

Compliance Assessment Report CAR_NRW0043692

Permit being assessed: CB3593HF.

For: Parry and Evans Ltd, **held by:** Parry And Evans Limited

At: Unit 103, Zone 1, Deeside Industrial Park, Flintshire, CH5 2LR.

Type of assessment: Site Inspection,

Reason: Incident Response (Incident number 2402646).

On: 23/02/2024 between 16:00 and 17:00.

Parts of permit assessed: 1.1.1, S1.1.

NRW Lead Officer: Amy Henderson, accompanied by George Nuttall.

Report sent to: Lee Evans, Steve Evans, Company Director, on 26/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant	S1.1
W1A - Waste - Management - General management	C3 Minor	1.1.1

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

Total non-compliances recorded	Total non-compliance score
2	35

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
W3B	Ensure discharge from site is compliant with conditions in Table S1.1. Submit to NRW a written improvement plan to bring the site back into compliance, including timescales.	24/05/2024
W1A	Ensure site is fully secure to prevent unauthorised access.	17/05/2024

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 was an unannounced site inspection carried out in response to a report of pollution in the ditch to the rear of the Parry and Evans site.

The inspection was carried out by Waste Regulation Officer Amy Henderson, accompanied by Environment Officer George Nuttall.

Prior to arriving onsite at Parry and Evans, Officers attended the ditch to the rear of the site where the pollution had been reported. The ditch was seen to be heavily discoloured. A pipe was seen to be discharging a grey/black liquid. A sample was taken of this discharge.



Photograph of sample taken of the discharge from site interceptor into ditch to the rear. A clear line of more heavily discoloured water can be seen from the discharge pipe, along

with black staining directly under the pipe itself. It was later confirmed that this interceptor serves the Parry and Evans site. (due to format settings, photo is showing sideways).

Another pipe was also seen to be discharging to the rear of the site, there appeared to be a thick black oily looking substance on the surface of the water in the vicinity of this discharge pipe. Access prevented a sample being taken at this time. It was noted that the ditch at this point was full of litter to the rear of the site also. This is the discharge location shown on the drainage plans submitted under the most recent permit variation for the site.



Photograph taken of oily looking substance on water near to pipe 2.

Officers followed the ditch to the west of the site, although there was only a very slight flow to the water, the direction of this was seen to be towards the west of the Parry and Evans site, where water could be seen flowing underground out of the ditch. A downstream sample was taken.



Photograph showing flow of black water towards the west of the site.

It was also noted that the rear of the site had open access and was not secure. A path across the ditch had been made with pallets, as shown in the photograph above. From this area, the permitted site could be easily accessed as part of the wall has been removed. This poses an arson risk to the site.

Officers then attended site and met with Steve Walker, who accompanied them to the rear of the site where the interceptors are located. Discussions took place around the

interceptor discharging black/grey liquid and it was stated the site had already contacted the interceptor maintenance staff with regard to this. Whilst NRW Officers were onsite, site employees identified that there was a blockage in one of the interceptors. Parry and Evans employees onsite at the time were cooperative and put measures in place to ensure the interceptors were both isolated to prevent any further discharge. It was stated that the site would arrange for a suitable contractor to attend to empty the interceptors and a clean out of the ditch would be carried out.

Whilst onsite, the site security was also raised and discussion took place about previous break-ins. The site was advised the rear of the site needed to be made secure.

The following breaches have been identified as a result of the site inspection;

Table S1.1 Activities;

Drainage consisting solely of: - Rainfall dependent runoff from the external yard areas of the site (excluding the vehicle wash bay area) that are used in connection with the storage of waste consisting of baled recyclable materials from the Materials Recycling Facility (A1) and inert wastes (as identified in 3.5.10 of the Environmental Management System (Ref.1537-DEE-MAP-A)) only, discharged via an interceptor to surface water drains.

- Clean surface water from roofs, or from areas of the site that are not being used in connection with storing and treating waste, may be discharged via an interceptor to surface waters. All other drainage from external yard areas must be discharged to foul sewer subject to a consent issued by the relevant sewage undertaker.

No visible oil, grease or suspended solids shall be present in the discharge to surface water drains.

There shall be no discharge from the buildings on site used to store and/or treat waste

As detailed above, discoloured water was seen discharging from the site. A new interceptor has been installed which is not listed on the drainage plan 'Layout & Fire Plan' Drawing 1537- DEE-MAP-03 as incorporated in Table S1.2 of this permit. Following the pollution incident it has been identified that loose waste is being stored in open yard areas which feed into the interceptors. This is not compliant with the above permit condition. The discharge location is in close proximity to the river Dee Estuary, which is both a SSSI and SAC. The area is also an important cockle bed area. The discharge from the site therefore risks impact to water quality within this catchment. Discharging polluted water to surface waters poses a risk to fish and wildlife, both through substances contained within the polluted water and also the impact on BOD and COD.

The results from the samples taken during the incident show an increased impact at the interceptor pipes discharging from the Parry and Evans site, compared with upstream to the East and downstream to the West.

The incident also has an amenity impact, with the ditch running alongside a busy path which is popular with walkers and cyclists. The pollution to the ditch from the discoloured water and the litter was also unsightly and an odour was emanating from the ditch. NRW

received reports regarding the pollution from members of the public using this path.

A Category 2 non-compliance score has therefore been given as a result of this permit breach. An action has been given to provide a written improvement plan to bring the site back into compliance. **A site warning has also been issued.**

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;

The site EMS & FPMP state the following with regard to site security;

c) The southern-facing boundary of the site is largely 2.4-metre-high galvanised steel palisade fencing with a 55-metre-long section of 3.6 metre concrete panel fencing.

d) The western-facing boundary is entirely comprised of 2.4-metre-high galvanised steel palisade fencing.

During the visit the site was not deemed to be in compliance with this section of the site EMS/FPMP. Allowing unauthorised access to the site presents a fire risk, due to the potential of arson. Although the site has fire detection measures on site, the risk of fire poses a risk to nearby receptors such as local businesses and main roads through smoke. As stated previously, along the rear of the site is also a busy footpath/cycle path which could also be impacted. An increased risk of fire also increases the potential for runoff from fire water to nearby watercourses, including the nearby River Dee SSSI/SAC. A category 3 non-compliance score has therefore been given for this permit breach. An action has been given to ensure the site is fully secure to prevent unauthorised access.

Thank you for your time during the site inspection.

Should you have any queries regarding this CAR form please contact amy.henderson@cyfoethnaturiolcymru.gov.uk

Kind regards
Amy Henderson

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer
Cyfoeth Naturiol Cymru / Natural Resources Wales
Swyddfa Bwcle / Buckley Office

“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”

There has been a delay in the issuing of this CAR form due to the on-going investigation into the pollution incident and it's impacts.

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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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – 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.