

Compliance Assessment Report CAR_NRW0039379

Permit being assessed: WP3836ZF.

For: Wrexham Clinical Waste Treatment Facility (Incinerator), held by Tradebe Healthcare National Limited

At: Wrexham Clinical Waste Treatment Facility (Incinerator) Marlborough Road , Wrexham Industrial Estate, WREXHAM, Clwyd, LL13 9RJ.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 30/12/2021.

Parts of permit assessed: Q1 CEMS monitoring data

NRW Lead Officer: Rebecca Harwood.

Report sent to: Helder Daravano, Operations Director on 13/04/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	C3 Minor	2.2.1.3
E1 - Emissions - Air	C3 Minor	2.2.1.3
E1 - Emissions - Air	C3 Minor	2.2.1.3
E1 - Emissions - Air	C3 Minor	2.2.1.3
E1 - Emissions - Air	C3 Minor	2.2.1.3
E1 - Emissions - Air	C3 Minor	2.2.1.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	5.1.1 and 5.1.2
C2 - General Management - Management system and operating procedures	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
7	24.1

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?

Criteria	Action needed	Complete by
E1	see text below	30/04/2022
E1	see text below	30/04/2022
E1	see text below	30/04/2022
E1	see text below	30/04/2022
E1	see text below	30/04/2022
E1	see text below	30/04/2022

Criteria	Action needed	Complete by
G4	see text below	13/04/2022
C2	see text below	30/04/2022

Action criteria codes are listed in the 'Important information' section below.

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This Compliance Assessment Report follows a review of Quarter 1 (January – March 2021) air emissions monitoring.

CEMS reports were submitted in accordance with Condition 4.1.2, however, as a result of errors highlighted in previous CAR forms NRW requested all CEMS data for 2021 be resubmitted by the 28 February 2022. Following a further extension request the data was submitted on 9 March 2022.

NRW had also requested the 2021 data be resubmitted having identified that the QAL2 calibration function had not been applied and that some readings were being excluded incorrectly.

The Part A / B accompanying the resubmitted data states that there are 87 occurrences where ELVs were exceeded during 2021. The Operator has subsequently stated that this is for the period August to December 2021.

Having reviewed the data submitted the following ELV breaches have been identified for Q1. Exceedances across the quarter have been consolidated per parameter. NRW have not received any Part C Abnormal Operation notifications for the quarter. The Abnormal Operations log was submitted on the 11 March 2022, this identifies 4 occasions during Q1 when Abnormal Operations were identified. There are no Invalid Days highlighted on this spreadsheet.

Particulate matter - exceedances of both the ½ hour average ELV of 30mg/m³ and the daily average ELV of 10mg/m³ have been identified. **These have been scored a CCS3 breach of Condition 2.2.1.3.**

Sulphur dioxide - exceedances of both the ½ hour average ELV of 200mg/m³ and the daily average ELV of 50mg/m³ have been identified. **These have been scored a CCS3 breach of Condition 2.2.1.3.**

Carbon monoxide - exceedances of both the 10 min average ELV of 150mg/m³ and the daily average ELV of 30mg/m³ have been identified. **These have been scored a CCS3**

breach of Condition 2.2.1.3.

There were no breaches of VOC above the ½ hour average ELV of 20mg/m³ or the daily average ELV of 10mg/m³. There were no breaches of hydrogen chloride above the ½ hour average ELV of 60mg/m³ or the daily average ELV of 10mg/m³. There were no breaches of NOX above the daily average ELV of 400mg/m³.

A Schedule 1 Notification was received on 14 January 2021 following a SO₂ breach on 8 January. It was thought that gypsum may be causing the spike in readings and the Operator planned a controlled burn test.

A Schedule Notification was received on 2 February 2021 following a SO₂ breach on 29 January 2021. Elevated SO₂ levels were seen following a gypsum controlled burn test.

A further SO₂ breach occurred on 29 March 2021, with the schedule notification received on 30 March 2021.

Notifications were not received for all exceedances of SO₂ above the ELV, or for the particulates and carbon monoxide exceedances. **This has been scored a CCS4 breach of Condition 5.1.1 and 5.1.2 - failure to notify.**

This CAR form (and the others relating to CEM exceedances for 2021) highlight a significant number of exceedances above the CEM emission limit values. The root cause of these do not appear to have been investigated by the Operator or any improvements highlighted to ensure compliance with the permit conditions.

Action: The Operator shall provide NRW with a thorough investigation into the root cause of emission exceedances during 2021, including a review of the abatement system performance and its maintenance. Timescales shall be provided to NRW for any improvements highlighted. An update should be provided to NRW by 30 April 2022.

Action: Ensure Schedule Notifications are submitted to NRW immediately after becoming aware of any ELV breaches. This should be implemented immediately.

The Operator has stated that the QAL2 calibration functions have been applied to the data following the QAL2 monitoring in February and June 2021. This was completed following a site visit on 19 January 2022.

Action: The Operator should ensure that their procedures reflect the requirement to update the calibration functions within a maximum of 6 weeks of the QAL2. Please send NRW your revised procedures by 30 April 2022.

Having reviewed the data it appears there are some inconsistencies with the application of Abnormal Operations and Invalid Days. No Invalid Days are identified within the Abnormal Operations log.

Action: The Operator needs to confirm their understanding and interpretation of Abnormal Operations and Invalid Days and how they have been applied to the data.

Please provide an explanation by 30 April 2022.

Due to the concerns highlighted in this CAR we are considering our enforcement response. Future audits of the site are likely to focus on the aspects identified within this CAR.

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.