

## Compliance Assessment Report CAR\_NRW0040167

**Permit being assessed:** UP3831ES.

For: ALYN WORKS, held by T S Resins Limited

At: Alyn Works Denbigh Road , MOLD, Flintshire, CH7 1BT.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 21/06/2022 between 13:30 and 17:25.

Parts of permit assessed: See report

**NRW Lead Officer:** Lara Cubley, accompanied by Philip Harper.

**Report sent to:** Jim Hadley / Paul de Wolf, Operations Manager / Technical & Safety Manager on 27/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.2.5.1, 2.1.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	2.2.3.3
E2 - Emissions - Land and groundwater	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
2	8

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
C4	See Actions 1 - 4 and associated dates due	31/12/2022
B1	Action 5	31/10/2022
E2	See Action 6	19/08/2022

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.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

### 1 Introduction

This Compliance Assessment Report (CAR) records a pre-arranged site inspection/familiarisation conducted by incoming NRW site inspector.

### 2 Inspection Findings

The following issues were noted during the site walkover.

#### 2.1 IBC Storage

There were several locations across the site pointed out to the operator where IBCs were stored without secondary containment. Specifically related to the TS Resin's site; IBCs at the rear of the TS Resin's building containing a reddish brown liquid, were stored out of secondary containment. Some of these IBCs were labelled 'scrubber water' with lids missing and no hazard labelling.

**NRW are of the opinion that the above IBC storage breach Condition 2.2.5.1 of the Permit as secondary containment is not provided (C4 - Storage, handling, labelling & segregation - C3).**

**ACTION 1:** The Operator should review storage of IBCs at the site to ensure adequate secondary containment to enable compliance with the permit. The review should include associated management procedures, training, monitoring and inspection. Please provide a summary of the review findings together with any suggested actions for improvement with timescales by 31/10/22.

**ACTION 2:** The Operator should review labelling of products across site to ensure compliance with procedures, legal requirements and permit. The review should include associated management procedures, training, monitoring and inspection. Please provide a summary of the review findings together with any suggested actions for improvement with timescales by 31/10/22.

#### 2.2 Phenol tanker delivery area

The Phenol tanker delivery area was noted to be almost full of water. This is a significant reduction in the storage capacity of this containment area for safe delivery. The Operator confirmed this had been emptied on the 24/06/22.

**NRW is of the opinion that this is a breach of Permit Condition 2.1.1 which requires that the site is operated in accordance with the application. This includes specific bund capacity and procedures for inspection and emptying of bunds (C4 - Storage, handling, labelling & segregation - C3 consolidated with above breach).**

**ACTION 3:** Review the management procedures relating to inspection and emptying of the containment areas/bunds and ensure that removal of accumulated water/spills does not allow such significant reduction in bund capacity in future. Please provide a summary of the review findings together with any suggested actions for improvement with timescales by 31/10/22.

### **2.3 Bund at rear of TS Resins**

The bund at rear of TS Resins between the dump tank and catchment pits (beneath red tank) was full and leaking a reddish brown liquid (notch cut into bund) of unknown composition.

**As above, breach of Permit consolidated.**

The Operator has since confirmed that the bund was emptied and cleaned and the notch in the wall was repaired. The repair is to be inspected by a professional contractor to assure bund integrity. The red liquid was tested on site and found to be a phenol-formaldehyde resin.

**ACTION 4:** The Operator must confirm results of the repair inspection by professional contractor to NRW in writing on completion by 31/12/22.

### **2.4 Hardstanding Integrity**

There were a number of locations where hardstanding was cracked or extensively eroded so as not to provide a sufficient impermeable barrier to contaminants/pollution. These were pointed out to the Operator during the inspection. Specifically related to the TS Resin's site was the hardstanding area between the tank farm and waste pits.

**NRW are of the opinion that the above breaches Condition 2.2.3.3 of the Permit that requires '*.. the Operator shall use BAT to prevent or where that is not practicable to reduce emissions to groundwater from the Permitted Installation provided always that the techniques used by the Operator are no less effective than those described in the Application..*'. (B1 - Engineering to control emissions - C3).**

**ACTION 5:** The Operator should review the condition of hardstanding across the site to ensure the integrity is sufficiently impermeable so as to prevent pollution. This review should include associated management procedures, maintenance, training, and monitoring. Please provide a summary of the review findings together with any suggested actions for improvement with timescales by 31/10/22.

### **2.5 Catchment Pits**

The condition of the concrete above the liquid in the catchment pits to the rear of the TS Resins building was visible and appears to be significantly eroded. That below the liquid level was not visible and would be below ground.

**ACTION 6:** The Operator must provide NRW with sufficient evidence to demonstrate the current integrity of these catchment pits to NRW i.e. inspection and maintenance regime, with recent records to demonstrate compliance by 19/08/22.

Some of these issues were picked up in the inspection of the 26/6/19, almost 3 years ago (CAR\_NRW0035423) and as such would have expected them to have been satisfactorily addressed.

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](mailto: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](mailto: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.