

Statutory Notice

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 61(1)**

NOTICE REQUIRING INFORMATION

**To: The Treatment Hub Limited
Brook House,
Moss Grove,
Kingswinford,
West Midlands,
DY6 9HS**

Natural Resources Wales requires you to provide the information relating to permit ZP3933NJ as specified in Schedule 1 by 13th November 2020.

The information must be sent either electronically or in writing to Liane Bacon-Weekes at:

liane.bacon-weekes@cyfoethnaturiolcymru.gov.uk

Natural Resources Wales

Llys Afon
Hawthorne Rise
Haverfordwest
Pembrokeshire
SA61 2BQ

Date: 20th October 2020

Signed:



**Erin Smyth-Evans
Team Leader - Industry Regulation**

Natural Resources Wales
Llys Afon
Hawthorne Rise
Haverfordwest
Pembrokeshire
SA61 2BQ
Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016 Regulation 61(1)

Notes:

General

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, Natural Resources Wales may (by virtue of Regulation 61(1) of those Regulations), require any person to provide information.
2. Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
3. Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
4. There is no right to appeal against this notice.
5. You may wish to seek independent legal advice.

Legislation note

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. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE I INFORMATION REQUIRED		
Description of information required	Form the information must take	Date required
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 1. It states: <i>"The permit variation provides a full account of the current operations"</i>. (This is repeated in point 11). Please confirm this relates to the variation document HUB EP 001 EPRZP3933NJ Variation Support Document January 2020 (20-01-20) submitted to NRW 11th February 2020 AND that this reflects site operations prior to July 2020.	The information provided can be submitted either electronically or in paper form.	13th November 2020
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 1. It states: <i>"On arrival, TTH has a pre-acceptance process that segregates and quarantines wastes on delivery pending the results of analysis. The analysis carried out by TTH is in full compliance with WM3"</i>. Please provide information and documentation demonstrating the procedure used to accept soils coded EWC 17 05 03* and the analysis methodology used by TTH as part of this pre-acceptance process.	The information provided can be submitted either electronically or in paper form.	
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 1. It states:	The information provided can be submitted either electronically or in paper form.	

<i>"In the vast majority of cases, the pre-acceptance analysis demonstrates that the soil is not hazardous waste and it is classified as EWC 17 05 04".</i> Please provide details on the waste loads received as EWC 17 05 03* that have been assessed and reclassified as EWC 17 05 04 between March 2018 to March 2020. This should include all documentation, analysis and details on the waste origin and producer.		
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 12. It states: <i>"..following the WM3 classification of soils, those with sufficiently similar properties are bulked. This is permitted under HWR06.."</i> Please provide technical details on the assessment undertaken to deem waste 'similar' and suitable for bulking. This information is only required if past bulking procedures and assessments differ from the information supplied to permitting as part of the permit variation.	The information provided can be submitted either electronically or in paper form. If the technical details supplied to permitting cover historical procedures, please confirm this in writing.	
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 16. It states: <i>"TTH accepts that on occasion non-permitted wastes have been accepted".</i> With reference to EWC 12 01 16, It states: <i>"The material was assessed on receipt and found to have significantly less contamination than indicated, and that this, in fact, consisted of elevated</i>	The information provided can be submitted either electronically or in paper form.	

<i>hydrocarbons rather than elevated metals. Waste was properly processed with soils exhibiting a similar profile. The processed material was eventually sent to Tir John landfill for the purpose of landfill cover”.</i> Please provide copies of all sampling and analysis documents relating to this waste. Also submit technical details on how it was processed and the soil consignments it was processed with.		
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 16. It states: <i>“TTH accepts that on occasion non-permitted wastes have been accepted”.</i> With reference to EWC 19 02 07 it states: <i>“The centrifuge waste in these two consignments was quarantined pending further assessment. Following testing and assessment this waste was eventually processed. The processed materials were eventually sent to Tir John landfill with other non-hazardous materials for the purpose of landfill cover”.</i> Please submit the testing and assessment documentation relating to this waste and technical detail on how it was processed. Please also provide information on when this was exported to Tir John Landfill.	The information provided can be submitted either electronically or in paper form.	
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 16. It states: <i>“TTH accepts that on occasion non-permitted wastes have been accepted”.</i>	The information provided can be submitted either electronically or in paper form.	

With reference to EWC 17 03 01 it states: <i>“The material was initially referred to as ‘coal tar’ at the enquiry stage. The analysis did not support this conclusion and it was agreed that the material would be received under EWC 17 05 03 as it consisted of soils, stone, some concrete and tarmac plainings. One load (17.08 tonnes) was received on 25 May 2019 under EWC 17 03 01. This was indicated to the client and the material accepted subject to further testing.</i> <i>A sample of the tarmac content was submitted for testing, which indicated that the tarmac was not coal tar. It was agreed with the waste producer that the material could be coded EWC 17 05 03. The waste was screened and following appropriate processing the resultant oversize and fines were sent to Tir John for the purpose of landfill cover”.</i> Please submit the testing and assessment documentation relating to this waste and technical detail on how it was processed. Please also provide information on when the oversize and fines were exported to Tir John Landfill. Please also include the correspondence with the producer agreeing the change of code.		
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 18. It states: <i>“Waste from Valero Pembrokeshire is held on site, located to the rear of this stockpile as shown in Figure 8 in the variation support document recently submitted to NRW (Figure 7 in the previous variation submission support document). This is contained within a cell and does not impact the main stockpile.</i>	The information provided can be submitted either electronically or in paper form.	

Please provide additional information on the containment cell referred to above (size, construction, location). Please also provide copies of all documentation relating to this waste consignment. This should include, but not limited to, date of acceptance, copy of waste consignment note if not held by NRW, completed pre-acceptance documents, waste evaluation form and any sampling and testing results.		
In correspondence dated 11th September 2020, (WORK_37865831_1_Annex to Burges Salmon letter 11.09.20) in point 21. It states: <i>“The requisite testing of material is carried out to demonstrate suitability for the designated receptor, with the intention of ensuring that the wastes / recovered materials are deemed suitable for the intended purpose”.</i> Please provide details and supporting documentation on the testing that is completed to ensure wastes are suitable for receptor sites.	The information provided can be submitted either electronically or in paper form.	
Please provide technical information and submit supporting documentation on how non-soil wastes, accepted on site between March 2018 to March 2020, have been processed. Non-soil wastes include (110109* 110110, 190111*, 190113*, 190205*, 190206).	The information provided can be submitted either electronically or in paper form.	
Please submit copies of the ‘Waste Stream Evaluation Forms (Form TH-002) for waste accepted between March 2018 to March 2020.	The information provided can be submitted either electronically or in paper form.	

Please submit copies of the 'Contaminated soils Evaluation Forms (Form TH-001) for wastes accepted between March 2018 to March 2020.	The information provided can be submitted either electronically or in paper form.	
Please submit copies of any certificate of conformity forms raised between March 2018 to March 2020.	The information provided can be submitted either electronically or in paper form.	