

Compliance Assessment Report CAR_NRW0042878

Permit being assessed: AP3791EH.

For: Kinmel Park Depot, held by Denbighshire County Council

At: Abergele Road, Bodelwyddan, Denbighshire, LL18 5UX.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2307823).

On 22/11/2023 between 14:00 and 15:00.

Parts of permit assessed: Site drainage; Waste acceptance; Engineering for prevention and control of emissions; Storage, Handling, labelling, segregation; Surface water; Management system and operating procedure;

NRW Lead Officer: Steven White, accompanied by Kirsty Williams.

Report sent to: Bryn Cooledge, Site Manager on 27/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	Action only (X)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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
B1	Apply secondary containment to fuel store	15/01/2024
C2	Forward most recent EMS to Site Officer	18/12/2023

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

This was an unannounced visit following a pollution incident where a blockage caused the local sewer system to overflow, as the Depot was a potential source of the blockage an inspection was carried out. Senior Officer Steven White and Environment Officer Kirsty Williams met with Bryn Cooledge and Phil Gaffney at the site office.

We conducted a inspection of the site looking at the following areas: Waste acceptance; Storage bays and hangers; Fuel stores; Site drainage & discharges off site.

From our observations on the day there were no areas of the site that we could state could have been the source of the blockage that caused the pollution incident. The wastes observed on site were compliant with the relevant permit conditions. These included inert wastes from road works and cemetery maintenance, household wastes from kerbside collections for onward recovery, some damaged bins and associated equipment from Council operations.

During the inspection we passed the fuel store, this was a large double-skinned tank towards the bottom of the yard. It was observed that the pumps and nozzles for this store were not kept within a bund/secondary containment system. Section 5(8) & (9) of The Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016 states that...

(8) Any valve, filter, sight gauge, vent pipe or other equipment ancillary to the container (other than a fill pipe or a draw off pipe) must be situated within the secondary containment system.

(9) If the connection point to a fill pipe is not within the secondary containment system, a drip tray must be used to catch any oil spilled when the container is being filled with oil.

The fuel store is situated very close to where the drainage leaves the site via an interceptor, and there is a drain directly adjacent to the store - see photo below. Spill kits were available. We could not see any secondary containment that would catch any spills from this equipment, it is advised that this is looked into at the earliest opportunity; an action has been logged for this with a date of approx 6 weeks from the date of this CAR form for completion (15/01/2024).



Fuel store with fuel nozzles situated outside of any secondary containment, and a drain directly adjacent.

Catch pits adjacent to the fuel store were checked, on a previous visit by Dwr Cymru there was some contaminants such as plastic balls observed in them; on this occasion they were clear. Through discussions with Bryn and Phil the emptying and maintenance of the site drainage is suitable for the site.

Co-mingled waste from households was stored in a large hanger, this was situated on large concrete pads with sealed drainage. No concerns were raised with this area.



Co-mingled waste store

The Depot was tidy and well managed. Following the inspection we concluded that we could not say that the Depot was the source of the blockage causing the pollution incident.

NRW does not have an Environment Management System (EMS) on file for the site, could you forward the most recent version to the email address at the bottom of this form by the

date in the compliance criteria above (18/12/2023).

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

Regards

Steven White

Senior Officer (NE Waste Regulation Team)

Email: steven.white@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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 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.