

Compliance Assessment Report

Report ID:
CAR_NRW0036442

This form will report compliance with your permit as determined by an NRW officer

Site	Hangar 208	Permit Ref	LB3590HN			
Operator/Permit holder	Ecube Solutions Limited					
Regime	Waste Operations					
Date of assessment	14/02/2020	Time in	13:30	Out	14:30	
Assessment type	Site Inspection					
Parts of the permit assessed	B3, B4, C1, C2, G4					
Lead officer's name	Tye, Laoni					
Accompanied by	Lovelock, Elysia					
Recipient's name/position	Bob Haden/ Operations Manager	Date issued	12/03/2020			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C4	1.1.2
	C3	2.3.2 (a)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.1 (b)

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	8.2
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Persons present:

Bob Haden - Head of Operational Services, Operations Manager, eCube Solutions

Laoni Tye - Senior Waste Regulation Officer, Natural Resources Wales NRW

Elysia Lovelock - Waste Regulation Officer, NRW

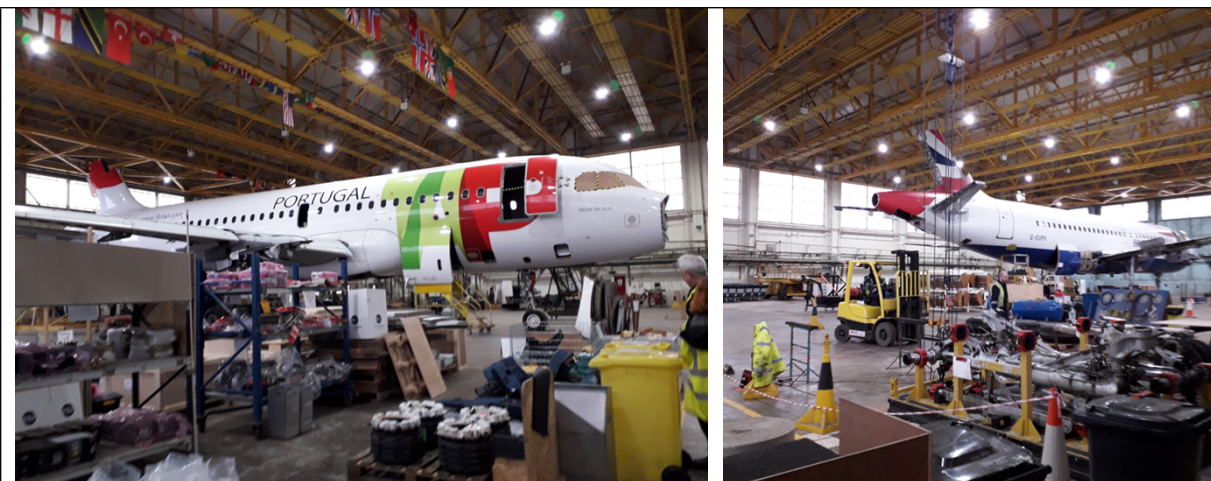
I, Elysia Lovelock a Waste Regulation Officer of Natural Resources Wales and my colleague, Senior Waste Regulation Officer Laoni Tye, attended eCube solutions based at Bro Tathan West, St Athan Aerospace Business Park and met with Operations Manager Bob Haden. The purpose of the visit was to introduce ourselves as members of the South Central Waste Regulation Team responsible for the area and to conduct a routine inspection to assess compliance of the sites waste operations to the extent authorised by and subject to the conditions of environmental permit LB3590HN for the recovery of sorted materials as a plane dismantling ELV facility.

The weather was overcast with some light showers during our escorted visit around the hangar and airfield. Bob Haden explained the hangar is no longer accessed via the MOD entrance as the site is no longer part of the military base, as it is now owned in part by Welsh Government and Cardiff Airport.

We were pleased with the overall condition of the site used for the recovery of parts and repair. During our visit we assessed compliance with the following permit conditions:

- Infrastructure - B3 Site Drainage engineering (clean & foul)
- Infrastructure - B4 Containment of stored materials
- General Management - C1 Staff competency/training
- General Management - C2 Management system & operating procedures
- Monitoring and records, maintenance and reporting - G4 Reporting and notification

During our escorted visit around site, we observed two planes being dismantled inside the hangar, Bob Haden explained it takes approximately 5 weeks to dismantle a single plane, normally dismantling two in the hangar at a time, however, it was mentioned that they will be trialling dismantling three planes at a time; space permitting. We are aware that eCube Solutions applied for a permit variation that was issued 21st September 2015 to decrease the sites tonnage allowance from 4,999 to 2,499. Therefore, should activity be set to increase on site, I would advise reviewing your permitted tonnages and consider the possibility of varying your permit accordingly.



General Management - C2 Management system & operating procedures

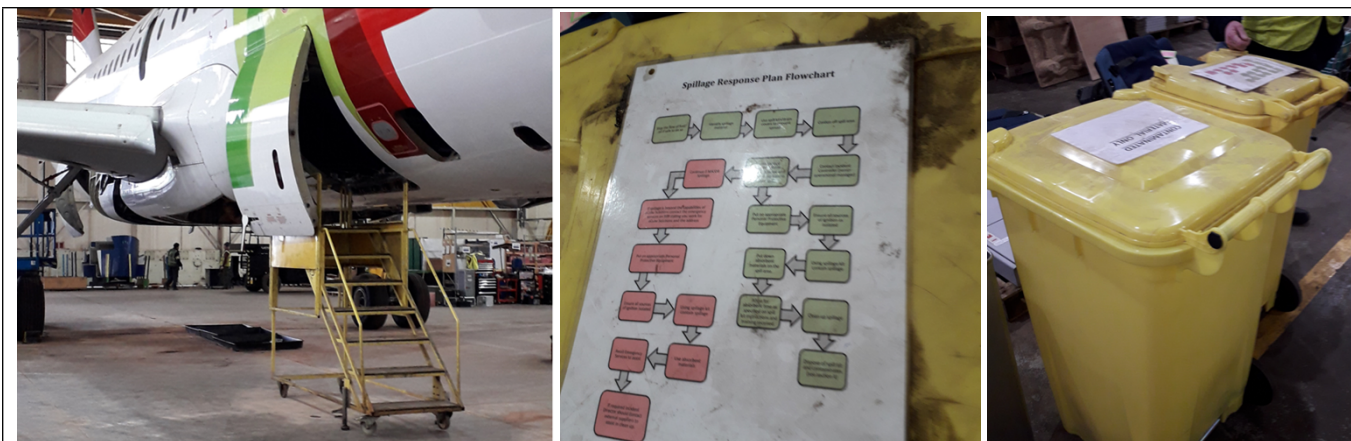
Furthermore, following our visit Bob Haden kindly provided a copy of the quarterly 4 return for 2019 and having reviewed the sites overall waste returns for last year, the site with its current level of operations exceeded the sites permitted tonnage allowance of 2,499, receiving 4433.5 tonnes of waste in 2019. This constitutes a breach of permit condition 2.3.2 (a) which states, '2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table S2.1;'. In these circumstances, due to the extent at which the tonnage accepted on site has contravened your permitted tonnage, we will be scoring this as a category 3 breach due to the potential minor environmental effect.

Monitoring and records, maintenance and reporting – G4 Reporting and notification

Furthermore, this also contravenes condition 4.3.1 (b) of your permit which states, '4.3.1 The Environment Agency shall be notified without delay following the detection of:' '(b) the breach of a limit specified in the permit; or'. This breach has been scored as a category 4 breach having no potential environmental effect.

General Management - C2 Management system & operating procedures

Bob Haden explained that treatment of the planes usually takes place inside the hangar, with treatment sometimes occurring outside in fine weather. The engines containing a mixture of fuel and oil are removed off site in their entirety, minimising the possibility of hazardous spillages. During our visit we noted the use of dribble trays in place underneath the aeroplanes to catch any residual fluids, with hazardous waste bins located around site, containing used spill kits. Following our visit Bob Haden kindly provided eCube Solutions Oil & Fuel Safe Storage & Spillage Policy Procedures document as requested. I can therefore confirm the review requested on the last site visit regarding the requirement to implement mitigation procedures to contain oil spills has been actioned and reflected in the site's procedural documentation.



However, Bob Haden was unable to provide a copy of the Environmental Management System for our records as requested on site and post-visit via email, explaining that eCube Solutions EMS dates back to when the company started so he would need to draft an up-to-date version and ensure it includes their interaction with Cardiff Airport, as per the advice given by Laoni Tye on site; that the EMS should convey a clear understanding as to who is responsible for the various areas on site, as it was discussed and as previously mentioned, that the ownership of the airfield has changed and those responsible varied throughout. Permit condition 1.1.1 (a) and 1.1.2 refers which state '1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system', and '1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.' I note that Regulation Officer Jacqui Collier previously requested a review of your EMS on 09/03/2015 following a visit on 12/02/2015 which was not actioned by eCube. Given the failure to action the previous request, this constitutes a breach of condition 1.1.2 and as such has been scored as a category 4 breach.

On this occasion, we wish to reiterate and request that a review of the EMS is undertaken promptly and for eCube to ensure there is an up-to-date copy available on site and that we receive a copy via email for our records **by 30th April 2020**. For further advice and guidance, here is a link to "How to Comply" that will assist you in ensuring the standard of the EMS is as expected: <https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf>

General Management – C1 Staff competency/training

As requested, Bob Haden also provided a copy of the sites TCM's WAMITAB continuing competence certificate for the Director of eCube Solutions, Michael Corne which expires 11/09/2021.

Infrastructure – B3 Site drainage engineering (clean & foul)

The impermeable surface covers the entirety of the dismantling area within the hangar and extends out across the airfield with drainage connecting to the Class 2 bypass Oil Water Interceptor situated next to the defueling area. During the visit, we observed that the surface was in good condition and appeared free from odour, debris and/or liquid deposits.

As we walked across the airfield, we observed several planes stored on the tarmac that Bob Haden explained were either awaiting repair or dismantling, with some planes being present following seizure. The drainage and impermeable surface in the defueling area, which is a shared facility on the airfield appeared to be in good condition. The Oil Water Interceptor appeared to be in good working order, with some plant growth but visibly filtering clear water for discharge into the connecting Nant y Stepsau watercourse.



Infrastructure – B4 Containment of stored materials

Whilst on site, we observed an area outside the hangar which was undercover used for the storage of hazardous liquids, being contained and segregated accordingly. However, it was noted and advised on site by Laoni Tye that some containers required double bunding to which Bob Haden acknowledged, as per condition 3.2.3 of your permit, which states, 'All liquid in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.' Therefore, this is being scored as category 3 breach with a potential minor environmental impact and as such, requires eCube to take immediate action to ensure that appropriate measures to minimise leakage and spills are implemented **by 30th April 2020**.



We wish to thank Bob Haden for his time and appreciate your co-operation and assistance in resolving the issues raised and look forward to continuing working with you in the future.

In this document ‘Natural Resources Wales’ means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036442**

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Site	Hangar 208	Permit Ref	LB3590HN
Operator/Permit holder	Ecube Solutions Limited	Date	14/02/2020

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C4	Ensure the EMS is reviewed and updated accordingly, with a copy available on site and a copy provided to NRW.	30/04/2020
B4	C3	Ensure secondary containment measures are implemented accordingly.	30/04/2020
G4	C4	Review of permitted tonnages and consider varying permit accordingly.	30/04/2020
C2	C3	Review suitability of permitted tonnages and consider the possibility of varying permit accordingly.	30/04/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.