

Compliance Assessment Report

Report ID:
CAR_NRW0026915

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	03/01/2017	Time in	12:00	Out	12:40	
Assessment type	Site Inspection					
Parts of the permit assessed	Permitted Area and Site Drainage					
Lead officer's name	Sowerby, Andrew R.					
Accompanied by						
Recipient's name/position	Tim and Dan Harper/ Managing Director and Site Manager	Date issued	10/08/2017			

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	1.1.1 (a)
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D1 - Incident Management - Site security	A	
E1 - Emissions - Air	A	
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	1	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

Site attendance following a couple of reports of seagulls circling the site over the Christmas period and also some questions regarding the site drainage.

Met Dan Harper at the office and after explaining the purpose of the visit we had a quick walk around the site. Following this site inspection I have recorded one breach with regards to the site drainage. More details can be found below.

Drainage

B3 - Infrastructure - Site Drainage Engineering (clean & foul) - Permit Condition 1.1.1(a) - CCS Cat 3

Permit Condition 1.1.1 (a) states "The operator shall manage and operate the activities in accordance with a written management system...."

As explained on site, concerns had recently been raised regarding the drainage on site. From observations on site and from reviewing the sites Environment Management System (EMS) I believe that the drainage system for part of the site may be inadequate. I also believe that the EMS does not accurately reflect how the drainage on site operates.

The drains on site can be split into two. The newer part of the site, which includes the new waste transfer building and the concreted area in front of it all drains to a large silt trap dug into the ground. Once full, this silt trap then discharges to the surface water drains via an oil interceptor. Water from this silt trap will sometimes be used to clean down the yard and to also damp it down to reduce dust etc. The silt trap takes water from both the yard and the roof gutters. The drainage for the newer areas of the site seems to be detailed within the sites EMS.

The older part of the site all drains to a silt trap that is located by the office. It is this section of drainage that is of immediate concern and this section that does not seem to be detailed within the EMS. During discussions on site there was no mention of any further treatment to the discharge from this silt trap. By looking through the grid on top of the silt trap the water was observed to be very discoloured and there was a sheen on the surface of it. The water from this silt trap discharges directly into a surface water drain. We then lifted the lid on a manhole in front of the sites weighbridge. This manhole seems to be the location at which both drainage systems meet before the discharge flows towards the front of the industrial estate and towards a receiving watercourse. The water in this manhole was observed to be very discoloured (see photos 1 and 2 below).

As a result of these observations I am very concerned regarding the discharge of surface waters from the site and I have also been informed that Flintshire County Council Planning Department are also very concerned with the site drainage. On site I was informed that a detailed drainage plan was in the process of being put together. Once this drainage plan has been completed it would be very useful to see a copy. In particular I would expect to see where the sites drainage finally discharges to, i.e into which receiving watercourse Thorncliffes (and the rest of the Industrial Estate) surface water drains. This drainage plan can then be included within or used to update the sites EMS with respect to the sites drainage



Photo 1



Photo 2

Following my site inspection I walked along the main road at the front of the industrial estate to try and identify where the industrial estates surface waters discharged to. From following the manhole covers in the grass verge alongside the road I believe the surface water drains pass under the road near the bottom of the dip in the road and discharge into a very heavily silted up watercourse/ditch in the field between the residential properties and the A55. If this is the receiving watercourse for all the surface water from the industrial estate then the ditch may need some maintenance work done to it by the industrial estates landowner or yourselves.

Any overall impact to the environment from the dirty water in the surface water manhole by the weighbridge is likely to be minor and as a result the breach is regarded a CCS Cat 3. The drainage on site now needs to be assessed to ensure it is adequate and a full drainage plan for the site produced that includes details on where the drains discharge to the environment etc. Please provide the information and supply details on what you intend to do to prevent potentially polluting surface water from discharging from the site by the 28th February 2017.

Seagulls

Permit condition 3.4.1 states that "The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site."

During the site inspection large numbers of seagulls were seen circling the site. As has been discussed in the past the most likely reason for the presence of these pests is the black bin bags that are deposited at the site by the Flintshire County Council bin wagons. The methods being employed by Thorncliffes to combat the seagulls were discussed.

In the past the site has used a number of methods to try and scare away the pests. These have included such things as model birds of prey perched along the boundary of the site and a kite shaped like a bird of prey. The aim of these methods was to try and deter birds from approaching the site. These seemed to work for a short time but eventually the seagulls seem to have got used to them and then started to ignore them. The site also uses a method that involves a member of staff swinging a piece of piping on string around their head. The resulting noise is generally successful in scaring the birds away but the method is only useful for scaring the birds away not preventing them from arriving in the first place.

The next method used was an air cannon that when used creates a loud sound. This method was found to be successful for some time and the number of complaints of seagulls decreased dramatically for a while. However, over time the birds have appeared to grow accustomed to the noise and now quickly return to the site. The birds will then fly off when they observe a member of staff approaching the air cannon and return soon after the air cannon has been operated.

As part of the sites continued improvements, plans have been submitted to Flintshire County Council Planning to build a new building on the site. The object of this building being to contain the mixed waste brought onto site and treat it indoors, as set out in the environmental permit. Another benefit of this building would be to keep waste away from seagulls and this would then likely result in either deterring or at least significantly reducing the number of pests circling the site. During discussions with the managing director it was agreed that plans would be adjusted to completely enclose the building, thereby further reducing the likelihood of seagulls, especially when the site is unattended. At present no planning permission for this building has been granted so construction cannot begin.

During the site inspection I was also informed that Thorncliffes had now started to use bangers on site. These had been found to be successful in keeping the seagulls away from the site for longer, especially when used together with the air cannon. Both the air cannon and a banger were used whilst I was on site and the seagulls were observed to leave site before retuning again a relatively short while later. Thorncliffes had also trialled the use of a bird of prey during December and as a result of these trials had decided to begin bringing in a bird of prey twice a week, starting next week (beginning 9th Jan 2017). I was informed that the frequency of these visits could be reviewed depending upon how successful it was.

As a number of methods have been trialled and used to try and control the numbers of seagulls around the site there will be no breach applied on this occasion, despite the large numbers of seagulls observed around the site at the time of the inspection.

However, you are advised to regularly review the situation to see if any improvements can be made in deterring pests.

Following the results of the planning application we will need to review this stance and should the problem of seagulls continue then any measures attempted and any proposed should be detailed within a pest management plan.

Waste Treatment

As has been highlighted during my last couple of inspections I have concerns with how waste is being treated on site. Table S1.1 within your permit clearly says that only wood wastes and inert wastes can be treated outside. All other wastes must be treated within a building. Photo 3 below shows the black bin bag waste received from Flintshire County Council spilling out of the transfer building and the shredding of this waste is also occurring outside the building.



Photo 3

I am aware that you have applied for planning permission to build a new building within which to treat this waste and that the deadline by which this planning permission will be granted has already been moved back a number of times (you originally hoped to have planning permission in Summer 2016). However, in the meantime you need to be doing all you can to try and treat waste within a building and ensuring that as much as possible is also stored within a building. Any waste remaining outside should ideally be covered. Especially overnight or at weekends. Treating and storing mixed waste in the manner in which I observed during the inspection will only be encouraging other issues such as odour, litter and pests, i.e. seagulls. As plans are already in place to deal with this problem I will not apply a score on this occasion. However, I would expect to see all effort made to comply with the permit and that all appropriate measures are taken to ensure any waste, if not within a building, is at least covered. Once planning permission has been granted (assuming it is) you should provide me with a deadline by which you would expect to have any building built and fully operational.

Other Advice and Guidance

During the inspection we briefly discussed the plant shown in Photo 4 below. As detailed within the inspection form issued for a site inspection on the 17th August 2016 (Report ID: CAR_NRW0026304) this plant was not to be used to treat waste outside. My understanding from our conversation on site is that this has been complied with and that the equipment has not been used. You asked if it was possible to use the plant to process inert wastes. After looking at your permit Table S1.1 in section A3 basically states that "Treatment operation shall be limited to mechanical and or manual screening, crushing, blending and bulking up for the purpose of recovery only." I therefore see no problems with you using the equipment in this way as long as appropriate measures are taken to prevent any emissions such as dust etc. Should you wish to carry out this activity long term then you will need to ensure it is included within your EMS.



Photo 4

If you have any questions regarding any of the above please contact me.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026915**

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	Thornccliffe Building Supplies Ltd	Date	03/01/2017

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			
B3	C3	The site should review the drainage system on site and provide an updated drainage plan and what they intend to do to prevent any future discharges of potentially polluting surface water	28/02/2017

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.