

Compliance Assessment Report CAR_NRW0036915

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 carried out: Site Inspection, Reason: Routine.
On 12/08/2020.
Parts of permit assessed: see below

NRW Lead Officer: Daniel Grant.
Report sent to: Steve Davies, TCM on 11/09/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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
C2	Could you please make the changes to your EMS where you see fit and send us an updated copy by the deadline on the right (Please see full details in Section 4 below).	31/10/2020

Action 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.

At this time, we do not intend to take any further action.

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 a desk-top based inspection carried out on Wednesday 12th August 2020 by Natural Resources Wales officer Daniel Grant (Hazardous Waste Regulation Officer). During this inspection waste returns submitted over the past year, the site's TCM status and EMS were reviewed.

Waste returns

Waste returns from Quarter 1-4 in 2019 and Quarter 1 2020 were reviewed.

No issues were found with the content nor with the date of submission for any of these waste returns that were reviewed. Thank you for your compliance here. Please continue to send all waste returns on time.

Technical Competent Manager (TCM)

Current TCM duties for the site are being provided by Steve Davies until the 17th October 2020.

It was discussed with Mr Davies (e-mail correspondence dated 21st August 2020) that another colleague was being trained up for the TCM role within the business. When competency is achieved then another colleague will take over the TCM role from Mr Davies. Please ensure that the certificates are sent to us as proof of competency when the new TCM takes over.

Environmental Management System (EMS)-

Natural Resources Wales confirmed with Mr Davies as per e-mail dated 14th July 2020 that the latest version of the site's EMS was Issue no. 3, dated as June 2018. This was the document which has been reviewed. The document was reviewed against the standards set out in the current Natural Resources Wales "how to comply with your environmental permit" document dated October 2014 as well as the site's environmental permit. This piece of Natural Resources Wales guidance sets out what must be and should be included within a site EMS. Findings and actions from the review are summarised below:

1. Site plans

Section 3.7 (Site Layout) makes reference to your site layout drawing, however, we could not find a site layout drawing attached with your EMS document. We appreciate that a copy might be kept on site and although you don't have to keep all relevant sections together in one document, each section should be clearly accessible, and their location identified in the EMS. Could you send a copy of the current site layout to NRW, including all the details highlighted in Section 3.7, for our own record.

2. Maintenance

Your EMS, in particular Section 4.10 (General site maintenance) & 4.11 (Drainage system maintenance) makes reference to some maintenance regimes at the site. It is very important that a planned maintenance programme is followed as many pollution incidents reported to us can be traced back to a maintenance failure. We recommend that you re-visit these sections and think about including further detail into how the site's infrastructure is maintained, this could include a checklist in your EMS of how to carry out a specified maintenance plan.

3. Accidents and incidents

Accidents and/or incidents can cause significant pollution. You must put measures in place to deal with them, typically, this is called an Accident Management plan and it must form an integral part of your EMS. Section 4.4 (Oil Spill Procedure) & 4.7 (Spillage Event logging) provide detail on the site's response to a spillage event, however, a detailed Accident Management plan should also identify:

- all potential accidents and put in place measures to minimise them happening
- events or equipment failures that could damage the environment, for example fires, vandalism, flooding or other extreme weather events such as drought, heat waves, strong winds, snow or extreme cold
- how likely these events or failures are to happen
- the consequences if they do happen
- the steps needed to minimise them happening
- the steps needed to minimise any impact if they do happen
- how you will record and investigate complaints, pollution incidents or breaches of your permit and the actions taken.

In addition to the above, an Accident Management plan must also include:

- a site plan which identifies the location of any emergency kits or equipment for fire, spill kits and drain caps. Section 4.8 (Spill Kit Contents) of your EMS provides detail on the content of the spill kit held on site, however, you should also highlight the location of this kit in a site plan attached to your EMS.
- a list of key contacts and their numbers. We can see that Section 3.6 (Support contacts) refers to this list which is kept on site. As previously mentioned, although it is fine for documents to be kept apart, they should be clearly signposted. We would recommend that the location of this contact list is more clearly identified or is included within the same EMS document. Typically, it is good practice to include these details at the beginning of your EMS so that contacts can be reached as efficiently as possible during the event of an accident/ incident.

We highly recommend that you take time to consider this information and think about implementing a more consolidated Accident Management plan into your EMS. Once an Accident Management plan has been established in your EMS you should ensure that it is communicated to all employees, managers and contractors who work at the site.

We also recommend that you test your Accident/ Incident Management plans using regular drills or

exercises. A procedure for doing this is something you might also want to consider including in your EMS.

Another important aspect of being prepared for any accidents or incidents is having a site board with contact emergency numbers. It is good to see that this is referred to in Section 2.2 (Notice Board and Signs) of your EMS. You could consider including an inspection/ maintenance checklist into your EMS for this site board.

4. Site security

You must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access. You should be clear about the level of security needed at your site and make a written assessment of your control measures in your EMS.

Your EMS makes reference to the measures taken on site to secure the premises, particularly, detailing the surrounding site fencing in Section 2.4 (Site Security). You might want to think about carrying out periodic inspections of this fencing to ensure security is maintained at all times, the procedure for this could be included in your EMS.

Furthermore, during the latest visit undertaken by Daniel Grant on the 10th December 2019 it was discussed by Mr Davies that CCTV was being installed on the premises. Details on this enhancement to the site's security should also be incorporated into this section.

5. Non-compliance

Section 3.3 (Non-Permitted wastes) briefly outlines the procedure for dealing with any non-permitted waste types on site. As has been touched on in your Oil Spill Procedure (Section 4.4), you might want to expand on this Section (3.3) to explain if any non-compliances were to occur, how you would:

- record it
- investigate to establish the root cause of the problem if needed
- record any action taken to resolve it
- consider whether you need to change any operations on site in response to the review of the non-compliance (part of your continuous improvement process)
- amend the EMS to reflect changes
- make sure staff and managers are aware of changes
- tell us (NRW) about the changes.

6. Closure

It is inevitable that at some point your operation will close, but we understand it is probably the last thing on your mind when you first apply for an environmental permit and start operating. However, this is the time when you can put plans in place that could make closing the site far easier and cheaper. This is because when you apply to surrender a permit (close), you will be asked to show that the state of contamination of the land when you close your site is no worse than when you began your operations. We recommend that

you think about implementing this into your EMS. Keeping a site condition report up to date during the life of your permit will help you demonstrate this.

The guidance for the site condition report can be found using the following link:

<https://cdn.naturalresources.wales/media/1215/environmental-permitting-regulations-guidance-for-applicants-h5-site-condition-report-guidance-and-template.pdf?mode=pad&rnd=13146762713000000>

7. Complaints

Section 4.12 (Interface With The Local Community) defines your process of dealing with complaints. Other elements you could consider adding here for dealing with complaints might include:

- what steps should be taken to ensure the problem is not repeated, this may include changing a piece of equipment or procedure.
- how you record the complaint and what you did to investigate and resolve it. A good way of doing this is having a checklist document which could be filled in during the event of a complaint.
- how you amend your EMS to reflect any changes.

Providing feedback to the complainant is also suggested once the problem has been resolved. This will help complainants feel they can report problems directly to you as the operator and will allow you to get them resolved more effectively, rather than the complainant reporting any issues directly to us.

8. Competent persons, training

Section 1.12 (Fit and Proper Person) specifies who your competent person is on-site. As we understand this is expected to change soon (as per e-mail correspondence with Mr Davies, dated 21st August 2020), please ensure this section is updated following this change.

The last sentence of Section 1.12 incorrectly specifies that the Technical competence status is provided by NRW, the competence is awarded by CIWM/ WAMITAB and not us. Please ensure this is rectified.

All staff working on permitted activities must be trained on what your EMS means. It must be easily available to staff and contractors. With this in mind, you might want to consider implementing a general training record into your EMS for each member of staff working at the site. This might include:

- evidence staff are trained in aspects that can lead to pollution and the measures to be taken to prevent that pollution.
- evidence staff are trained to deal with accidents.
- evidence staff are aware of the responsibilities under your permit.
- records of staff training for key equipment and plant.
- who is qualified and competent to operate machinery and provide them with safe operating instructions for that equipment or activity.

9. Records

You must keep records to demonstrate that you are operating and managing the activities in compliance with your EMS. We can see that your "Site Diary" (Section 3.4) conveniently lists the records that will be

kept on site. In order to develop this section further you might consider including timescales for each of these records, which might outline how often different records need to be carried out in your site diary.

10. Other

Section 1 (Scope) on the first page of your EMS inaccurately states that the EMS's "contents have been compiled, reviewed and agreed with Natural Resources Wales (NRW) in order to provide compliance with license conditions." You, as the site operator, are responsible for writing your EMS and NRW as the regulator cannot agree nor approve any given EMS. Please ensure this statement is changed to remove any misconception.

You must continually assess your EMS to monitor the effectiveness of your operations and make changes to it if it fails or when you can see ways of improving it. This should help you to achieve and maintain compliance with your environmental permit(s). With this in mind, it is good to see that you have implemented an "Issue Record" at the beginning of your EMS to keep a clear record of version changes to your EMS (Page 1). However, we would recommend that the EMS is reviewed more often than what is currently indicated in the "Issue Record", even if no changes are made, reviews should be noted and recorded there.

During the latest site inspection on the 10th December 2019 by NRW officer Daniel Grant, it was noted that construction works were ongoing. Mr Davies explained that security fences surrounding the site were to be permanently moved. As was explained at the time this change should be reflected in your EMS, you might also consider illustrating the modified site boundary, following the movement of the external security fencing, to your site plan as well.

As previously explained, NRW cannot agree nor approve your EMS, we can only make suggestions on ways to improve it. Therefore, it is recommended that you consider adding or amending the information and procedures mentioned here. Could you please make the changes to your EMS where you see fit and send us an up to date copy by the 31 October 2020.

Should you wish to discuss any of this information please do not hesitate to contact me.

Thank you for your time.

Regards,

Daniel Grant, Hazardous Waste Regulation Officer

daniel.grant@cyfoethnaturiolcymru.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 2012.

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.

What are suspended scores?

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

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.