

## Compliance Assessment Report CAR\_NRW0041530

**Permit being assessed:** CB3797CA.

For: Units 9 & 10, held by New Horizon Biofuel and Animal Bedding Co Ltd

At: Vauxhall Industrial Estate, Ruabon, Wrexham, Wrexham, LL14 6HA.

**Type of assessment carried out:** Site Inspection, Reason: Incident Response (Incident number 2301520).

On 27/02/2023 between 16:00 and 17:30.

Parts of permit assessed: General management, storage of waste, EMS, drainage system

**NRW Lead Officer:** Ian Thomas2, accompanied by Simon Griffiths.

**Report sent to:** Philip Thomas, owner on 22/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2 Significant	Permit condition Schedule 1 Operations, Table S1.1 Activities All hazardous and non-hazardous waste must be stored and treated on impermeable surface with sealed drainage to sump. Consolidated with Condition 3 Emissions and monitoring 3.1.3
C2 - General Management - Management system and operating procedures	C3 Minor	Permit condition 1.1. General management 1.1.1 (a) and (b),. Consolidated with EMS table 1.2 waste storage, 1.8.2, 1.10.2, 2.9.1, 2.9.2, 3.5.2, 4.1.3, 5.3, 6.1.1, 6.2.1, 6.2.2, 6.3, 6.5.1, 6.6.1, 6.10.1
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
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Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	35

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
B3	Please provide evidence of the works done at unit 9 - the instalment of ACO drain.	27/03/2023
C2	Please update your EMS including the revision of all relevant parts and the site plan and submit for assessment. Please comply by the 3rd of April 2023. Please provide all operational staff with an EMS refresher training to ensure they are fully conversant with all operational procedures. Please comply by the 3rd of April.	03/04/2023
C4	Please ensure all material is stored as detailed in your EMS. Please comply by the 27th of March	27/03/2023
C4	Please ensure the site is operating in line with your FPMP. If required, please revise your FPMP and submit the changes to NRW.	03/04/2023

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.

**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

On the 27<sup>th</sup> of February 2023 Ian Thomas, waste regulation officer, and Simon Griffiths, waste carriers and brokers officer, attended at New Horizon Biofuel and Animal Bedding Co Ltd following a report of discoloured brook near site.

Officers were met by the site supervisor.

During the visit officers witnessed a significant amount of bright green liquid pooling at the gates to the site.

In front of this there was a surface water chamber which contained what appeared to be a similar green liquid that was visible on the ground. Please see the photo below.



The drainage system was checked and officers observed the green liquid within. Please see the below photo



The source of the pollution was identified as IBCs stored in the yard. The site supervisor informed officers they contained waste shredded plastic. The containers were open-topped which would allow rain water to fill up the containers.

Officers identified two fractured IBCs which were leaking a bright green liquid. A large area of the yard was covered with it as shown of the below photos.





#### Leaking IBC containers

The site supervisor could not provide further details in relation to the containers or their contents.

The majority of the leaking had stopped at the time officers were on site. Officers obtained approximately 500ml of the liquid from the bottom of one of the leaking IBCs.

A formal sample was taken and served on the site manager.



At the request of NRW officers the leaking IBCs were moved to a sealed skip. Officers asked that the area be cleaned using spill kits, and banded to stop any further liquid draining from the yard.

The pollution from the yard entered the surface water drainage system and polluted the nearby watercourse. Please see the photo below



On Tuesday the 28<sup>th</sup> of February Boguslaw Pierchala and Ian Thomas, waste regulation officers, attended the site to conduct a follow-up site inspection.

The officers were met by Craig, the site Manager, who accompanied the officers throughout the inspection.

Craig confirmed that the site only accepts non-hazardous waste at the moment.

#### Unit 9

As officers checked the IBCs storage area, they noticed that some containers were still leaking onto the yard. Please see photos below.

Craig instructed one of the employees to deal with the leak. The employee started putting spill pads down which officers deemed insufficient. They requested the broken IBCs be placed in another container to ensure no further pollution occurred.



Officers also saw an IBC leaking a brown substance. The manager did not know what substance was stored in the IBCs.



The containers were open- topped and not double-bunded causing the leak to escape onto the yard.

Officers also saw a container by the entrance to the treatment building. It was filled almost to the top with a green liquid which clearly posed a risk of further spill/pollution.





The manager was instructed to place the container inside the building to ensure the liquid is safely stored prior to imminent disposal by an authorised company.

#### **Storage area**

It was pointed out that current storage arrangements are not in line with the Environment Management System (EMS).

The site plan includes interlocking concrete fire walls separating storage bays Area 6 to Area 9. At the time of the visit the walls were not in place. The manager stated that they were to be installed in the next couple of weeks.

Officers also noted that Area 9, which should be reserved for Virgin timber /wood feed for biomass and pelleting plant was being used for plastic waste storage.

#### **Unit 10**

Officers then inspected Unit 10. They saw a number of waste plastic bins stacked next to the storage building. Please see photos below.

It was pointed out that current storage arrangements were also not in line with the Environment Management System (EMS).



This storage is not compliant with the EMS and is also a fire hazard.

A surface water drain located close to the rubbish bins was checked and appeared blocked.



Further non-compliant storage was observed with waste streams stored in the quarantine area.

Please see photo below



It was noted that shredded wood was being stored next to plastic waste which is a breach of the permit and a fire hazard.

The surface of the storage area at Unit 10 was checked and discussed with the site manager.

It was noted that part of the yard is not impermeable, contrary to what is stated on the EMS site plan.

The officers had serious concerns regarding discrepancies between the storage on site and the EMS, the lack of knowledge in relation to what waste was being stored at Unit 9 and also the handling of the pollution incident.

NRW officers attended the site on Friday the 3<sup>rd</sup> of March to discuss the incident with the owner and the management team. The details of the meeting will be documented separately.

The following breaches were noted during inspections:

Permit condition 1.1. General management states:

*1.1.1 The operator shall manage and operate the activities:*

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and*
- (b) using sufficient competent persons and resources.*

The site activities were not carried out in accordance with the EMS, the site management and staff did not have sufficient knowledge of the EMS and site procedures.

The score for breaching the above conditions has been consolidated into a **Category 3** permit breach.

**Condition 3 Emissions and monitoring**

*3.1.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.*

The containers with fluid waste were stored without secondary containment, no mitigation measures were put in place to prevent leakage or the pollution reaching the surface water drainage system.

This score has been consolidated under the below permit **condition**

**Schedule 1 Operations, Table S1.1 Activities** which states:

*All hazardous and non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage to sump.*

As a result of the above permit breach a **category 2** non-compliance score has been issued.

Since the incident the owner has informed NRW that an ACO drain has been installed at unit 9 which ensures the drainage system is sealed.

**Action:** Please provide evidence of the afore mentioned works to NRW. Please comply by the 27<sup>th</sup> of March 2023

The below listed breaches relate to the Environment Management System.

As stated above, they have been consolidated into a **Category 3** non-compliance score.

**Table 1.2 – Waste Storage Table**

Waste storage on site is not compliant with the EMS.

**Action:** Unit 10 – As discussed with the site management, please re-arrange the storage of waste to ensure it's in line with your current EMS.

Please ensure the waste is stored on impermeable surface. Please comply by the 27<sup>th</sup> of March 2023

**Action:** Please update your EMS including the revision of all relevant parts and the site plan and submit for assessment by the 3rd of April.

*Condition 1.8.2 All operational staff and contractors must be aware and understand the contents of the Environmental Management System (FPMP) and its location in order to respond and action the proposals set out in this FPMP to ensure the three objectives in Section 1.1.1 are met.*

I understand that the wording in this condition is a mistake and that the contents relate to the EMS

and not the FPM.

**Action:** Please include the correct wording when providing your updated version.

#### Condition 1.10.2

*The company, through the TCM, will ensure that a nominated deputy is sufficiently trained and familiar with the EP and this EMS document in addition to all relevant company procedures who, in the absence of the TCM, will act the competent person. If either the TCM or deputy is changed, the NRW will be informed of the change and the relevant details of the replacement as soon as possible.*

Since the incident the site owner has provided an update in relation to the staff training. A refresher spill training for staff was delivered by Toolbox Talk on the 6<sup>th</sup> of March with further training, namely Hazardous waste awareness training course, scheduled for the 30<sup>th</sup> of April.

**Action:** It was clear that the management and staff were not fully aware of the EP, EMS and the site procedures.

Please provide all operational staff with an EMS refresher training to ensure they are fully conversant with all operational procedures. Please comply by the 3rd of April.

*Condition 2.9.1 The site drainage is shown on Drawing No. VIE/2704/03 and in summary:*

*The building in Unit 9 which houses the treatment plants is surfaced with concrete and any water escape points are sealed using a small lip i.e. to contain any spillage*

*Condition 2.9.2 Operational staff will undertake continuous checks of the drainage throughout the working day and in the event of surface water pooling, the operator will contact a reputable drainage contractor as soon as practicable to inspect and clear the drains as necessary.*

At the time of the inspection the water escape points were not sealed causing the pollution to escape the site and reach the surface water drainage system. The spillage clearance procedures had not been implemented.

*3.5.2 In terms of the material stored in AREA 9, this will contain non-waste virgin timber acting as feed for the Biomass Boiler or Pelleting Plant. The two items of plant will not run simultaneously and will be operated depending on demand for the product.*

The wood material was stored at Unit 10, which is not compliant with the site EMS.

**Action:** Please ensure all material is stored as detailed in your EMS. Please comply by the 27<sup>th</sup> of March

*4.1.3 Any spillages of fuel/oil will be cleared immediately by depositing sand or absorbents on the affected area. The sand or absorbents will be placed in a skip/container to be taken to a suitably permitted site for disposal. All spillages of waste and windblown litter will be cleared by the end of the working day in which they occur. Spillage clearance procedures are detailed in Section 5.3.*

As mentioned above the spillage was not dealt with and the clearance procedures were not

implemented by the site management and staff.

*6.1 Training needs assessment 6.1.1 All new and existing site staff are subject to a specific training regime based on their responsibilities at the site to ensure all operations are carried out without harm to the environment or amenity of the surrounding area. Training in all aspects of the site and waste operations at the site with regard to the individual responsibilities of the site staff will help to prevent incidents occurring which may have an adverse impact on the environment and/or the employees and their co-workers.*

It has been identified that site staff required further training to ensure all activities are conducted in compliance with EP and EMS and that they don't adversely impact the environment.

#### *6.2 Site rules and infrastructure training*

*6.2.1 This information is provided to all employees, visitors and contractors with a full understanding of the site's conditions of use, which is communicated and documented at induction for all staff with specific induction for visitors and contractors.*

*6.2.2 Competency should be demonstrated within this field to ensure the employee is fully aware of the site's surroundings and operations to ensure their safety and compliance with specific operating conditions at the site*

#### *6.3 Emergency procedures training*

*6.3.1 All employees are required to be familiar with the Environmental Controls in Section 4.0 and the Emergency Procedures as detailed in the Section 5.0.*

#### *6.5 Recognition of waste types training*

*6.5.1 All employees are given induction training and subsequent regular training to identify those waste types which are permitted for acceptance at the site under the site's EP and those wastes which are not. This will include specific training to identify those common wastes which may be found following deposit and are not permitted at the site and will also include more obscure wastes and how to handle these wastes safely. All employees are advised that they should refer any unrecognisable or unknown wastes to senior management, who should, in turn, follow procedures outlined in the EMS and/or contact the NRW to agree a suitable method for removal.*

It's been identified that the staff had failed to recognise the green substance as a possible pollutant/non-conforming waste. The spillage procedure had not implemented and there was lack of knowledge/understanding of the EMS.

#### *6.6 Storage areas / limits training*

*6.6.1 Those employees who carry out their responsibilities at the site and those in senior posts must be trained to identify appropriate waste storage areas to ensure that waste storage operations comply with the requirements of the EP for the site.*

At the time of the inspection, it was noted that waste was not being stored as described in the

EMS.

#### *6.10 Permit / management System*

*6.10.1 All employees will be inducted into the operating conditions as prescribed in the EP for the site. Whilst much of the above training will provide specific guidance on many aspects of these documents, all employees will be made aware of the location of the EP and EMS in the site office. All managerial positions will be made fully aware of the site's operating conditions.*

As mentioned above, it has been identified that the site management and staff require further training to ensure compliance with EP and EMS.

#### **Fire Prevention and Mitigation Plan - FPMP**

6 Prevent fire spreading

Condition 6.1 states

*Fire walls and bays 6.1.1 Waste/material on site will be stored against concrete fire walls. (...)*

At the time of the inspection the fire walls had not yet been installed. This creates a fire hazard and is not compliant with the submitted FPMP.

**Action:** Please ensure the site is operating in line with your FPMP. If required, please revise your FPMP and submit the changes to NRW.

It is our understanding that the open-topped containers are to be stored indoors to prevent pollution incidents. Current EMS does not allow waste storage in the buildings.

Please ensure your storage arrangements are compliant with your current EMS.

If required, please include the storage considerations/changes when submitting your updated EMS for assessment. Should the containers be stored outdoors a weatherproof cover will help to minimise the risk of leaks and pollution.

We are considering our enforcement options which will be communicated to you in due course.

Thank you for your time during the inspection, please find my contact details below.

Boguslaw

Boguslaw.Pierzchala@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.