Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0035689

This form will report compliance with your permit as determined by an NRW officer					
Site	Ewloe Waste Transfer Station	Permit Ref	BP3797SZ		
Operator/Permit holder	Thorncliffe Building Supplies Ltd				
Regime	Waste Operations				
Date of assessment	12/09/2019	Time in	14:50	Out	15:42
Assessment type	Site Inspection				
Parts of the permit assessed	See below				
Lead officer's name	Challender, Paul				
Accompanied by	Henderson, Amy				
Recipient's name/position	Tim Harper/Dan Harper/ Owner/Site Manager	Date issued	20/09/2019		

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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	Permit Condition 2.1.1, Table S1.1
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	C4 - Suspended	Permit Conditions 1.1.1 & 3.6/Table 1.3
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	X	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
F5 - Amenity - Deposits on road	A	

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	2	Total compliance score (see section 5 for scoring scheme)	4

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

This was a routine unannounced inspection of the permitted site by the regulating officer Paul Challender, who was accompanied by Amy Henderson. During the inspection the weather conditions were partially overcast, warm and breezy. The Site Manager, Mr Dan Harper was available and escorted the inspecting officers at all times.

Prior to entering site it was noted that continuing development works were occurring outside of the permitted area with various items stored however, no waste was identified as being stored outside the permitted area. In addition, dust from a sand pile was observed blowing in a northerly direction from the permitted area but not leaving the Ewloe Barn Industrial Estate - which is now wholly owned by the operator, Thorncliffe Building Supplies Ltd.

On entering the site under the supervision of Mr Harper, the issue of the dust and its origin was raised. Some non-waste materials from the building supplies business are stored in the permitted area, normally in the lower bays. On this occasion however, there was a deposit of builder's sand stored to the rear of site adjacent to the rear bund. The site is subject to a twice daily dowsing of water to control dust emissions and as this issue was raised with Mr Harper; the external provider who conducts the scheduled dowsing of the yard entered site and damped down the whole yard. Special attention was given to the sand pile as this had been identified as a dust source by the inspecting officer. You must ensure that airborne dust is monitored and implement additional suppression when required to stored materials as per the site Fugitive Emissions Plan dependant on weather conditions.

During the inspection site workers were actively managing operations with waste being deposited, treated, sorted and removed from the site. In all areas (apart from the wood treatment and storage area) wastes were appropriately stored, with good segregation of wastes types. Relatively recent changes in the interplay between Thorncliffes Ewloe and Abergele site was discussed and these changes had not caused any issues with waste storage and segregation on the site. The entry of the bowser to dowse the site during the inspection allowed the officers to observe the effectiveness of the fall of the impermeable surface to the sealed drainage system.

Earlier in the year there had been a fire in the wood yard, the fire had affected the shredder and all appropriate action had been taken to extinguish the fire and deal with the associated fire water. Full communication with the regulating officer had taken place in the immediate aftermath of the fire. Following the fire some modification to the machinery in the wood yard had taken place to accommodate the current replacement shredder. It was observed that a section of concrete wall had been removed to allow HGVs to access the wood yard to be loaded (see photograph below). The removal of this wall and no implemented replacement bund/kerbing to prevent the escape of water from the wood yard is a potential pathway for contaminated run off to escape the permitted area and is discussed below.

The required Fire Prevention and Mitigation Plan is still outstanding and is discussed below.

On exiting the site, it was noted that some details were incorrect on the Site Notice Board and these are detailed below.

The following breaches to the permit have been recorded:

(B3) Site Drainage Engineering (Clean and Foul). Permit Condition 2.1.1, Table S1.1. CCS Score C3.

It was observed during the inspection that in wood processing yard that an area of the perimeter wall had been removed. The removal of the wall and some associated works outside of the permitted area is being conducted to allow an extension of the permitted area which is subject of a soon to be submitted permit variation. Due to the removal of the wall there was now the potential for runoff from the impermeable surface to leave the permitted area without flowing through the sealed drainage system as required by the Limits of Activities for Activity A1 listed in Table S1.1. Impermeable surfaces and sealed drainage systems are a permitted condition to prevent contaminated runoff impacting on the surrounding groundwater by infiltration and percolation. Appropriate mitigation needs to be put in place to restrict the potential for the emission of contaminated waters offsite.

(C2) Management System and Operating Procedures. Permit Condition 1.1.1 & Permit Condition 3.6/Table1.3. Consolidated CCS Score C4 - Suspended.

Despite the smooth running of the site, as detailed above the EMS is out of date and does not reflect the site lay out or operations as currently conducted. It was agreed with the previous regulating officer that the EMS would not be updated until the building works were completed. Save for alterations to the drainage these works are now complete and an updated EMS detailing the current site lay out procedures should be produced and submitted to NRW.

The permitted site does possess a Fire Prevention Plan dated 19th August 2015 Version 1.3 which addresses the previous fire prevention guidance TGN7.01. It was however, required by variation V007 by virtue of improvement condition 1 within Table S1.3 to submit a Fire Prevention & Mitigation Plan (FPMP) produced in accordance with NRW's Guidance Note 16: Fire Prevention & Mitigation Plan Guidance - Waste Management. A grace period was granted by the previous regulating officer until the building works were complete. As the building works are now complete, apart from drainage alterations, an FPMP should be written in line with Guidance Note 16 and submitted to NRW by the date stated below.

It was requested in the previous CAR form that the updated EMS and FPMP should be submitted by Monday 30th September 2019. As this date has not passed and because consultants are currently working on an updated FPMP for the submission of a permit variation - this score is currently suspended until **30/09/19**.

(D1) Site Security. Permit Condition 2.3.1(a), Table 1.2. Action only.

It was found during the inspection that the Site Identification Board required updating. References to the "Environment Agency" should be replaced with "Natural Resources Wales" and the contact number "0800 807060" should be replaced with "0300 065 3000".

Thank you for your time during this inspection.

Kind Regards,

Paul Challender

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.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0035689**

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

Site	Ewloe Waste Transfer Station	Permit Ref	BP3797SZ
Operator/Permit holder	Thorncliffe Building Supplies Ltd	Date	12/09/2019

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.

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			
D1	X	Update Site Information Board	31/10/2019
C2	C4	Update and submit to NRW the EMS. Update and submit to NRW an revised FPMP which addresses Guidance Note 16.	30/09/2019
B3	C3	Implement mitigation to prevent the emission of contaminated water offsite.	12/10/2019

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.