

Compliance Assessment Report CAR_NRW0042531

Permit being assessed: LB3590HN.

For: Hangar 208, held by Ecube Solutions Limited

At: Ecube Solutions, Dragon Way, Bro Tathan West, St. Athan, Barry, Vale of Glamorgan, CF62 4AF.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2303853).

On 20/06/2023 between 13:10 and 15:10.

Parts of permit assessed: C2, G4, B4

NRW Lead Officer: Elysia Lovelock, accompanied by Magda Leonowicz.

Report sent to: Lloyd Pengelly, Head of Carpentry, Site Maintenance & Environmental on 28/09/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1 & 1.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
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
3	8.1

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
C2	Please provide a date, for agreement with NRW, by which an updated EMS can be provided to NRW for review. Please ensure the updated EMS includes de-fuelling procedures. In reviewing the EMS, please ensure the EMS meets the criteria as specified by the permits conditions and submit the updated EMS to NRW for review by the agreed date. For further information, please refer to 'How to comply with your environmental permit' guidance.	06/10/2023

Criteria	Action needed	Complete by
G4	Please revise and resubmit the quarter 1 2023 waste return and submit the outstanding waste return for quarter 2 of 2023.	06/10/2023
B4	Please provide confirmation that the stored oil-soaked granules now benefit from a secondary containment measure, or other appropriate measure to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container, as requested via email following the site inspection.	06/10/2023

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

I, Senior Industry and Waste Regulation Officer Elysia Lovelock and Industry and Waste Regulation Officer Magda Leonowicz of Natural Resources Wales attended the permitted facility of eCube, Hangar 208, Dragon Way, Bro Tathan West, St. Athan, Barry, Vale of Glamorgan, CF62 4AF on Tuesday 20th June 2023 to undertake an unannounced site inspection at approximately 1310 hours. During the visit, the weather remained overcast with light intermittent showers.

eCube hold environmental permit reference EPR-LB3590HN, which allows the operator to operate an aeroplane dismantling facility with the primary purpose of recovering reusable parts which are checked against industry standards and sold on for reuse in operating aircrafts, with any parts that cannot be reused, recycled as far as practicable, or ultimately sent for disposal.

The purpose of the visit was to assess the sites compliance with the conditions of the environmental permit held by eCube, and to investigate an incident reported to Natural Resources Wales, reference 2303853.

The operator's Technically Competent Manager, Lloyd Pengelly who is Head of Carpentry, Site Maintenance & Environmental for eCube was present, and kindly explained the operations as he accompanied us around the site. We were pleased with the overall condition of the site used for the recovery of parts, with component parts being suitably stored on site and any items considered waste segregated, stored, and disposed of correctly.

(C2) Management system and operating procedures:

Environmental Management System

During the site visit Mr Pengelly was asked to provide the sites complete Environmental Management System EMS, as NRW records only appear to show the 'manual'. The manual explains under point 4.4.4 that there are 4 levels of EMS for the site, as follows:

1. Environmental Management System Manual

2. Environmental Procedures
3. Environmental Instructions
4. Environmental Record

As advised, this request was followed up via email following the visit on 22nd June 2023 and 12 documents were provided on 27th June 2023, which included, of potential relevance:

1. Aircraft Waste Designation SOP V1.docx
2. Ecube Sustainability Policy 2023.pdf
3. EMS.pdf
4. Env Strategy- DRAFT – Jan 22 v2.pptx

The other documents provided included various reports, assessments, a waste tracker and a copy of the sites 2020 permit variation. As well as requested documents including a waste return for quarter 1 of 2023 and copies of certifications.

Clarification regarding the documents provided was sought via email on 10th August 2023, requesting information as to which documents formed each level of the sites EMS, as outlined in the document named 'EMS.pdf', under '4.4.4. Documentation'.

On 11th August 2023 Mr Pengelly queried if the following documents would cover levels 2 and 3 of the sites EMS: Halon Management Process (Level 2) and Aircraft Waste Designation SOP V1 (Level 3).

As the sites manual was written by eCube, this is clarification which Natural Resources Wales requires from the operator.

As, for example, 1.) 'Aircraft Waste Designation' SOP V1 is Standard Operating Procedure No: 045, which states its purpose is to clearly define the criterion and outline the key process that determines when an Aircraft is designated as waste to satisfy compliance, specifically with the Trans frontier Shipment regulations.

2.) 'eCube Sustainability Policy 2023' is a statement explaining eCube's credentials, accreditations, and their commitment to protecting the environment and contains a brief overview of the operation's potential environmental impacts but does not explain the procedures in which enable eCube undertake to limit the impact of the operations on the environment, to fulfil the requirements of permit condition 1.1.1.

3.) 'EMS.pdf' is the manual for the EMS, which explains it is level 1 of 4 of the sites Environmental Management Systems.

4.) 'Env Strategy- DRAFT – Jan 22 v2' is a document which states it is a 'rough draft' which sets out the key considerations in the preparation of eCube's environmental strategy. For regulation purposes, it is not possible to regulate against draft documents.

In respect of the 'Halon management process', this is a specific waste stream and would not suffice, as there are other waste streams and processes which take place on site which have the potential to cause environmental impact and currently, we have no information regarding the procedures in place which minimise their risk. Therefore, the information provided to date does not satisfy the requirements of condition 1.1.1., as there is no evidence of all the procedures in place which protect the environment from the activities undertaken on site. For example, defueling is an activity which poses a risk to the environment, but the documents provided do not provide information regarding the sites standard operating procedure in respect of this activity.

Having reviewed the documents provided, for the reasons explained above, it is considered that the

documents do not meet the specification required for an EMS, as outlined in permit condition 1.1.1 which states: "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.

I note our records show this is the third request for an up-to-date EMS since 2015.

For further information on what is required from the sites EMS, please refer to the following guidance, 'How to comply with your environmental permit, Version 8. October 2014'. Please review and update the EMS accordingly and submit a copy to NRW for review.

Defueling procedures

In addition to the above, please can you provide details of the defueling procedures. As during discussions on site, the sites TCM Lloyd Pengelly advised that the area described as the defueling area in the permit, is used to run the engines, with the location of defueling, dependent on the location of the planes.

Therefore, whilst we did not witness any breaches at the time of the visit, please refer to the operator-initiated permit variation on 21/09/2015 to include 'revised drainage infrastructure in the aircraft de-fuelling area' (application reference EPR/LB3590HN/V002). Schedule 1 – Operations, of the permit, specifies under the limits of activities:

"De-fuelling shall be carried out on an impermeable surface, with sealed drainage to an oil interceptor which leads to the St Athan runway drainage system, which discharges to the Boverton Brook."

All other activities shall be carried out on an impermeable surface, with drainage to the overall St Athan site drainage system, discharging to the Nant y Stepsau Watercourse via an oil interceptor.

Advice & Guidance: For further details, please refer to Schedule 1 and 3 of the permit EPR/LB3590HN/V002.

Sub-criteria: (C2) Management system and operating procedures

Result: (C3) A non-compliance which has the potential to have minor environmental effect

Conditions: 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'

1.1.2 - 'Records demonstrating compliance with condition 1.1.1. shall be maintained.'

Action required: Please provide a date, for agreement with NRW, by which an updated EMS can be provided to NRW for review. Please ensure the updated EMS includes de-fuelling procedures.

In reviewing the EMS, please ensure the EMS meets the criteria as specified by the permits conditions and submit the updated EMS to NRW for review by the agreed date. For further information, please refer to 'How to comply with your environmental permit' guidance.

Due Date: Agree a date for submission with NRW within 7 working days of receipt of this Report.

(G4) Reporting and notification to Natural Resources Wales:

The status of the required waste return for quarter 1 of 2023 was queried with the sites TCM as, at the time of the visit, NRW did not have any record of submission. It was later established that the return had not been submitted as thought and it was promptly provided via email on 27th June 2023. We wish to thank the sites TCM. However, this constitutes a breach, as the permit requires a waste return to be submitted within one month of the end of each quarter as follows:

The required timescales for submissions are below:

Quarterly Returns Period	Return Submission Deadline
Q1 - 1st January to 31st March	30th April
Q2 - 1st April to 30th June	31st July
Q3 - 1st July to 30th September	31st October
Q4 - 1st October to 31st December	31st January

You would have also received email correspondence from Natural Resources Wales on 30th August 2023 regarding a waste return for quarter 2 of 2023, informing you that this has not been submitted. This waste return was required by the 31st July 2023. The waste return provided by quarter 1 also needs revising and resubmitting, as tonnage fields for populated rows cannot be blank.

Sub-criteria: (G4) Reporting and notification to Natural Resources Wales

Result: (C4) A non-compliance which has no potential environmental effect

Condition: 4.2.2 'Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.'

Action required: Please revise and resubmit the quarter 1 2023 waste return and submit the outstanding waste return for quarter 2 of 2023.

Due Date: Within 7 working days of receipt of this Report.

[Advice & Guidance: Please ensure all waste returns are submitted within one month of the end of each quarter, as required by permit condition 4.2.2]

(B4) Containment of stored materials:

As shown below, during the visit oil contaminated granules were observed being stored in a clear plastic bag and oil was leaking from the bag. Whilst we note they are stored undercover and on an impermeable surface, please ensure contaminated oil-soaked granules are stored in manner that ensures there is a secondary containment measure in place, as the granules are soaked in a liquid, with which emission to water or land cause pollution.

**Sub-criteria: (B4) Containment of stored materials**

Result: (C3) A non-compliance which could have a minor environmental effect

Condition: 3.2.3 '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.'

Action required: Please ensure stored oil-soaked granules benefit from a secondary containment measure, or other appropriate measure to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

Due Date: Within 7 working days of receipt of this Report.

Summary

The site visit concluded at approximately 1510 hours. We wish to thank the Sites TCM Mr Pengelly, for his time during the site visit and appreciate eCube's continued co-operation and assistance in resolving the matters highlighted in this report and look forward to continuing working with you in the future. If you require any assistance or wish to discuss this report or the requirements outlined in this report, please contact Senior Industry and Waste regulation Officer Elysia Lovelock, in the first instance.

For a summary of the actions required, please refer to **Section 2. What action is required?**

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.