

Compliance Assessment Report CAR_NRW0042958

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: Routine.

On 06/12/2023 between 13:30 and 15:00.

Parts of permit assessed: waste returns, waste storage, management system compliance

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Steven White.

Report sent to: Philip Thomas, owner on 02/01/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	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 (...) consolidated with 1.6, table 1.2., 3.2.3., 3.5.1., 6.6.1, EMS 2.7.1 FPMP 2.2, 3.2.1., 4.3.1., 5.1.1., 6.1.1., 8.1.2
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities"). " All hazardous and non-hazardous waste must

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
		be stored and treated on an impermeable surface with sealed drainage to sump." 2.2.1: The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
C1 - General Management - Staff competency/training	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
A1	Please ensure the storage of waste is compliant with the EMS and FPMP. Please update the EMS /FPMP accordingly.	12/01/2024
C4	Please remove all waste and dispose of appropriately or move into permitted area and store in compliance with the EMS	12/01/2024
G2	Please provide all waste transfer notes for the removal of waste water from site for 2023.	31/01/2024
G4	Please clarify the discrepancies in the waste returns	19/01/2024
C1	Please provide training records – covering storage areas and limits-for current employees. Please comply by the 12th of January 2024	12/01/2024

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.

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

On the 6th of December 2023 NRW officers attended at New Horizon Biofuel and Animal Bedding Co Ltd to conduct a routine unannounced site inspection.

The weather conditions were wet and windy.

Officers were met by the new site manager, Steve Gaskin, who accompanied officers throughout the inspection.

The site is undergoing some changes which are being discussed separately.

Officers checked the permitted units 9 and 10.

The site management has submitted a permit variation to include unit 11. The officers were shown around the unit by the site manager.

Unit 9

Unit 9 is currently being used for storage of waste that is being processed on the day.

The officers were informed that a new boiler had to be fitted inside the building which caused delays in waste processing.

Fuel storage

Officers saw an IBC stored inside of a metal container to the left of the Unit entrance.

The IBC has been adapted to be used as a fuel storage tank. Officers noted that the IBC was not surrounded by a bund capable of containing a minimum of 110% of the volume of fuel with all pipework and associated infrastructure will be enclosed within the bund.

The following Permit/EMS/FPMP conditions were breached.

(A1) Specified by permit

Permit Condition 1.1.1 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; (...)

Site Environment Management System -EMS section 2.7.1 states:

“There will be no fuel storage on site; however, should the site store fuel, the following procedures will take place:

- Tanks are surrounded by a bund capable of containing a minimum of 110% of the volume of fuel stored in the tank.
- All pipework and associated infrastructure will be enclosed within the bund.
- A lock will be fitted to the tank valve to prevent unauthorised operation.
- All valves and gauges on the bund will be constructed to prevent damage caused by frost.
- The tank is stored 6m away from any waste processing equipment.
- The tanks are clearly marked showing the product within and its capacity”

Permit condition 3.5 Fire states:

3.5.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

Fire Prevention and Mitigation Plan- FPMP

Section **2.2 Fuel storage** states:” There will be no fuel storage on site; however, should the site store fuel, the following procedures will take place (...) as described in section 2.7.1 of the EMS



IBC containing diesel, Unit 9

Action: Please ensure the fuel is stored as described in section 2.7 of the EMS, and section 2.2 of the FPMP. Also, please update the EMS/FPMP to include the storage of fuel. Please comply by the 12th of January 2024.

Unit 10

Unit 10 is still being used as the main acceptance and storage area for plastic waste.

The yard looked full, with waste being stored outside the storage areas, which also included free draining stone surfaces. Please see photos below.

Officers noted there were no fire breaks as described in the EMS and FPMP which creates potential risk of pollution in the event of a fire.

The same issue was identified during the previous site inspection in June 2023



waste stored by the fence, outside of the storage areas, unit 10



waste stored by the fence, outside of the storage areas, no fire breaks, free draining stone surface, unit 10



Waste stored outside of the storage areas, Unit 10, no clear quarantine area, no fire breaks between the piles, free draining stone surface.

The above observations were discussed with the site manager.

The following Permit/EMS/FPMP conditions were breached.

(A1) Specified by permit

Permit Condition 1.1.1 (as stated above)

The site storage arrangements were not compliant with the Environment management system (EMS) conditions below:

Section 1.6 Waste types and quantities

Table 1.2 – Waste Storage Table – describes maximum piles measurements.

Section 3.2 Checking in & inspection of loads (containers)

3.2.3 states : “If the load is acceptable the containers will be unloaded using a forklift truck and deposited in **AREAS 1 – 3** if hazardous and **AREAS 4 - 6** if non-hazardous ready for processing.(...)”

Section 3.5 Waste treatment

3.5.1. states: “waste reception (...) Containers which have been deemed non-hazardous following

separation from hazardous containers after a review by the site chemist/site management will be deposited into **AREAS 4 - 6** to await treatment into the wash plant or remain in **AREAS 1 - 3** if they are hazardous. (...)"

Section 6.6 Storage areas/ limits training

6.6.1 states: "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"

Permit condition - 2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

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

Permit condition 3.5 Fire states:

3.5.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

Fire Prevention and Mitigation Plan – FPMP

Section 3.2 **Combustible waste reception** states:

3.2.1 Incoming wastes will be unloaded in the area adjacent to AREAS 4 & 5, in this location, (...)

Section 4.1 **Managing storage time** states:

4.1.2 Fire break distances and pile locations are also shown on Drawing No. VIE/2704/03 and the surface areas and dimensions of each storage area is provided in the waste storage table in Section 4.3. All pile sizes, heights, widths, lengths, volumes and separation distances are in accordance with the NRW's FPMP guidance document.

Section 4.3 **Waste storage table** states:

4.3.1 The table overleaf is a summary of the waste storage details on site showing the maximum pile sizes and duration for all wastes stored on site.

Section 5 **Managing waste piles** states:

5.1 Stored combustible waste/materials

5.1.1 The table below details the wastes stored on site and procedures to reduce the risk of combustion/ignition in line with the NRW's FPMP guidance (reference should be made to the Layout & fire Plan in Appendix 1 for details and locations for each of the storage areas).

Section 6.1 Fire walls and bays states:

6.1.1 There are no firewalls present on site and the site will rely on suitable separation distances calculated from NRW's FPMP guidance to reduce the spread of a fire at the site. The locations of stockpiles and separation distances are shown on Drawing No. VIE/2704/03.

Section 8 Quarantine area states:

8.1.2 **Unit 10** The largest pile on Unit 10 comprises 320m³ of waste full capacity meaning the quarantine area for this unit would need to hold 160m³ of waste material. The quarantine area is positioned as shown on Drawing No. VIE/2704/03 and has a 6m clearance from any waste storage or anything which is at risk of combusting. This quarantine area for this unit measures 56m² and it is proposed wastes could be safely stored to a height of 3m (in an emergency situation only) in this quarantine area in the event of a fire which means the volume would be 168m³ and able to hold 50% of the largest stockpile.

The FPMP was produced to minimise the likelihood of a fire and reduce impact from emissions during or after a fire on the local community, critical infrastructure, and the environment.

The location is particularly sensitive due to its proximity to water courses, including ones within the River Dee catchment, SSSI/SAC and drinking water supply. Prevention measures must be implemented to minimise the risk of pollution.

As a result of the above permit breaches a **consolidated category 3** non-compliance score has been issued.

Action: Please ensure the storage of waste is compliant with the EMS and FPMP . Please comply by the 12th of January 2024.

Action: Please provide training records – covering storage areas and limits-for current employees. Please comply by the 12th of January 2024

Unit 11

Officers were shown around unit 11 which is included in the latest permit variation the company has applied for.

The officers noticed waste being stored in the middle of the yard. Please see photos below



waste stored outside of the building, Unit 11, not permitted area

This area is not currently permitted, and the storage of waste should only take place in designated areas -Unit 9 and 10.

Condition **1.1.1** of the permit 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; (...)

Permit condition - 2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table

S1.1 (the “activities”).

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

Permit condition 2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit

As mentioned above, the location is particularly sensitive due to its proximity to water courses, including ones within the River Dee catchment, SSSI/SAC and drinking water supply. Storing material on non-impermeable surface potential pollution risk. Water courses in the area are tributaries to the river Dee and pollution prevention measures must be implemented to minimise the risk of pollution.

As a result of the above permit breaches a **consolidated category 3** non-compliance score has been issued under the **A1 Specified by Permit** criteria

Action: Please remove the waste stored outside the permit boundaries and appropriately dispose of it or store in compliance with the permit. Please comply by the 12th of January 2024

Records of activity, site diary/journal/events

Action: Please provide all waste transfer notes for the waste wash water removed from site in 2023. Please comply by the 31st of January 2024.

Waste returns

A review of the waste returns submissions for permit EPR- CB3797CA Q1-Q3 2023 has been completed.

The below has been briefly discussed with the site manager. He stated the site TCM would be more competent to answer the below questions as he had only started working for the company three weeks earlier.

G4 Reporting and notification to Natural Resources Wales

It was noted that one waste code was shown on the incoming waste tab **191204-** described as “plastic and rubber”.

19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified

The waste seen on site during the previous visit would suggest that the code is incorrect. Please see the photos below.



plastic waste, Unit 10, June 2023

In March 2023 an email was received from the site containing waste transfer notes for waste accepted on site. The EWC code stated was **150102**.

Waste leaving site:

All three quarterly returns show the same amount of waste being removed from site. As shown below.

Is the information provided a true reflection of what has been taken off site in the three quarters submitted to NRW.

	R01.03 Co-incineration of refused derived fuel (RDF) and other waste in power stations and other industrial incineration plant.	
191212		450

Action: Could you clarify the discrepancies outlined above. Please reply by the 19th of January 2024.

Due to the large number of breaches consolidated under the A1 (Specified by Permit) criteria, the site is issued with a **warning** in relation to non-compliance with the site EMS and FPMP- storage of waste. We will be reviewing the compliance of the site and our enforcement options in the next

inspection.

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

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 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.