

Compliance Assessment Report CAR_NRW0044589

Permit being assessed: JP3794FS.

For: Sp Power Systems, **held by:** S P Power Systems Ltd

At: Ffordd Bronwydd, Treborth, Bangor, Gwynedd, LL57 2NX.

Type of assessment: Site Inspection,

Reason: Routine.

On: 02/05/2024 between 13:30 and 14:30.

Parts of permit assessed: see below.

NRW Lead Officer: Daniel Grant, accompanied by Dafydd Williams.

Report sent to: Iwan Jones, Site TCM, on 08/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W4A - Waste - Information - Records	Assessed (A)	
W4B - Waste - Information - Reporting	C4 No impact	5.2.2

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

Total non-compliances recorded	Total non-compliance score
1	0.1

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
W4B	Investigate why this issue occurred internally, modify all past waste returns with this issue and re-send them to our waste returns team	12/07/2024

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

This was an announced visit carried out on Thursday the 2nd of May 2024 by Natural Resources Wales (NRW) officers Daniel Grant (Hazardous Waste Regulation Officer) and Dafydd Williams (Higher Education Placement Officer).

Officers met with Iwan Jones at the site at 1:30pm and officers were given a site health and safety briefing and signed into the site.

This Compliance Assessment Report form has been written in conjunction with the Hazardous Waste Audit Report (WAR) form (HWARNW01). This WAR form will be sent via e-mail separately. All findings are detailed in the separate WAR form and should be referred to. Non-compliances identified in line with your permit are summarised here:

Condition 5.2.2 Summary record of wastes accepted

Waste returns include records of all waste accepted and removed from your site whilst records of hazardous waste accepted at your site is the only requirement for consignee returns. As a result, waste returns typically have higher quantities and more waste types recorded compared to consignee returns. Despite this, it was identified in all of your records that the quantity (Kg) of waste oils were always higher in consignee returns than the equivalent waste returns record for that respective quarter. In this case, we would expect both records to show the same quantity. A summary of the records can be found below in Table 1. This should be corrected moving forward so the correct quantities are provided.

In addition, the waste code recorded for waste oils on both records were different. Whilst on site we discussed this matter with Iwan Jones, and he explained the only waste oil they accept and remove from site is “mineral-based non-chlorinated insulating and heat transmission oils” (130307). This was further confirmed on the consignment notes that were inspected during and after the site visit, where all consignment notes only listed mineral-based non-chlorinated insulating and heat transmission oils (130307) as the waste being moved. This waste was also recorded correctly on all consignee returns.

However, your waste returns submission included “readily biodegradable insulating and heat transmission oils” (130309). This was raised on site with Iwan JONES and has since been raised with Environmental Specialist Sian WILLIAMS. This should be corrected moving forward so that the correct waste codes are applied consistently. This matter should be looked into across the business to check whether the same issue occurs for any other sites and actioned so that it is resolved moving forward.

Table 1. Table showing the waste oil accepted on site across the Quarters in 2021-23 comparing the records submitted as waste returns and as consignee returns.

Quarter	Year	Waste returns in (kg)	Consignee returns in (kg)
Q1	2021		4435
Q2		2570	9190
Q3		6300	2490
Q4			2955
Q1	2022	8230	9559
Q2		6300	7251
Q3		3540	4089
Q4		4260	4915
Q1	2023	4550	5255
Q2		6480	7483
Q3		9210	10311
Q4		7760	8475

As a result of this non-compliance a CCS breach 4 has been assigned

Action

Investigate why “readily biodegradable insulating and heat transmission oils” (130309) was the recorded EWC for your waste returns submission. We are aware that this EWC should have been “mineral-based non-chlorinated insulating and heat transmission oils” (130307).

Also investigate why the quantities on both the waste returns and consignee returns submitted are different each quarter.

Provide an explanation to why these issues happened and actions taken to resolve this non-compliance.

Furthermore, please update all waste returns so that they contain the correct EWC for each quarter and return to the following e-mail address:

waste.returns@cyfoethnaturiolcymru.gov.uk

Deadline

27/07/24

If you have any further questions about the contents of this inspection report, please do not hesitate to contact us.

Yours sincerely

Daniel Grant

Hazardous Waste Regulation Officer

E-mail: daniel.grant@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.

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.