

Compliance Assessment Report CAR_NRW0039289

Permit being assessed: VP3030BX.

For: Whitchurch Salt Slags, held by Befesa Salt Slags Limited

At: Fenns Bank , Whitchurch, Shropshire, SY13 3PA.

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

On 12/01/2022 between 13:00 and 15:30.

Parts of permit assessed: Site Infrastructure and Waste storage

NRW Lead Officer: Stuart Ross, accompanied by Julia Frost.

Report sent to: Stuart Irvine, Managing Director on 18/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C3 Minor	1.1.1 (b)
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	1.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C1	Refer details section	31/03/2022
B1	Refer details section	31/03/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Befesa Salt Slags was visited at 13:00 by Natural Resources Wales (NRW) officers who met with Stuart Irvine, Managing Director.

The purpose of the inspection was to assess site infrastructure and control measures associated with the storage of waste and the proposed acceptance of further UK derived waste materials as a short-term measure owing to a sister site's fire in Germany. It was also to assess progress of waste material removal under the TFS notification.

Other than waste storage, no site operations are on-going on site. It was confirmed that only 4 members of staff remain on site.

The following observations were made:

- Waste storage, Crushing Line A and Oxide Storage doors were open and reportedly incapable of operation. This could lead to possible fugitive emissions with regards to dust, odour and possibly contamination of the site drainage if dust is deposited on external hardstanding areas or via rain water ingress into the building. The risk of such emissions will be most acute during waste loading/unloading and associated handling operations.



CCS Category 3 breach of condition 1.1, criteria (B1) Engineering for prevention and control of emissions

ACTION 1: Repair or replace defective doors as detailed above to prevent and minimise fugitive emissions. Submit an action plan with timescales for this work to be completed, please do so by **31/03/22**.

Quantity of waste on site – A significant quantity of waste remains on site (estimated by the operator to exceed 10,000 tonnes). It was noted during the inspection that waste continues to be received from Novellis for bulking up and onward transfer. This is despite the operator stating that it would cease to accept this waste by the end of Quarter 1 2021.

Advice and Guidance

Given Befesa's stated intention to surrender the permit, NRW strongly recommends that waste acceptance ceases with immediate effect. Permit surrender is not achievable whilst waste material remains on site.

We further recommend that you submit a plan to NRW with associated timescales for the removal of the waste currently held on site.

Operator Competence

- No COTC holder has been in place to manage the operations since August 2020 despite continued waste acceptance and storage on site. You are carrying out a 'specified waste management activity' under your installation permit that requires compliance with a government approved scheme. Refer to Regulatory Guidance Note 5 for more information.

This is in breach of permit condition 1.1.1(b) and attracts a CCS score of 3.

ACTION 2: Provide NRW with an action plan to ensure a COTC holder is in place. Please do so by 31/03/22.

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.