

Compliance Assessment Report CAR_NRW0042655

Permit being assessed: UP3831ES.

For: ALYN WORKS, **held by:** T S Resins Limited

At: Alyn Works Denbigh Road , MOLD, Flintshire, CH7 1BT.

Type of assessment: Audit,

Reason: Routine.

On: 18/10/2023 between 10:00 and 13:45.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper, accompanied by Kathryn Bradshaw.

Report sent to: Jim Hadley, Plant Manager, on 06/12/2023.

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	1.3
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	Action only (X)	
IR1E - Management - Avoidance, recovery and disposal of wastes produced by the activities	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	See main text	01/12/2023
IR3B	See main text	01/11/2023
IR1E	See main text	01/12/2023

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

This Compliance Assessment Report follows an Operator Monitoring Assessment (OMA) audit of the operator's monitoring provisions for emissions to air at emission point reference A18.

A hazardous waste audit was also undertaken during the inspection.

Please refer to the attached OMA report for details of the audit findings, actions and recommendations (ref. NRW 2023 10 18 OMA Audit Report) corresponding to monitoring. The OMA score is 86 %.

Please refer to the attached hazardous waste audit for findings, actions and recommendations (ref. TS Resins Hazardous Waste Audit Report 18OCT23) corresponding to hazardous waste movements.

Site Inspection

During the inspection the site was operational.

IBC Storage

IBC containers are still being stored at the site without secondary containment as described in compliance assessment report CAR_NRW0040167. The IBCs have now been labelled and the number of IBC stored at the site has been reduced significantly since June 2022.

The operator is still in the process of removing the IBCs from the site.

As the operator appears to be removing the waste at present, no score has been applied on this occasion.

Action 1: The operator should provide an indication of when the remaining IBCs will be removed from the site by the **1st November 2023**.

Action 2: The operator is advised to continue to remove the IBCs to a waste site which is permitted to accept it.

Hardstanding Integrity

There were a number of locations where the hardstanding was cracked or extensively eroded so as not to provide a sufficient impermeable barrier to contaminants/ pollution. These were pointed out to the operator

during the inspection, specifically under the tanker around the tank farms. These areas were found to be outside the TS Resins boundary and not associated with the activities of TS Resins. A compliance assessment report has been sent to Synthite who is the site landlord to address these issues.

Standing Water in Bunds.

Standing water was observed inside secondary containment bunds. At the time of the inspection the standing water had been tested and was being pumped out.

Action 3: Continue to ensure that bunds are empty of rainwater to reduce the risk of the overflow of contaminated water.

Ammonia Tank and Associated Pipework.

During the inspection, pipework associated with ammonia tank loading was observed the bunded area. There is a risk of spillage from this pipe so it should either be within the bunded area or be provided with its own containment. Further guidance can be found within the CIRIA C736 document.

Action 4: Review all draw off pipe locations and ensure that they comply with guidelines set out by the CIRIA 736 guidance document, and provide a review of the required improvements and a plan with timings for the completion of the improvements to NRW by the **1st December 2023**.

Actions arising from the Operator Monitoring Assessment Audit (OMA)

As discussed within the OMA report, it was found that whilst TS Resins undertakes audits on various suppliers, no auditing procedure for monitoring contractors is documented. The current monitoring contractor has been used by TS Resins for 3 years and has not been audited.

Following an OMA audit which was undertaken in 2019 TS Resins was provided with a recommendation to schedule and monitor contractor auditing to ensure it is carried out at the recommended frequency.

Failure to implement the recommended changes into the environmental management system has attracted a category 3 score against permit condition 1.3. **“Without prejudice to the other conditions of this Permit, the Operator shall implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this permit”** a category **3 score** has been applied under heading (IRA1 General Management).

Action 5: Update the environmental management system to incorporate the auditing of monitoring contractors by the **1st December 2023**.

Summary

Overall, the operator was able to demonstrate a high level of compliance with the required standard for monitoring emissions to air and in general the scores for the site are of a high standard. The periodic monitoring techniques meet the requirements of the permit.

Actions arising from the Hazardous Waste Audit.

A hazardous waste audit which was undertaken during the visit found irregularities with waste coding, in particular around the use of chapter 16 codes and in relation to the classification of hazardous and non-

hazardous waste.

Action 6: Review the waste produced on site against the Guidance on classification and assessment of waste, Technical guidance WM3 document which can be found using the following link [Waste_classification_technical_guidance_WM3.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/waste_classification_technical_guidance_WM3.pdf) and implement changes where required, prior to dispatching further waste and with a full review by the **1st December 2023**.

Kind Regards

Phil Harper

Senior Industry and Waste Regulation Officer NE

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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.