

Compliance Assessment Report CAR_NRW0039874

Permit being assessed: BV5858IW.

For: Pyle Waxes EPR/BV5858IW, held by Abril Industrial Waxes Ltd

At: STURMI WAY VILLAGE FARM INDUSTRIAL ESTATE , PYLE, CF33 6NU.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2203045).

On 27/04/2022 between 10:00 and 12:00.

Parts of permit assessed: Incident response - release to water

NRW Lead Officer: Dale Padfield, accompanied by Geraint Harris.

Report sent to: Hugh McAulay , Managing 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
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.3.5
E3 - Emissions - Surface water	C3 Minor	2.2.2.3
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	

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
B4	Repair effluent tank bund using suitably resistant material and implement an inspection regime within your management system	06/06/2022
E3	Implement a new procedure for emptying the contents of the EDA and steric acid bund	06/06/2022
D2	Update Accident management plan	06/06/2022

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.

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

Abril Industrial Waxes

Permit Number BV5858IW

Natural Resources Wales (NRW) incident communications centre (ICC) received a notification from Abril Waxes on the 26th April 2022 at approximately 13:00 stating a loss of approximately 1000 litres of effluent with a COD of 29000. Further information was requested, and a subsequent schedule 1 (Part A) notification was received from Abril Waxes at 16:30 on the 26th April 2022. The notification stated that there was a loss of containment from the effluent bund of approximately 1000 litres of water containing 3.75% ethylene diamine (EDA). The leaking contaminated water had pooled in the gully to the rear of the site and subsequently entered a storm drain (storm drain "A" on Abril Waxes site plan). Storm drain 'A' is linked to the Village Farms Industrial estates surface water drain network, which has several outfalls along the east of the industrial estate that drain into the Afon Fach. Abril Waxes stated the leak was discovered at 09:45 on the 26/04/2022 and measures were immediately taken to prevent further loss with the use of temporary bunding and absorbent material to prevent further loss to the storm drain. The remaining contaminated water in the bund was pumped into an IBC. The release of such material into surface water drains is considered an unauthorised release, therefore a minor non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is given due to the unauthorised release of effluent into the surface water drainage system on the site. This is a breach of permit condition 2.2.2.3. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.*

On the 27/04/2022 Dale Padfield (DP) and Geraint Harries (GH) arrived at the Village farm industrial estate at 09:50 and between 10:00 and 10:50 proceeded to conduct a visual inspection of the Afon Fach. Towards the West side of the industrial estate on the West side of Pyle Road, the Afon Fach appeared to be running clear. The outfall located at the rear of Pyle Garden Centre and several locations and outfalls along the east of the industrial estate also appeared to be running clear, with a very low flow rate. No obvious signs of contamination were observed. Abril Waxes confirmed that similar observations were conducted by Welsh Water on the 26/04/2022, with no evidence of contaminated water entering the Afon Fach found.

DP and GH arrived at Abril Waxes at approximately 11:00 on the 27/04/2022. They were met by site operations manager and were introduced to the managing director and the SHEQ administrator. NRW were led through the plant to the rear of the site to conduct an inspection of the area where the incident occurred. Abril Waxes had located the source of the leak to the bottom right-hand corner of the south side of the effluent tank bund. The condition of the effluent tank bund had deteriorated, with visual deterioration of the coating of the bund resulting in the bund becoming ineffective in its purpose as a means of secondary containment. When questioned Abril Waxes were unsure when the effluent tank bund was last inspected.

The elevated effluent tank, which sits above the effluent bund, had suffered no loss of containment and the following explanation was provided by Abril Waxes as to how the water containing EDA had entered the bund. The Bund for the EDA and steric acid tanks was to undergo maintenance to rectify deterioration of the

rendering on the inside of the bund that had been discovered in an audit in June 2018. Prior to this work commencing Abril Waxes conducted a cleaning operation of the inside of the bund, washing the area down to ensure no EDA was present and the area would be safe for the team conducting the maintenance. The water generated during this cleaning operation was then pumped from the EDA and steric acid bund into the effluent tank bund, using the bund as a means of storage before the wash water would eventually be pumped into an IBC and onwards to the effluent drain. Abril Waxes also stated that this procedure has been used in other occasions when emptying liquid from the EDA and steric acid bund. Abril Waxes stated they would implement a new procedure for emptying the contents of the EDA and steric acid bund with invest in a new pump.

NRW consider the use of bund as primary storage as not best practice. The purpose of a bund is to provide secondary containment in the event of a failure of the primary containment. However, by directly pumping liquid from the Steric acid and EDA bund into the effluent tank bund, Abril Waxes have used the bund as primary storage, storing the contaminated wash water without secondary containment. CIRIA C736 defines a bund as:

“a facility (including walls and a base) built around an area where potentially polluting materials are handled, processed or stored, for the purposes of containing any unintended escape of material from that area until such time as remedial action can be taken. Bunds are usually structurally independent from the primary containment tank”.

Both ‘How To Comply With Your Environmental Permit and the Fine Organic Chemicals Bref’ require appropriate measures to be undertaken to prevent or minimise leakage from bunds. Routine testing, inspections and maintenance procedures should be implemented as part of the site’s appropriate measures. This is more significant if the bund in question is to be used as primary containment. During discussions with NRW, Abril Waxes agreed that the use of the bund in this manner was not best practice. Consequently, a minor non-compliance will be issued for failure to properly maintain the effluent bund.

Non-compliance: A category 3 minor non-compliance is given for failure to maintain the bund to the appropriate standards which untimely resulted in the release of the liquid held within the bund. This is a breach of permit condition 2.3.5. **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.**

Action 1; Abril Waxes to have the effluent tank bund repaired using suitably resistant material as soon as possible. Provide NRW with the date this work will be completed as soon as this information is available.

Strom drain “A” was observed, Abril Waxes had secured the drain using cover, to prevent any further loss to the drain. When the cover was removed, the level of liquid could be seen near the top of the drain. This suggested that there may be a blockage further downstream, which may have prevented some of the escaped effluent from entering the drainage network and discharging into the Afon Fach. Discussions with Abril Waxes concluded that the best course of action would be to pump the drain to retain as much of the escaped effluent as possible.

Action 2; Abril waxes to provide NRW with the volume of effluent obtained from the drain pumping. **Due 11th May 2022.**

As Abril Waxes are to continue operations before repairs to effluent tank bund are complete there is a risk that any loss of containment from the effluent tank will not be contained.

Abril waxes need to provide a strategy on how they can prevent a release of effluent from the bund while

the repair works are planned and undertaken.

Action 3; Abril Waxes to Implement an inspection regime for the effluent tank bund to cover the period until repairs have been completed. Abril should consider an increased frequency during this period, due to increased risk. **This should be implemented immediately.**

Action 4; Abril waxes to implement an inspection regime within their management systems for the effluent tank bund once repairs have been completed and to document these inspections so that they can be inspected at a later date. **Due 06th June 2022**

Permit condition 2.8.1 States that; The Operator shall maintain and implement when necessary the accident management plan submitted or described in response to Section 2.8 of the Application. The plan shall be reviewed at least every 2 years or as soon as practicable after an accident, whichever is the earlier, and the Agency notified of the results of the review within 2 months of its completion. Upon reviewing the current version of the emergency plan 'Abril emergency plan Rev 11 Feb 2020' it's clear that there is no mention of the effluent tank bund and what measures should be taken in the event of a leak from this bund. However, NRW recognise that during the incident Abril have followed some form of procedure as leak was quickly dealt with in a methodical manner. The emergency plan also contained some legacy information regarding the Environment Agency (EA) and incorrect phone numbers for the incident hotline. However, NRW appreciated that the Abril do have the correct number as the incident was reported to NRW's ICC.

Action 5; Update the site emergency plan to cover failure of the effluent bund. And replace legacy information regarding the EA with NRW and change associated NRW incident phone number to 0300 065 3000. Please send the updated plan to NRW upon completion. **Due 06th June 2022**

Abril Waxes quarter 1 returns for 2022 were received on the 28th April 2022. All parameters within specified limits, these returns are accepted.

Action 6; Please provide NRW with a copy of your effluent consent form from Welsh Water Dwr Cymru (WWDC). **Due 11th May 2022.**

END.

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.