

Compliance Assessment Report CAR_NRW0044128

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: Site Inspection,

Reason: Routine.

On: 24/04/2024 between 10:20 and 11:30.

Parts of permit assessed: See Below.

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

Report sent to: Paul De Wolf, Technical Manager, on 13/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor	1.3
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	2.2.5.1
IR2A - Installations - Operations - Permitted activities	Assessed (A)	
IR2B - Installations - Operations - The site	Assessed (A)	
IR3D - Installations - Emissions and monitoring - Noise and vibration	Assessed (A)	

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

Total 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
IR1A	See actions in main text.	01/07/2024

Criteria	Action needed	Complete by
IR3B	See actions in main text.	01/07/2024

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

On the 24th April 2024 an unannounced site inspection was undertaken at TS Resins Limited, Alyn Works, Denbigh, Mold, Flintshire, CH7 1BT by NRW officers Phil Harper and Kathryn Bradshaw (Senior Industry & Waste Regulation).

At the time of the inspection the site was operational.

Warehouse and Bund areas.

The operator is undertaking a project in which the warehouse and bunded areas within the tank farm are being cleaned out any redundant equipment removed. These improvements are helping to reduce environmental risk from the site.

Waste Storage.

During the inspection bagged solid waste and liquid waste in intermediate bulk containers were observed stockpiled at the site perimeter. Some of the waste was historical waste which the site has been making efforts to remove, but much of the waste has been stockpiled recently, through cleaning of the plant and equipment and improvement works to the warehouse.

Officers observed that all wastes had been tested and costed for removal. The operator disclosed that plans were in place to remove the waste arising from the warehouse improvement works in May 2024. The operator also described difficulties in the trans frontier shipment of some of the solid wastes which contain formaldehyde and had arisen from cleaning and improvement within the plant.

Whilst the area used to stockpile the waste benefits from a hardstanding, and site bund, this can only be regarded as tertiary containment and not secondary containment. Consequently, there is a perceived risk to surface and groundwater by stockpiling liquid and water-soluble wastes in these locations.

Advice regarding the storage of waste in areas without secondary containment has already been provided to

the operator in compliance assessment report CAR_NRW0040167 which was sent to the operator on the 27th July 2022 and in compliance assessment report CAR_NRW0042655 which was sent to the operator on the 6th December 2023.

NRW regards the placement of waste containers in an area without secondary containment is a breach under permit condition 2.2.5.1.

Also note that permit condition 2.5.1. states that “The operator shall design, maintain and operate all facilities for the storage and handling of waste on site such that there are no releases to water or land during normal operation and that emissions to air and the risk of accidental release to water or land are minimised.”

A category 3 score has been applied against permit condition 2.2.5.1. under subheading IR3B Emissions of Substances not controlled by limits.

The above non-compliance highlights that management procedures for the storage of waste which is awaiting disposal are either not being followed or are inadequate to manage waste in accordance with the sites environmental permit.

A category 3 score has been applied against permit condition 1.3 under subheading IRA General Management.

NRW understands that the quantity of wastes observed on the site during the inspection are not typical of normal site operation and that once these wastes had been removed then the operator intends to review how much waste is produced by the process. The operator is advised that as part of this review, it should consider the secondary containment of waste, either by installing waste storage areas with secondary containment or by using spill pallets.

Action 1: Remove all wastes from the site, or relocate them to an area with secondary containment by the **1st July 2024.**

Action 2: Review waste storage areas and submit a plan which explains how secondary containment will be provided by the **1st July 2024.**

Waste Classification

Following a hazardous waste audit which was undertaken on the 19th October 2023. The operator was advised to undertake a review of the classification of waste produced by the process. Waste which is being removed from the site appears to be given the appropriate European Waste Catalogue (EWC) codes and are either classified as hazardous or non-hazardous subject to which part of the process the waste has arisen from and subject to testing by the receiving waste companies.

Action 3: Analysis results for the testing of waste has been requested by Natural Resources Wales for review. This information should be sent to Natural Resources Wales as soon as it is available.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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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.