

Compliance Assessment Report CAR_NRW0037928

Permit being assessed: BB3998FS.

For: CellPath Limited, held by CellPath Limited

At: Unit 86, Mochdre Industrial Estate, Newtown, Powys, SY16 4LE.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 27/04/2021 between 11:00 and 12:00.

Parts of permit assessed: General Management

NRW Lead Officer: Liz Park, accompanied by Bethan Lewis.

Report sent to: Philip Bowen, Compliance Manager on 11/05/2021.

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)	

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?

No action required.

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

Liz Park accompanied by Bethan Lewis arrived on site to undertake a pre-arranged First Site Inspection. Liz and Bethan met with Philip Bowen (QHSE Assistant, EPOC Holder), Mark Pace-Bonello (Operations Manager) and Neil Haine (R and D Director). The weather at the time of the Inspection was dry and cold.

The site is currently non-operational. The intention is to build an extension to the existing

building and then commence operations.

Technical Guidance and Environmental Management System

Philip was already aware of 'How to Comply with your Environmental Permit'. He had started to write the Environmental Management System using the SME Toolbox. The company has ISO 13485:2016 Medical Devices accreditation, so are familiar with the requirements of a management system. It is the intention to have a separate management system for the Environmental Permit.

Technical Competence

Philip Bowen has obtained an EPOC certificate. He has made enquiries into undertaking the relevant WAMITAB qualification. It was confirmed in an email dated 18 March 2021 that he has twelve months from the commencement of operations to obtain the full WAMIATB certificate.

Liz discussed attendance during holidays etc. Liz explained attendance is calculated on a weekly basis and that alternative provision would be required if Philip is absent for a full week.

Waste Returns

Liz explained that even though the site is currently pre-operational they still need to send in waste returns. These will be null returns. The site is aware that the first return was due to be submitted by the end of April. Liz explained that the Waste Return had been updated for 2021 and 2022. This version is not on the website. The latest version was sent via email. It is unclear if Philip had the correct version of the Waste Return. Liz sent the latest version by email.

Compliance/Compliance Classification System (CCS) Scores

Compliance and CCS Scores were explained. How CCS can affect the subsistence fee was explained.

Making Changes to the Permit

This was discussed. The site is aware that if they wish to undertake a waste activity not in the Standard Rules Permit they would need to apply for either a different Standard Rules permit or a Bespoke Permit.

Sector Specific topics

The site is already experienced in the requirements for storing and handling chemicals. This will now be applied to the requirements of the permit. Emissions such as odour and noise are not anticipated to be an issue based on the intended waste activity.

Site Drainage

The permit condition regarding site drainage was discussed. The site already has a Trade

Effluent Discharge consent with Hafren Dyfrdwy. Liz suggested that the site discussed with Hafren Dyfrdwy whether they would be able to add the new building onto the consent before it is built. The alternative option would be a sealed sump. Liz explained that discharges to the sewer can knock out the sewage treatment works leading to untreated sewage effluent being discharged. The type of impermeable surface was briefly discussed. Liz considered the site to be knowledgeable in the type of impermeable surface required for the waste chemicals the site proposes to store. The site may find CIRIA Containment Systems for the Prevention of Pollution (C736F) useful.

Operation of a small scale collection point before completion of main building

Please refer to Table 2.3 Operating Techniques. It may be possible to utilise a small building for the storage of a small amount of wastes listed in the permit. This will depend upon which wastes you wish to start accepting, what rigid container you plan to use, whether there is space on the existing impermeable surface etc.

A written management system would still be required. The site would also be considered to have become operational if you commenced the acceptance of wastes.

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.