

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

Site	Blaenwaun Pharmaceutical Plant	Permit Ref	SP3338LF		
Operator/Permit holder	Protherics UK Limited				
Regime	Installations				
Date of assessment	19/01/2018	Time in	10:00	Out	14:00
Assessment type	Audit				
Parts of the permit assessed	See agenda				
Lead officer's name	Jenkins, Nicholas				
Accompanied by					
Recipient's name/position	Elaine Davies/ EHS Lead	Date issued	14/02/2018		

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
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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)	8
------------------------------------	----------	---	----------

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

Attendees

Gethin Phillips - Site director (Protherics UK Ltd) Not present for the whole meeting

Jason Mainwaring - Site engineer (Protherics UK Ltd) Not present for the whole meeting

Elaine Davies - EHS lead (Protherics UK Ltd)

Dylan Reynolds - Senior site services technician (Protherics UK Ltd)

Nick Jenkins - PPC Officer (Natural Resources Wales)

Agenda

1. Review of incident - Effluent spill 18 December 2017
2. Review of previous audit - 05 October 2017
3. AOB

1. Review of incident - Effluent spill 18 December 2017

The purpose of the meeting was to discuss an incident which had occurred following the transfer of waste effluent to a tanker at the Ffostrasol site. In preparation of the meeting Protherics was asked to conduct its own assessment of the incident and undertake a root cause analysis (RCA) to establish how the incident had occurred. This assessment was presented at the meeting and was discussed.

Since November 2017, Protherics has removed its effluent from site via tanker, whereas previously it had discharged the waste water onto adjacent fields for agricultural benefit. The effluent is captured in two permanent, underground tanks 60,000 litre and 40,000 litre capacities which have been an integral part of the operation since at least the permit was issued in 2006. To increase its capacity for the storage of effluent during adverse weather and other unforeseen circumstances, the operator has hired a portable 30,000 litre tank which can be discharged directly to tanker.

The 30,000 litre tank known as the 'mothering' tank is situated in the waste storage area and is a Gileskip portable liquid storage tank. To assist in the logistics, Protherics will pump enough effluent from the 60,000 litre tank to fill the portable tank to ensure that there is sufficient volume in the receiving tanker. The portable tank is unbunded and the fall of the yard is toward the east perimeter boundary. It was during the filling of the portable tank that the spill occurred.

18 December 2017 at 14:13hrs NRW was notified via its incident report line that approximately 3,000-5,000 litres of effluent had been spilt at the Ffostrasol site.

The portable tank was approximately two thirds of its capacity when the transfer began at around 11:45hrs. There is a sight gauge on the tank which the operator noted prior to the commencement of transfer. With around 10,000 litres remaining in the tank the operator made an assessment of the time it would take to fill, taking into consideration the flow rate and the remaining volume. The transfer commenced and 35 minutes later the operation was left unmanned.

During the transfer of effluent from the 60,000 litre tank, the portable tank had become overwhelmed and at 12:30hrs, the operator highlighted the portable tank was leaking. Once notified, the spill team was immediately deployed to contain and clear the spilled effluent. It had identified that there was no contamination of the watercourse but some had entered the ground to the east of the tank location as it flowed down gradient toward the boundary.

Prior to the first removal of effluent from site, the operator relied upon a procedure that specifically considered the discharge of the effluent onto the adjacent fields. Many parts of the procedure would have been reflected in the new procedure for filling the portable tank however, it did not specify how it was to be filled, the role of the operator etc. Protherics believed that following its RCA the requirement for the operator to remain with the tank was omitted from the procedure but the whole process for tanker filling was not captured within a relevant procedure and therefore is considered a breach of its environmental permit namely condition :

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises the risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;

This is considered a minor pollution in line with the compliance classification scheme (category 3 breach)

Following the incident Protherics has produced a new procedure EHSP 8.051 entitled Procedure for Transfer of Effluent to Liquid Storage Tank (21 Dec 17). This is a thorough document that explains the operation of transfer and filling of the mothering tank but also references EHSR 8.073 a checklist to be completed prior to transfer. This has been rolled out to relevant staff and training records for a member of staff were presented.

It is important that the process is now captured and a procedure generated but inevitably the placement of the tank is also of concern. Permit condition 3.2.3 states that:

All liquids in containers, whose emissions 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 portable tank, although stored on an impermeable surface, is not bunded and has proved to be a pollution risk to the adjacent land and potentially the river Cwercchr. **Action - We require Protherics to consider relocating the mothering tank into a bunded area (currently onsite) while it continues to use this tank for effluent transfer and to present this to NRW at the next opportunity.**

In addition, connection hoses to the portable tank are lengthy (in excess of 30 meters) and have a number of joints which can increase the risk of spillages and leakages. When not in use, we would recommend that pipework is stored in bunded areas and connections joints are checked along with connections to tanks before transfer.



Photo 1 - Portable tank (green Gileskip portable liquid storage tank) located within waste storage area

2. Review of previous audit - 05 October 2017 (CAR NRW0032609)

October 2017 NRW undertook an audit of the primary and secondary containment and produced a number of recommendations/actions that we requested Protherics to carry out to ensure compliance with its environmental permit. Although all of the actions had deadlines, of which the earliest was 1 February 2018 (a date which was later than the visit), we considered how Protherics is working toward compliance.

An action placed on the operator is to undertake integrity testing of below ground fuel lines between the 20,000 litre fuel tank and the boilers. This was also an immediate action identified in improvement condition 1 submitted in June 2007 with the re-routing of transfer pipes to be considered in Q2/Q3 2008, as a longer term solution to mitigating the risk of fuel entering ground water.

Although NRW has raised the question of hydrostatic testing/mass balance to its sector group we are now of the opinion that the pipe work should be brought above ground. This is not a new request and therefore **we would request Protherics to undertake a feasibility study to present to NRW that considers the re-routing of any below ground fuel pipework.** The deadline for submission will still be 02/04/18.

AOB

On previous occasions we have discussed the possibility of reducing the volume of water generated onsite which will not only reduce the volume disposed but also reduce the processing required to generate a purified water stream. It is very encouraging

that the operator is actively reviewing this option by undertaking feasibility studies for water minimisation, with two schemes potentially reducing water usage by around 2-5,000 litres a day. We would welcome the opportunity to discuss the progress of the water efficiency audits at the next opportunity.

Conclusion

The use of the portable tank is a risk which currently isn't managed well in that the integrity, the location and pipework of the tank are not factors which would ensure that pollution can be avoided. However, Protherics recognises the temporary nature of the tank but also understands the risk it poses. Fortunately the effluent is not considered highly polluting and for many years similar quality effluent was spread on adjacent farm land. If Protherics continue with this method of tankering then it is essential a permanent method for storage is sought that includes secondary containment. The operator's work to reduce its water usage will also reduce the reliance on the portable liquid storage tank and a more permanent method to have increased capacity could therefore be unnecessary.

[END]

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0032754**

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

Site	Blaenwaun Pharmaceutical Plant	Permit Ref	SP3338LF
Operator/Permit holder	Protherics UK Limited	Date	19/01/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C2	C3	Protherics has created EHSP 8.051 following the incident and has rolled it out to relevant staff	31/03/2018
B4	C3	If Protherics wish to continue to use the mothering tank then it must be stored within secondary containment.	31/03/2018

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.