

Compliance Assessment Report CAR_NRW0041422

Permit being assessed: ZP3933NJ.

For: Building 2, held by The Treatment Hub Limited

At: Building 2 Westfield Industrial Park , Waunarlwydd, Swansea, SA5 4SF.

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

On 01/03/2023 between 12:00 and 12:45.

Parts of permit assessed: (B4) Containment of stored materials

NRW Lead Officer: Alex Bowder, accompanied by Liane Bacon-Weekes.

Report sent to: Simon Farr, Neil Mcleod, Company Director on 02/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	1.1.1, 2.2.2, 2.3.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
B4	Conduct the necessary maintenance repair works to the building unit to ensure appropriate containment.	02/06/2023

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 prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

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

Introduction

This Compliance Assessment Report (CAR) details the comments of Natural Resources Wales Officers Alex BOWDER and Liane BACON-WEEKES for the environmental permit

EPR-ZP3933NJ held by The Treatment Hub Limited for activities at Building 2 Westfield Industrial Park, Waunarlwydd, Swansea SA5 4SF.

Relevant Documentation

- Supporting document *SOL0113ESP01*
- Environment Management System (EMS)

Previous CAR Form actions - March 2022 (*CAR_NRW0039664*)

Criteria	Action needed	Complete by
B4	You are required to remove the waste located on the unmade ground and remediate the area. You are also required to ensure waste is enclosed in accordance with the permit to prevent further breaches.	03/05/2022
C3	You are required to reduce the volume of waste on site to 5,250 tonnes as authorised by the Environmental Permit. Prior to removal, you must classify the waste in accordance with Guidance on the classification and assessment of waste (1st Edition v1.2 GB) Technical Guidance WM3 and HWR06 Classifying and coding wastes from physio-chemical treatment facilities. This action is overdue.	04/04/2022

General Compliance Comments

The purpose of the visit was to conduct a handover inspection of the environmental permit to Senior Regulation Officer Alex BOWDER. On 1 March 2023, an unannounced spot inspection of the premises was conducted to determine current site conditions of the active environmental permit *EPR-ZP3933NJ*. At the time of the inspection, the site was non-operational with the building unit entrances and exits closed off. No wastes were observed to be stored outside of the building or permit boundary. It was noted that the bentonite clay that was present outside of the unit on the last compliance visit had been removed.

Officers examined the condition of the building to see whether the previous requested actions had been carried out - this was specifically with regard to the securing and enclosing the corrugated walling. Whilst the waste that had fallen beyond the permit boundary onto the unmade ground had been removed, the building is still in a state of disrepair; this could enable further waste to escape.

Side panels of the walling were missing, which allows the waste materials to be fully exposed and accessible, as seen in image 1 and 2. This has the potential to create a health and safety issue due to the hazardous components of the waste.



Images 1 and 2 - showing building unit missing panels with waste exposed and accessible

Officers gained access to the lower part of building (furthest away from the door) and observed cement bags and an IBC containing what, is believed to be, an oily sludge and other mixed materials - this requires correct management and disposal.

It was evident that the waste deposited within the building had not been removed, and volume quantities were still exceeding 5,250 tonnes.



Image 3 - showing waste material stored within the building

EPR Regulation 37 Statutory Suspension Notice

In 2020, a partial Suspension Notice was issued on the operator preventing activities from inputting waste within the boundary of the permit. This was set with two actions:

- (i) cease the acceptance of waste onto site and;
- (ii) reduce the quantity of stored waste to 5,250 tonnes.

The operator must reduce the quantity of stored waste to 5,250 tonnes, and comply with other its other permit conditions as dictated in EPR-ZP3933NJ.

Action

The operator must conduct the necessary maintenance repair works to the building to ensure appropriate containment.

Telephone conversation with operator

On 2 March 2023, Officer BOWDER had phone conversations with respective Directors Mr. Simon FARR and Neil MCLEOD. It was stated by Mr. MCLEOD that, as the business has been prevented from bringing in any additional materials, they have not been able to generate any capital to dedicate towards the removal of the waste. Therefore, the operator's intention for the waste is for it to remain there; this is with no foreseeable future financial ability to remove the materials.

Officer BOWDER raised the issue that the waste cannot reside there indefinitely, and of the wider landowner responsibilities and removal implications. Despite the active partial suspension notice, other compliance factors of the permit still apply (and must be adhered to) until the permit is surrendered.

Reminder note:

The operator must continue to submit its quarterly returns and annual reporting requirements (even if null return), as per schedule 4 of the permit.

Permit Breach**C3 Permit Breach**
B4 - INFRASTRUCTURE - CONTAINMENT OF STORED MATERIALS

NRW considers the potential for waste materials to escape the building onto unmade ground beyond the permit boundary a breach of permit conditions 2.1.1, 2.3.1 and 1.1.1.

As a result, this has been attributed a compliance score of **C3**.

If you have any issues with this compliance report, please contact Senior Regulation Officer Alex BOWDER at Alex.Bowder@cyfoethnaturiolcymru.gov.uk.

Thank you.

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.