosed or open ended building. **Provided.**
- ii. How long organic waste is to be stored on site before it is removed. **Not provided.**

The plan does not clearly states what odorous material could be present in the mixed skip waste. It is important that the plan includes this information. Also, the plan does not include contingency measures that will be implemented should odour occur.

- iii. **ACTION: Please provide a revised odour management plan that includes this information. Please refer to our guidance “How to comply with your environmental permit. Additional guidance for: H4 Odour Management” which can be found [here](#). Not provided. The OMP does not refer to the guidance to ensure that as a living document it will be maintained in line with the guidance.**

5. Fire Prevention Plan

Section 1.2 - At risks materials stored at the Crownhill Topsoil Facility, includes combustible materials that are not included in the list of wastes as per the non-technical summary, i.e. waste fuels – including residual combustible waste, RDF and SRF. The fire prevention plan should only refer to waste types that are to be accepted on site.

- i. **ACTION: Please provide a revised fire prevention and mitigation plan that only includes the wastes to be accepted at the site. Provided.**

The fire management site plan (drawing EV/130901/106) does not include a designated quarantine area. As per the fire guidance this should have a 10m clear area around the perimeter to aid separation and waste management during an incident. **Partial information provided. Amended plan received. The area shown in red in the drawing ref: EV/13/0901/106 doesn't meet the 10m clear area requirement.**

Section 2 Fire Prevention Table 1 – Storage of incompatible waste. The mitigation statement appears to be incomplete.

Section 2.3 Storage of waste- states:

“No more than 750 tonnes of treated and untreated wood waste, processed and unprocessed shall be stored at any one time”.

- ii. **ACTION: Please can you clarify if this statement means that only 750 tonnes of all waste wood will be stored at any one time or if this means that 750 tonnes of each type (treated, untreated, processed and unprocessed) will be stored at any one time. The statement questioned in this section is now removed from the plan. However the table still include 750 tonnes of unprocessed wood. It is not clear if the unprocessed wood is treated or untreated.**

Section 3 Fire Detection –mentions the process if a fire is detected outside of operational hours but does not give any details of available staff and the process that will be adopted in a fire situation outside of operational hours.

- iii. **ACTION: Please confirm if the detection system linked to the main MOD security. Not provided.**

Section 4 Containing and Suppressing Fires – states that on discovering a fire if staff are confident to attempt to extinguish a fire then one of the extinguishers should be used.

- iv. **ACTION: Please can you confirm if staff have received adequate training to carry this out?** It is noted that Section 6 Training does not include this information. **Provided.**

Section 5 Managing fire water states:

“Water from this area drains into gullies along the southern side of the site road. This discharges into the ditch in the northern side of the access road, via attenuation ponds and hydrocarbon interceptor”.

However as this area does not have an impermeable surface the fire water (as with all of the site run off) will percolate the surface of the site and run into the groundwater.

ACTION: Please provide a revised fire prevention and mitigation plan that is produced in accordance with all of the details within the Fire prevention and mitigation plan guidance – Waste version 1, May 2016 and addresses all of the points above. Partial information provided. Section 5 Managing fire water states: *“Water from this area drains into gullies along the southern side of the site road. This discharges into the ditch in the northern side of the access road, via attenuation ponds and hydrocarbon interceptor”.* However as this area does not have an impermeable surface the fire water (as with all of the site run off) will percolate the surface of the site and run into the groundwater. The risks have not been adequately considered.