

Compliance Assessment Report CAR_NRW0042192

Permit being assessed: BW9999IG.

For: Chirk Particleboard Factory, **held by:** Kronospan Ltd

At: Chirk Particleboard Holyhead Road , Chirk, Wrexham, Clwyd, LL14 5NT.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 21/07/2023.

Parts of permit assessed: Improvement Conditions 27, 35, 36 and Colas Rail refuelling spill..

NRW Lead Officer: Ian Oakes.

Report sent to: Chris Emery, Director, on 26/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	C3 Minor	1.1
IR2E - Operations - Improvement programme	Action only (X)	

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

Total 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
IR1A	Review management of contractors procedure for Colas Rail activities following refuelling diesel spillage of 1 February 2023.	30/09/2023
IR2E	Refer details section	30/09/2023

Compliance 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. Improvement Conditions 27, 35 and 36

1.1. NRW IC27

"The "Kronospan Dispersion Modelling Assessment" by Fichtner Consulting Engineers Ltd (Report ref. S2376-0030-0003RSF dated 15/12/2021) presents air dispersion modelling for the installation's normal operations scenario and a number of additional non-standard operating scenarios, specifically:

- i. *MDF 1 Cyclones Offline*
- ii. *MDF 2 Cyclones Offline*
- iii. *MDF 1 and 2 Cyclones Offline*
- iv. *K7 and K8 Biomass Boilers Offline.*

The results presented are worst case in that they assume that each scenario is operating 100% of the time all year round, which cannot happen in reality and the modelling report does not address how often each scenario occurs.

The Operator shall provide a written report setting out the frequency and duration of both normal operations and the non-standard operations (i) to (iv) listed above over a 5 year calendar period, 2017 – 2021 inclusive. Frequency shall be represented by the number of occurrences for each individual scenario and duration represented by number of hours. The data shall be presented by operating scenario for each individual calendar year and summarised by providing the totals for each over the full 5 year period."

The additional scenarios have been considered and found to be consistent with the modelling undertaken by NRW in determining the air quality assessments used by permitting (in the determination of the consolidated permit variations).

The requirements of the Improvement Condition have been met.

1.2 NRW IC35

Has been re-written to clarify requirements, extended for 3 months and consolidated in permit variation EPR/BW9999IG/V009 issued 16 May 2023 with updated text:

"The Operator shall carry out a review of their waste management systems and procedures against the Best Available Techniques Conclusions (BATc) for the production of Wood-based Panels 'Management of wastes and residues'. The findings of this review shall be sent to Natural Resources Wales in writing together with a timetable to implement any necessary changes that are identified. Any relevant waste management procedures and associated documents shall be made available for inspection upon request."

1.3 NRW IC36

"The operator shall submit a written plan to implement the soil and groundwater monitoring requirements referenced in Condition 3.2.4. The monitoring plan shall demonstrate how the operator will meet the requirements of Articles 14(1)(b), 14(1)(e) and 16(2) of the IED. The monitoring plan shall be implemented in accordance with the written approval from Natural Resources Wales."

We have reviewed the document in the context of Industrial Emissions Directive requirements and are prepared to accept the submission provided the following observations are included, the document is reissued to reflect the changes and resubmitted to NRW by 30 September 2023 (to update the Public Register).

- P.11, 4.4 The screened section of the boreholes should extend above the maximum likely elevation of groundwater at each specific location, to ensure groundwater is sampled from the water table.
- P.11, 4.5 We note that a minimum of 3 well volumes will be purged during development. Given the use of 10 mm pee gravel for a filter pack, the well should be developed until turbidity readings indicate that the borehole (well) will provide good quality samples with low suspended sediments.
- P. 13, 4.12 - typo – should be litres per minute, not per second. Although “micro-purging” (aka low-flow, low-stress or minimal drawdown) purging will be used, we still recommend at least 1 saturated casing volume be purged prior to monitoring for stabilisation of field parameters – see **Martin-Hayden, J.M., Plummer, M., Britt, S.L., 2014.** Controls of wellbore flow regimes on pump effluent composition. Ground Water Monit. Rem. 52 (1), 96–104. <https://doi.org/10.1111/gwat.12036> and **Varlijen, M.D., Barcelona, M.J., Obereiner, J., Kaminski, D., 2006.** Numerical simulations to assess the monitoring zone achieved during low-flow purging and sampling. Ground Water Mon. Rem. 26 (1), 44–52. <https://doi.org/10.1111/j.1745-6592.2006.00029.x> for information in support of this request.
- P.13, 4.5 We note the storage of firefighting foam surfactants on site (Table 3-1, Source ID C7); chemicals included in these firefighting foams should be included in the analyte list. Many of these firefighting foams contain PFAS compounds which are now a serious cause for concern in the environment.
- P.16, 2.6 Please ensure that groundwater monitoring is conducted at / just down-gradient of any areas where firefighting foam has been(is) stored or used. This is not necessary if you are able to demonstrate that the firefighting foams did or do not contain PFAS chemicals or other chemicals that would require monitoring.
- P.20, 6 Ensure that the report addresses the relevant items listed in Table 5.1 of the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions (2014/C 136/03) [EUR-Lex - 02010L0075-20110106 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2010/75/oj). Especially a groundwater

elevation contour (gradient) map showing likely groundwater flow directions (pathways).

2. Colas train refuelling spill in the Kronospan logyard rail sidings

2.1 Information provided (on Public Register)

- Part A Scheduled Notification 1 February 2023 (detection 1 February 2023 02:30),
- Part B Scheduled Notification 27 April 2023 (Redacted Colas documents 10 May 2023),
- Colas Rail incident report 1 February 2023 02:00 ENV/2023/002/717,
- OHES Environmental preliminary spill report FJ265597 Colas Rail (including Adler & Allan Environmental Risk Reduction post incident report reference FJ00265203 and additional),
- Colas Rail Enviro Alert - Refuelling adding: "Refuelling MUST be supervised at all times - it is NOT acceptable to begin dispensing fuel, leave the nozzle engaged and move away from the activity." Procedural breach issued Environmental Manager HQ dated 01/02/2023.

2.2 Incident summary and actions taken

The diesel spill was a result of the driver leaving the locomotive for about 40 minutes whilst refuelling assuming that the Flyte Valve would automatically shut off as had previously happened.

On returning the driver observed a large amount of red diesel on the concrete hard standing and between the rails and used spill kits to stop the spread (and raised the alarm). The Adler & Allan clean up crew was notified. The above ground supply tank has a maximum fill of 18,000 L with 12,790 L remaining though no starting volume has been supplied.

Adler & Allan attended site on 1st and 2nd February and carried out extensive cleaning of the whole area involving a vacuum tanker 5,000 L (for freestanding diesel, underground chamber contents, Road Bio surfactant cold and hot water washing / jetting), absorbent pads, cushions and socks, digging out of areas of adjacent soil (double bagged 40 x 15 kgs). In total 100 bags of various wastes (estimated at 630 L) and 5000L of diesel water mix were removed.

A series of four (No.4) hand auger bores were drilled in the soft standing adjacent to the west of the incident location and samples taken for analysis. The length of the railway line to the south of the incident location was walked and no visual or olfactory red diesel impact was noted.

The hardstanding is considered to be in a good state and the potential risk to groundwater underlying the site as being low. Soil VOC analysis suggests that the diesel has not migrated laterally impacting soft standing close to the incident location. Laboratory results identify the hydrocarbon contamination as degraded (weathered / aged) and not fresh (hand held VOC measurement in the bores confirm this). All laboratory results were well below guideline values for risks to human health for commercial land use.

The delay in receiving the Part B is noted and the operator should aim to provide feedback

within a shorter timescale with 28 days considered to be reasonable. It is that acknowledged that third party input and / or laboratory analyses may extend this.

2.3 Compliance

Kronospan is responsible for historic contamination and this area should be included in the IED requirements for soil and groundwater monitoring (as previously covered).

As to the management of contractors had there been a Kronospan presence then the incident may have been averted or at least identified sooner. It is considered that a C3 score for condition 1.1 General Management relating to management of Colas' activities on site. The management of contractors procedure needs to be reviewed to consider lessons learned and updated accordingly by 30 September 2023 and NRW notified by Email that this has been completed.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.