

EPR Compliance Assessment Report

Report ID: 150707/ZP3933NJ

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

Site	The Treatment Hub			Permit Ref	EPR/ZP3933NJ		
Operator/ Permit holder	The Treatment Hub Limited						
Date	7 July 2015			Time in	1015	Out	1115
What parts of the permit were assessed	External and internal areas						
Assessment	Site Inspection	EPR Activity:	Installation	x	Waste Op		Water Discharge
Recipient's name/position	Simon Farr						
Officer's name	Gareth Davies / Guy Baskerville			Date issued		24/07/2015	

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	2.2.1
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C3	1.1.1, 2.2.1, 2.3.1
	3. Materials acceptance	C3	2.3.1
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	NA	
	2. Land & Groundwater	NA	
	3. Surface water	NA	
	4. Sewer	NA	
	5. Waste	NA	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
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	N	
	2. Energy	N	

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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.

Present

Simon Farr – The Treatment Hub Limited

Phillip Rees – Consultant to The Treatment Hub Limited

Guy Baskerville – Natural Resources Wales

Gareth Davies – Natural Resources Wales

The purpose of the compliance visit was to act as a handover from Guy Baskerville to Gareth Davies. The handover was taking place following restructuring within Natural Resources Wales. Operations carried out by The Treatment Hub Limited at Westfield Industrial Park will now be regulated by the South West Waste Regulation Team.

Simon Farr gave a brief introduction to the operations carried out by The Treatment Hub Limited in that they look to accept contaminated soils and filter cakes from development sites and industrial processes. These material are then treated on site to improve the physical and chemical properties of the waste so that they can be re-used off site.

At present the waste soils currently stored on site are from 2 main sources. These 2 main sources have been kept separate on site, however some small loads have been added to the material received from Droitwich due to the similar properties and contaminants of the wastes. The Treatment Hub Limited are required to operate in accordance with Condition 2.3.1 that states that the activities shall be operated using the techniques and in the manner described in the documentation specified in Schedule 1, Table S1.2. Table S1.2 refers to all parts of the Application supporting document SOL0113ESP01 received as part of application EPR/ZP3993NJ/A001.

During the visit you estimated that there was 13,000 tonnes of material on site. As you are aware section 4.8.3 Waste Storage of SOL0113ESP01 states that 'no more than 5,250 tonnes of material will be stored internally at any one time.' Subsequently, this is a breach of condition 2.3.1 in that the waste storage operations are not being carried out in accordance with Section 4.8.3 Waste Storage of SOL0113ESP01. This has been scored a CCS3 under General Management - C3 Materials acceptance. This is also a breach of condition 1.1.1, where the written management system has failed to identify and prevent non-conformances with the permit from occurring. This has also been scored a CCS3 under General Management - C2 Management system & operating procedures.

During discussion on site you explained that you intended to submit a permit variation to fully reflect the current and intended treatment operations and activities as well as the storage capacity that you intend to operate at on site. Please provide a date for agreement with myself for when an application will be submitted to Natural Resources Wales by 7 August 2015.

It was also noted during the inspection that a number of Intermediate Bulk Containers (IBCs) were being stored outside of the building. Figure 1.2 Proposed Internal Site Layout of SOL0113ESP01 and Figure 3 – Site Set-Up of the Treatment Hub – Environmental Risk Assessment within the Accident Management Plan show that the chemical store will be stored

within the building. This is a breach of condition 2.2.1 in that the IBCs were being stored outside of land shown edged in green on the site plan in Schedule 7 of the permit. This has been scored a CCS3 under Permitted activities – specified by permit.

This is also a breach of condition 2.3.1 and 1.1.1 in that the chemical storage is not being carried out in accordance with SOL0113ESP01 as required in condition 2.3.1 and Table S1.2. As these conditions have been scored above, no further compliance scores will appear as part of the compliance assessment report.

During the inspection you confirmed that these will be brought back inside the building. Please confirm that this work has been completed by 31 July 2015.

Following our site visit Simon Farr confirmed that ALCOA have agreed that they will accept treated soils to backfill the pits at ALCOA under the CL:AIRE Code of Practice. Please could you provide an anticipated start date for this works by 7 August 2015.

If you have any questions in relation to any of the comments in the Compliance Assessment Report, then please do not hesitate to contact Gareth Davies on 03000 653226.

END

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Operator/ Permit	The Treatment Hub Limited	Date
		EPR/ZP3933NJ
		7 July 2015

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. 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.		
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.		X
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	CCS3	Please confirm that the Intermediate Bulk Containers have been brought back within the building and permitted boundary.	31 July 2015
C2	CCS3	Please provide a date for agreement with myself for when a variation application will be submitted to Natural Resources Wales.	7 August 2015
C3	CCS3	Please provide a date for agreement with myself for when a variation application will be submitted to Natural Resources Wales. Also please provide an anticipated start date for works to commence on the backfilling of the pits at ALCOA and the anticipated time taken to complete the works.	7 August 2015

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.