

Compliance Assessment Report CAR_NRW0039958

Permit being assessed: BB3097ZS.

For: PB Gelatins, held by Veolia Energy & Utility Services UK PLC

At: P B Gelatins, Unit A6, Severn Road, Treforest Industrial Estate, Pontypridd, Rhondda Cynon Taf, CF37 5SQ.

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

On 23/05/2022.

Parts of permit assessed: Operating Techniques

NRW Lead Officer: Geraint Harris.

Report sent to: Jonathan Barwick, Contracts Manager on 26/05/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	C3 Minor	3.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.5

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
E1	Assess the impact of this additional point source emission on the AQS using air dispersion monitoring.	Already completed
C2	Action to review management of change procedures and make improvements where needed is already complete.	Already completed
G4	Update EMS so that site operators know to contact NRW when they are planning on utilising mobile plant.	Already completed

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

Veolia
EPR/BB3097ZS.

During a site visit on Friday the 8th October 2021, it was observed that Veolia were utilising a mobile boiler located outside of their site boundary but within PB Leiners permitted boundary. According to Veolia “During 2021, the 3 boilers at PB Leiner were due for their 5 yearly inspections that were anticipated to take 3 weeks. However, a failure of the control system on Boiler 2 necessitated the hire boiler be brought onto site on July 27th, 3 weeks earlier than planned, at the request of our client. During the 5 yearly inspections, it was identified that extensive repairs needed to be undertaken to boilers 1 & 2, which increased the period of time the trailer boiler was going to be utilised on site. This was further complicated by the replacement control system for Boiler 2 being pushed back by the supplier to November 22nd instead of the originally planned date of August 31st”. Veolia confirmed by email that this trailer boiler was utilised in replacement of an existing boiler and not in addition to the current loading and no environmental incidents occurred during its use. Furthermore, the trailer boiler was also fuelled on gasoil rather than natural gas. Due to the absence of any significant exhaust stack from the trailer boiler, coupled with the findings from the original H1 assessment and air dispersion modelling when using oil, Veolia were required to undertake a new H1 assessment followed by air dispersion modelling (if the trailer boiler didn’t screen out).

NRW received the dispersion modelling technical report – ‘*Short term NOx emissions from a mobile boiler operating in 2021*’, on the 11th April 2022. The H1 assessment demonstrated that no breaches of any long-term air quality standards were likely to have occurred during operation of the mobile boiler. Short term emissions of sulphur were also screened out by the H1 model, but short-term nitrogen dioxide emissions indicated that further review was necessary to confirm the likely impact. The report considered short term NOx emissions from the operation of the mobile boiler in combination with existing boilers using air dispersion modelling. The report concluded that the impact of the short-term NO_x emissions using Environment Agency criteria can be classed as ‘insignificant’ at all relevant human health receptors. Following receipt of this report I requested that NRW’s Air Quality Modelling and Risk Assessment Team (AQMRAT) undertake their own assessment of the modelling. They subsequently concluded their agreement that the impact from the on-site boilers (including the mobile boiler), will not exceed the short-term Air Quality Standard (AQS) of 200 µg/m³ for NO₂ at the listed receptors. They go on further to state “The consultants modelling files, however, show that the short-term AQS could be exceeded at the western boundary of the site. Our checks using 2021 Met Office Numerical Weather Prediction (NWP) data indicate that the AQS would not be exceeded at any location”. Furthermore this assessment represents a worst-case scenario, as the results are based on all boilers (1, 3 & mobile) operating at full load continuously, however in reality this would not have been the case, as boiler demand is dependent on the site’s operational requirements. **Non-compliance:** A category 3 non-compliance is given for the point source emission to air from a source not listed in schedule 3 table S3.1. This is a breach under condition 3.1.1. **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.**

Permit condition 4.3.5 requires operators to inform NRW of the changes in operations made at the permitted site. It was only during the site visit that NRW were made aware of the mobile boiler. Such notification is required so that NRW can assess if adequate environmental protection is in place and that there are the

necessary permissions in place. Veolia acknowledged that the notification to NRW did not take place and have worked to address this with the persons responsible, to ensure that any future changes that may be subject to condition 4.3.5 are reported accordingly.

Non-compliance: A category 3 non-compliance is given for not informing NRW of changes in operations at the site. This is a breach under condition 4.3.5 **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.**

Since the utilisation of a mobile boiler is not part of the current site permit. NRW, as the environmental regulator, need to be sure that the necessary protections are in place when operational changes are made. Therefore, a request via email was sent to Veolia asking them to state the protections, including infrastructure and procedures, that have been put in place to ensure the surrounding land and watercourse do not become contaminated with oil in the event of a spill. As a result, a number of risk assessments and procedures relating to the use of a mobile boiler were submitted to NRW. Upon review, most of these documents appear to have been revised or developed retrospectively. In addition to the above, Veolia was asked to provide information relating to the sites management of change (MOC) procedures. In their response on the 11th April, Veolia replied with a number of documents pertaining to MOC. The most significant of these documents was the Management of Change (1).pdf. This details the procedure for the management of risk as a result of change. This according to the document sets out the principles to be applied in order to assess and control the impacts of change including changes made on a permanent, or a temporary basis and changes made in response to emergency or other unplanned circumstances. This document is dated May 2019 and so has been in place prior to the use of the temporary boiler. Veolia also provided a template change management control form used at the site. Due to the timescales involved in bringing the equipment to site, Veolia stated that it was not possible to complete the management of change procedure and subsequent form prior to its arrival on site. A retrospective management of change control form (dated 24/11/2021) was submitted to NRW on the 11th April 2022.

An effective MOC process should involve review of all significant changes to ensure that an acceptable level of safety will be maintained after the change has been implemented. The retrospective MOC form provided by Veolia contained a section on Environmental Effects (atmospheric, aqueous emissions, ground, groundwater) and the PPC/Environmental Permit. Therefore, had it been followed, Veolia may have known to contact NRW and to undertake an assessment of the impact such a boiler may have on the Air Quality. NRW consider the retrospective assessment as a management condition failure since no comprehensive assessment of the risk to the environment was made prior to the trailer's arrival. As a consequence, a noncompliance is being awarded. **Non-compliance:** A category 3 non-compliance is given for not having an effective management system in place. This is a breach under condition 1.1.1 **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.**

Veolia were also asked that in the event of a spill who will take responsibility for the cleaning remediation that might be required. They were also asked to provide evidence of any agreements between the two permitted sites that state who is taking operational and environmental responsibility for the boiler. Veolia responded stating that they assume all responsibility for cleaning and remediation associated with a loss of containment of any hazardous substance associated with the operation of the mobile plant, in accordance with the commercial agreement signed 26/05/2010.

NRW are pleased to see that following this event a number of changes are being implemented. in order to ensure that the procedure is followed effectively, Veolia has now introduced Phase 1 of their Asset Management VMR (Veolia Minimum Requirements) which seeks to improve how managers are supported by the wider business and to ensure that the procedures are adhered to. The scope of this VMR, according to Veolia, will expand in the near future to incorporate additional elements such as mobile and hired plant, which

will further enhance how they manage changes such as the above through the support of our internal Asset Management Team. In addition to this, Veolia have since recruited an Operations Supervisor for the South Wales Energy team that will further support the Contract Manager and allow for greater oversight of operational requirements, such as the MoC.

Going forward if Veolia want to use a temporary boiler at the site, they must ensure that NRW are informed prior to its arrival. They must also ensure all necessary risk assessments and management of change procedures are updated.

Veolia were asked, in CAR Form CAR_NRW0039095, to provide an update on the remediation works planned for the site following a significant caustic spill in 2020. The work was subject to a number of unforeseen setbacks and so as of the end of 2021 the work had not commenced. However, Veolia have provided an update stating that the project has now commenced following the issue of a Purchase Order on 16th March. They anticipate 6 weeks to completion.

CAR_NRW0039236 actions and responses:

Action 1:

With regards to Action 1: Repair or replace boiler no.1 steam meter. Due 28th February 2022.

Veolia's response was as follows: The meter was repaired effectively on February 8th by Spirax Sarco on behalf of PB Leiner.

Action2:

With regards to Action 2: Review how energy, water and raw materials are recorded and investigate if and how a more accurate method can be incorporated for each sector. For example, the installation of additional flow metres on the water supply lines. So, a better interpretation can be made of water use and water efficiency. Due 31st March 2022.

Veolia's response was as follows: "This has been reviewed throughout February and March with PB Leiner and they have agreed to implement measures to improve the accuracy of the metering. A comprehensive package of upgrades has been developed and costed by Veolia's Technical Direction team and budget costs have now been presented to the customer for further consideration. This will be discussed further during our next meeting on April 13th. The package includes metering of all points of steam generation (including hire plant) with an additional main steam meter to compare values, individual metering of all water supplies to the boiler house (including hire boiler), metering of steam consumption by the site hotwell (to enhance efficiency monitoring), with the option to tie all proposed metering into an automated data capture tool for half-hourly reporting of data".

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.