

Compliance Assessment Report CAR_NRW0040831

Permit number	ZP3334AQ	Operator name	Slicker Recycling Limited
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Site name	Slicker Recycling Limited
Site address	7 New Quay Road, Felnex Industrial Estate, Newport, NP19 4PL
Assessment type	Site Inspection

Date of assessment	30 November 2022	Time in	10:00	Time out	12:30
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Parts of permit assessed	Improvement Programme & Emissions of substances not controlled by emission limits
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NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Kieran Channon Group Technical Director	Date	16 December 2022

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
A1 Specified by permit	C3 Minor	2.5.1
B4 Infrastructure – Containment of stored materials	C3 Minor	3.2.3

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

Total number of non-compliances recorded	Total non-compliance score
2	4

2. What action is required?

Criteria	Action needed	Complete by
A1	Operator to satisfy the improvement programme. Where compliance with a BATc may only be achieved by additional/improved infrastructure (e.g. BAT19), the relevant submission must provide a <u>reasonable</u> timetable of delivery (where this work is expected to be completed beyond the completion date given).	08 March 2023
B4	Operator to provide all containers of polluting liquid (including containers of items contaminated by polluting liquid) with <u>secondary</u> containment.	08 March 2023

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 prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter *NRW*) findings following an assessment of Slicker Recycling Limited's compliance with the actions set by CAR NRW0040332 issued on 01 September 2021.

Attendees:

Natural Resources Wales

Guy Baskerville [Senior Industry Regulation Officer]

Slicker Recycling Limited

Kieran Channon [Group Technical Director]
Rob Booth [Managing Director]
Ernie Price [Plant Supervisor]

The A1 Criteria action set by CAR NRW0040332 is presented below:

Criteria	Action needed	Complete by
A1	Operator to satisfy the improvement programme. Where compliance with a BATc may only be achieved by additional/improved infrastructure (e.g. BAT19), the relevant submission must provide a <u>reasonable</u> timetable of work (where this work is expected to be completed beyond the revised date given above).	17 November 2022

On 17 November 2022, Kieran Channon submitted the below document via email:

- *EPR.ZP3334AQ Response to Criteria A1*

This document outlines the operator's efforts to satisfy the improvement programme, in particular; improvement condition IC16. Improvement condition IC16 requires submission of information to evidence compliance with BAT conclusion (BATc) BAT19. Based on our observations to date and following discussions with the operator, it is expected that achieving compliance with BAT19 will be complex, costly and protracted. The document describes efforts to understand the scope of works required to achieve compliance, including the undertaking of an assessment of existing containment infrastructure against *CIRIA c736: Containment systems for the prevention of pollution* and the undertaking of a drainage survey. The operator is awaiting reports presenting the outcomes of these assessments. The document also provides an indicative timeline of key milestones and broadly sets out potential approach, including: a complete rebuild of the site; a partial rebuild of the site; reduced site activities, and; site closure and permit surrender. The approach and timeline will ultimately be dictated by the findings of the infrastructure assessments.

The document does not address all of the improvement conditions in the improvement programme. The operator has provided verbal assurance that submissions will be made to satisfy all remaining improvement conditions.

The operator has made submissions in relation to improvement conditions IC10, IC18, IC19 and IC20. Our assessment of the appropriateness of these submissions, insofar that they satisfy the improvement programme, is outside the scope of this CAR. The findings of our assessment(s) will be presented in separate reports.

The improvement programme remains unsatisfied and therefore the action remains incomplete. A revised completion date for this action is provided.

Slicker Recycling Limited have failed to satisfy all of the improvement conditions detailed in the improvement programme.

As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria A1: Specified by permit. However, with consideration of the progress made towards satisfying the improvement programme to date, this score is suspended.

A C3 score [suspended] has been levied as it is reasonably foreseeable that the failure to satisfy the improvement programme, in particular improvement condition IC16, will result a minor pollution of the environment.

Action 1: Operator to satisfy the improvement programme by the revised date of 08 March 2023. Where compliance with a BATc may only be achieved by additional/improved infrastructure (e.g. BAT19), the relevant submission must provide a reasonable timetable of delivery (where this work is expected to be completed beyond the revised date given above).

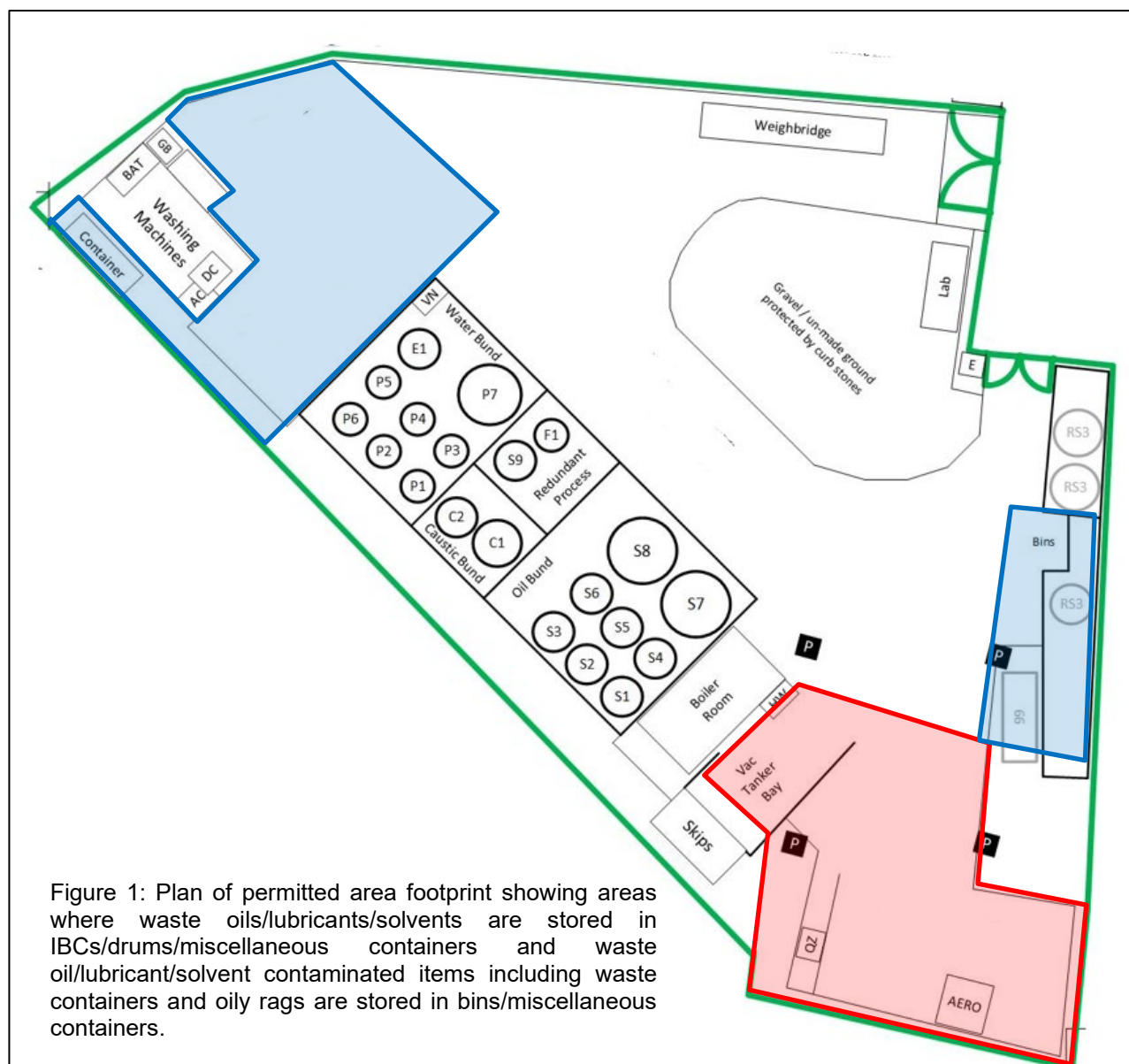
The B4 Criteria action set by CAR NRW0040332 is presented below:

Criteria	Action needed	Complete by
B4	Operator to provide all containers of polluting liquid (including containers of items contaminated by polluting liquid) with secondary containment.	24 November 2022

On 24 November 2022, Kieran Channon submitted the below document via email:

- *EPR.ZP3334AQ Response to Action 2 and 3.*

The document explains that the permitted area is broken down into several operational areas. One of these areas is described as being “used for liquid wastes stored in containers such as drums and IBCs”. This area, as presented in the document, is shaded **red** in figure 1.



The document states that “any leaks from drums or IBCs containing liquid flows (by gravity) into the tanker wash bay” and “all liquid (including rainwater) is collected and pumped into the processing tanks on site”. This suggests that the operator considers the entire footprint of this area a secondary containment system. Where the surface and subsurface structures in this area are appropriately engineered to be impermeable to liquid and prevent its escape, it may be considered a secondary containment system. However, in its current state of disrepair we cannot accept the operators view that it is providing containment and therefore the operator is not in compliance with condition 3.2.3 of the environmental permit.

Furthermore, the document does not discuss other operational areas of the site where storage of liquid wastes in containers is undertaken. The areas shaded in blue in figure 1 are also being used to store IBCs and drums containing liquid wastes (see photograph 1 and photograph 2), in addition to bins and drums containing liquid oil/lubricant/solvent contaminated items including waste containers and rags (see photograph 3 and 4). No secondary containment is provided in these areas and therefore the operator is not in compliance with condition 3.2.3 of the environmental permit.

We acknowledge that, certainly insofar as it addresses the waste storage area shaded red in figure 1, achieving compliance with condition 3.2.3 of the environmental permit and completing this action is linked to improvement condition IC16. However, we would expect the operator to explore interim options to provide secondary containment (e.g. drip trays) and undertake other measures (e.g. consolidating liquid wastes into fewer containers or directing waste to other premises’) to reduce the risk to the environment.

No information has been provided in relation to secondary containment provision in the waste storage areas shaded blue in figure 1. Again, pending instatement of permanent secondary containment in these areas (or cessation of waste storage in these areas), we expect the operator to explore interim options to provide secondary containment and undertake other measures to reduce the risk to the environment.

As the operator continues to be non-compliant with condition 3.2.3, we must levy a non-compliance score and, given the limited effort directed at addressing this non-compliance to date, we are unable to suspend this score.

As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria B4: Infrastructure – Containment of stored materials

A C3 score has been levied as it is reasonably foreseeable that the failure to provide polluting liquid in containers with secondary containment will result in a minor pollution of the environment.

Action 2: Operator to provide all containers of polluting liquid (including containers of items contaminated by polluting liquid) with secondary containment.

The C2 Criteria action set by CAR NRW0040332 is presented below:

Criteria	Action needed	Complete by
C2	Operator to review management system(s) to ensure they are appropriate to the risk and complexity of the operation.	24 November 2022

On 24 November 2022, Kieran Channon submitted the below document via email:

- *EPR.ZP3334AQ Response to Action 2 and 3.*

This document does not appear to address the C2 Criteria action set by CAR NRW0040332.

We understand that the operator is ISO 14001 certified, but there is little evidence that its management system has been properly implemented given the scale of the compliance issues which need to be addressed.

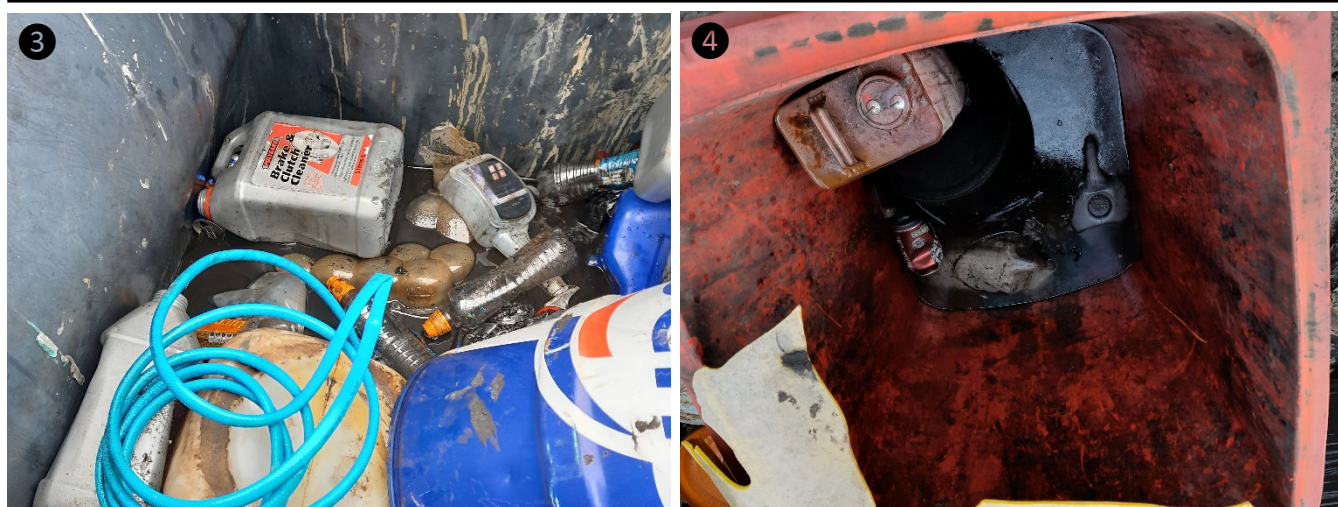
We will be reviewing and assessing internal and external (i.e. accreditor) ISO 14001 auditing in future planned compliance inspections.

Recommendation 1: Operator to review NRW guidance: 'How to comply with your environmental permit v8.0'

Recommendation 2: Operator to fully implement ISO 14001 management system(s).



Photograph 1 & 2: IBCs and drums storing waste oil/lubricant not provided with secondary containment.



3 & 4: Bins storing polluting liquid contaminated items and residues not provided with secondary containment.

Conclusion

Whilst some effort and capital has been directed towards satisfying the improvement programme, there remains a number of improvement conditions outstanding. The operator has rightly directed the majority of its efforts towards improvement condition IC16, but there is still a great deal of work to do to understand the scope of works required. Until the relevant engineering work is undertaken, the operator will continue to be non-compliant with the environmental permit and non-compliance scores must be levied accordingly. With consideration of the operators efforts to date, we have suspended the score associated with this non-compliance. We will be monitoring the operator's future progress closely and may adjust this approach where necessary.

The operator continues to be non-compliant with condition 3.2.3 of the environmental permit. Should waste oils/lubricants/solvents and/or waste oil/lubricant/solvent contaminated items continue to be stored in the areas and in the manner discussed in this report, the operator will remain non-compliant with condition 3.2.3 of the environmental permit until compliance with BAT19 is achieved. We have levied a score against this non-compliance but will consider suspending this score in future should significant progress be made towards reducing the risk posed to the local environment by these storage arrangements and where a path towards compliance is presented to us.

We remain concerned that appropriate management systems are weak, absent or not being properly implemented. The operator has provided assurances that work is ongoing to realign the activities with the ISO 14001 management systems and we will be assessing progress at regular intervals in the short and medium term.

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

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.