

## Compliance Assessment Report CAR\_NRW0039872

**Permit being assessed:** NP3634MU.

For: Celtic Chemicals Limited, held by Celtic Chemicals Limited

At: Celtic Chemicals Units 25-27 , Kenfig Industrial Estate, Margam, Port Talbot, SA13 2PE.

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

On 03/05/2022 between 09:45 and 12:15.

Parts of permit assessed: Site Inspection

**NRW Lead Officer:** Rhodri Morgan, accompanied by Ieuan Davies.

**Report sent to:** Rhys Woolcock, Director on 13/05/2022.

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

| Part of permitted activity assessed (criteria)                            | Assessment result | Permit condition |
|---------------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                                  | Action only (X)   |                  |
| B1 - Infrastructure - Engineering for prevention and control of emissions | Action only (X)   |                  |
| D1 - Incident Management - Site security                                  | Action only (X)   |                  |
| B5 - Infrastructure - Plant and equipment                                 | Action only (X)   |                  |
| C4 - General Management - Storage, handling labelling and Segregation     | Action only (X)   |                  |
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| C4 - General Management - Storage, handling labelling and Segregation     | Action only (X)   |                  |
| C4 - General Management - Storage, handling labelling and Segregation     | C3 Minor          | 3.3.2            |

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

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 1                                        | 4                          |

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 |
|----------|-------------------------------------------------------------------------------------------|-------------|
| A1       | Action 39872/1: Apply for a permit variation; to include the recently acquired units.     | 31/12/2022  |
| B1       | Action 39872/2: Implement a procedure to ensure the concrete sump is suitably maintained. | 30/06/2022  |

| Criteria | Action needed                                                                                                                                                                                                              | Complete by |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| D1       | Action 39872/3: Ensure the gates to the rear yard are locked when not in use to prevent unauthorised access.                                                                                                               | 30/06/2022  |
| B5       | Action 39872/4: Keep NRW informed of any significant developments in the WTP project.                                                                                                                                      | 31/12/2022  |
| C4       | Action 39872/5: Explore alternative measures of disposal for the stockpiled wastewater until the wastewater treatment plant is operational.                                                                                | 30/06/2022  |
| C4       | Action 39872/6: Ensure all effluent stored outside of the designated effluent tank is positioned upon the impermeable concrete pad which drains to the concrete sump.                                                      | 30/06/2022  |
| C4       | Action 39872/7: Remove the wastewater from the damaged containers during the next wastewater disposal run.                                                                                                                 | 30/06/2022  |
| C4       | Action 39872/8: Source and position a suitable spill kit within the rear yard.                                                                                                                                             | 30/06/2022  |
| C4       | Take actions to bring the site back in to compliance with the permit. As a minimum, measures to prevent and minimise, leakage and spillage from the containers stored without secondary containment should be implemented. | 30/06/2022  |

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

#### **Celtic Chemicals**

##### **Introduction**

Celtic Chemicals Ltd (CCL) is a privately owned company who carry out chemical dissolution and packaging; powders blending and repackaging; and the storage and on-sale of chemicals. The company occupies several light industrial units within the Kenfig Industrial Estate.

The site inspection was arranged to provide an opportunity for a site handover between NRW regulatory officers and to discuss the ongoing wastewater treatment plant (WTP) issues at the Site.

##### **Compliance Assessment – Site Inspection**

**Attendees**

Rhys Woolcock – Director (CCL)

Ieuan Davies – Senior Officer – Industry and Waste Regulation (NRW)

Rhodri Morgan – Senior Officer – Industry and Waste Regulation (NRW)

**1. Site Overview**

A brief overview of the company and its history was provided including an update of the business performance throughout the COVID-19 pandemic. The company was able to continue trading as normal, with only minor changes to working practices introduced such as staggered shift patterns.

CCL have recently completed the purchase of several industrial units (Units 17 – 20, Kenfig Industrial Estate, SA13 2PE), the most recent in March 2021. Three of the units are currently used for the storage of raw materials, while the other unit is awaiting renovation. Future developments may see an element of the production stage (mixing) being transferred to the new units. We confirmed that a permit variation to include the recently acquired units would be required.

**Action 39872/1:** Apply for a permit variation; increasing permitted area to include the recently acquired units.

**2. Site Tour**

A tour of the Site was provided to the NRW officers which included the recently acquired units (17 – 20 Kenfig Industrial Estate).

Units 25 – 27 contain the main production area along with general warehouse space, a quality control laboratory, segregated food grade process area and office space.

The main production area is surrounded by a raised kerb, providing secondary containment to the chemicals used in the manufacturing process. A series of pallet racking systems are used for the storage of materials, with all products clearly labelled.

A series of ducts running through each building maintain the local exhaust ventilation (LEV) systems, which are designed to reduce employee exposure to airborne contaminants. Although these emission points are listed within the permit, there are no monitoring requirements.

The rear yard includes storage areas, flammable stores, and the effluent tank. The effluent tank is surrounded by a breeze block bund, providing secondary containment. A full inspection of the bund was not undertaken during the site inspection however there were no obvious failure points visible. CCL stated that the bund is regularly emptied and inspected following set procedures.

An impermeable concrete pad has been installed within the rear yard in preparation for the WTP. The concrete pad is surrounded by linear drainage channels which direct surface water runoff towards a concrete sump installed towards the north eastern boundary of the site. On inspection the sump was found to be at capacity with CCL confirming that no monitoring or emptying procedures were in place. We stated that the sump was acting as a form of tertiary containment for the concrete pad and would offer an element of environmental control if maintained correctly.

**Action 39872/2:** Implement a procedure to ensure the concrete sump is suitably maintained.

Security measures noted during the site inspection included: keypad locks for all external doors, CCTV and fencing around units 25 – 27. The gates providing access to the rear yard were observed to be open throughout the site inspection. We reminded the site about the risk of vandalism and stated the gates should be locked when not in use.

**Action 39872/3:** Ensure the gates to the rear yard are locked when not in use to prevent unauthorised access.

### 3. **Wastewater Treatment Plant**

The company instructed a wastewater specialist to install a wastewater treatment plant (WTP) at the facility, with a deadline of August 2020 accepted by us following a site inspection (CAR\_NRW0036446).

Initial delays to the project were caused by the COVID-19 pandemic, however setbacks have continued to be experienced. CCL have attempted to mitigate the situation through regular dialogue with the contractor. Recent developments have resulted in the design of the WTP being questioned with the proposed system allegedly unable to process the variety of wastewaters produced at the facility.

CCL were instructed to keep us informed of any significant developments in the WTP project.

**Action 39872/4:** Keep NRW informed of any significant developments in the WTP project.

### 4. **Wastewater Storage**

The company generates approximately 100m3 of wastewater a year, which up until 2019 was regularly removed from the site's effluent tank by vacuum tanker for disposal. A significant increase in the associated costs have made this an unsustainable method of disposal and resulted in the onsite treatment of the effluent becoming a viable option.

The delays in the WTP project have led to a large volume of effluent being stockpiled within the rear yard within a mixture of IBC's and plastic drums.

The storage of effluent outside of the designated effluent tank is in contrary to condition 3.3.2 of the permit.

#### Condition 3.3.2

*All liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.*

The noncompliant wastewater storage was discussed during a previous site visit where a deadline of August 2020 was agreed for the removal of the noncompliant wastewater (CAR\_NRW0036446). A quantity of the wastewater has been disposed of following the initial visit, however a significant volume remains on site.

We acknowledge that CCL have been proactive in attempting to mitigate the issue. However, with no realistic completion date for the WTP project, we would expect the company to take actions to bring the site back in to compliance with the permit. As a minimum, measures to prevent and minimise, leakage and spillage from the containers stored without secondary containment should be implemented.

We discussed several realistic actions for CCL to undertake which are listed below:

**Action 39872/5:** Explore alternative measures of disposal for the stockpiled wastewater until the wastewater treatment plant is operational.

**Action 39872/6:** Ensure all effluent stored outside of the designated effluent tank is positioned upon the impermeable concrete pad which drains to the concrete sump.

**Action 39872/7:** Remove the wastewater from the damaged containers during the next wastewater disposal run.

**Action 39872/8:** Source and position a suitable spill kit within the rear yard.

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](mailto: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](mailto: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.