

## Compliance Assessment Report CAR\_NRW0044946

**Permit being assessed:** WP3938SH.

**For:** Llansantffraid Mill, **held by:** Wynnstay Group PLC

**At:** Wynnstay Group plc, Eagle House , Llansantffraid Ym Mechain, Powys, SY22 6AQ.

**Type of assessment:** Site Inspection,

**Reason:** Incident Response (Incident number 2409525).

**On:** 26/07/2024 between 10:00 and 11:00.

**Parts of permit assessed:** See Note 4 (below).

**NRW Lead Officer:** Carter Shone.

**Report sent to:** EHS Manager, EHS Manager, on 04/10/2024.

### 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	Action only (X)	
IR2C - Installations - Operations - Operating techniques	C3 Minor	2.3.1
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1

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	1. Carry out driver training for bulk out-loaders to include: the dangers of reversing, assessment of forward and reverse driving and spillage kit training.  2. Inform and provide evidence to NRW of completion of	Already completed

Criteria	Action needed	Complete by
	the Fuel & Chemical assessment and installing of the additional bollards.	
IR2C	Send NRW a copy of the sites updated drainage drawings and notify NRW on the progress of plans to bring the site back to compliance.	31/12/2024
IR3B	Carry out clean up operation of drainage system and drainage ditch. (complete at the time of report issue).	Already completed

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 has been generated in response to an incident at the Llansantffraid Mill operated by Wynnstay.

At approximately 0100 on the 19<sup>th</sup> June 2024, a member of staff had driven a lorry onto the weighbridge and ruptured the diesel tank when the vehicle hit the side of the weighbridge, the damage was not noticed at the time.

The vehicle diesel tank leaked on to the weighbridge and continued to leak while the lorry was parked up overnight.

The diesel then ran into the Mill yard storm drain which flows to a culvert and drainage ditch. Flow from the ditch then enters the River Cain, which is approx. 250 m south of site.

When staff became aware of the spill at 0600, they deployed absorbent pads and booms which were placed in the culvert and drainage ditch. Clay drain mats, and absorbent granules were deployed over the spill on the yard.

NRW were informed via the incident hotline (ref. WIR2409525) and a Schedule 5 notification was received.

Oracle Environmental Experts were contacted and arrived on site at 17:00. They replaced spent absorbents and re-enforced existing containment measures with further absorbents and containment booms. They also deployed containment and absorbent booms downstream of the drainage ditch outflow to the River Cain.

NRW industry regulation officer, Carter Shone, attended the site on the 25<sup>th</sup> of June 2024 and no visible signs of diesel were observed in either the ditch or along the downstream section of the river Cain.

The clean up operation was completed by Oracle on the 28<sup>th</sup> June 2024.

Water samples were taken 3<sup>rd</sup> July 2024 from the river upstream and downstream of the diesel release. No hydrocarbons were detected in either location.

Due to escape of diesel into the River Cane the following non compliance score has been given:

**Score: IR3B - Emissions of substances not controlled by emission limits. Permit Condition 3.2.1. Non compliance Score C3.**

**Action 1 - Carry out clean-up operation of drainage system and drainage ditch (complete at the time of report issue).**

The operator followed their management procedures, resulting in the incident being handled quickly. A contributing factor to this incident is a gap in training which, the operator has already addressed by introducing a number of changes including training for drivers and liquid spill response training.

The operator will also be installing additional bollards to change the angle of approach onto the weighbridge and will carry out a Fuel & Chemical assessment of their site, to determine the correct spill kits and storage required.

**(IR1A) General Management - Action only**

**Action 2 - Carry out driver training for bulk out-loaders to include: the dangers of reversing, assessment of forward and reverse driving and spillage kit training.**

**Action 3- Inform and provide evidence to NRW of completion of the Fuel & Chemical assessment and the installation of the additional bollards.**

Upon review of the site's original application, under section 2.6 Surface Water Drainage, it states '2.6.1 All surface water from impermeable surfaced areas of the site and mill building rooves will drain via a series of gullies and silt traps to a 3-stage oil interceptor and manually operated pumping chamber before discharging into the surface water drainage system'.

The Mill yard storm drain, into which the diesel spilt, was not connected to the interceptor. This has resulted in the following management score.

**(IR3B) Emissions of substances not controlled by emission limits - Permit Condition 2.3.1. Compliance Score C3.**

**Action 4 - Provide NRW with a copy of the site's updated drainage plan drawings and notify NRW on the progress of plans to bring the site back to compliance with the permitted operating techniques.**

The operator has discovered that the original site drainage plan drawings are inaccurate and has since had a full survey conducted by an outside contractor, who is currently producing a new set of drawings accurate to what is currently on site. These drawings will then be used in a proposal for a project to bring the system back to compliance.

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](mailto: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](mailto: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.