Compliance Assessment Report

Report ID: CAR_NRW0026575

This form will report compliance with your permit as determined by an NRW officer					
Site	Whitchurch Salt Slags	Permit Ref	VP3030BX		
Operator/Permit holder	Befesa Salt Slags Limited				
Regime	Installations				
Date of assessment	09/09/2016	Time in	12:40	Out	13:42
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Kelk, Matthew				
Accompanied by					
Recipient's name/position	Adrian Platt/ Managing Director	Date issued	20/01/2017		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C2 - Infrastructure - Management system and operating procedures	C3	1.1.1
E2 - Infrastructure - Land and groundwater	C3	3.2.1

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

On the 9 September 2016, NRW Regulatory Officer Matthew Kelk, attended site following reports by NRW staff that white deposits had been seen on 7 September 2016 on the bank adjacent to the Befesa Ammonium Sulphate lagoon.

See following photographs taken 7 September 2016,



Photograph 1. Land to rear of Ammonium Sulphate Lagoon.



Photograph 2. Ditch to rear of Ammonium Sulphate Lagoon.



Photograph 3. Land to Rear of Ammonium Sulphate Lagoon.

Site regulatory officer met Plant Manager Stuart Irvine on site (9 September 2016) and was taken to the back of the ammonium sulphate lagoon. The Plant Manager summised at the time that the spillage may have been from contractors cleaning the lagoon and that the spillage may be ammonium sulphate solution from this cleaning. A formal sample of grass/soil was taken and a sample given to Befesa.

Condition 3.2.1

Emissions of substances not controlled by emissions limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

Condition 1.1.1 The operator shall manage and operate the activities:

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

Both of the above permit conditions were breached as a result of this spillage.

Breach of condition 3.2.1 - unauthorised emissions to land - scored one category 3 score.

Breach of condition 1.1.1 - inadequate supervision of contractors - scored one category 3 score.

The investigation report received from Befesa states that the top liner of the lagoon was undergoing replacement due to animal damage. Liner replacement required the cleaning of the existing top liner which involved the use of vacuum tankers.

The cleaning process involved washing the liner with water and transferring to cleaning tanker. Residue from cleaning was then transferred to the chemical plant.

Sample of crystalline material was sent away for analysis and Befesa confirmed that Ammonium Sulphate was present as a water soluble component in the sample.

The report received suggested that the white staining resulted from a surface spillage. The cleaning project took place between 31 August and 7 September 2016 and that most likely circumstances that led to the white staining was that the spillage occurred during the process of hose disconnection. Calculations by Befesa due to size of pipe calculated that the spillage would have been up to 200 litres.

Befesa concluded that due to the quantities of ammonium sulphate involved that there was no contamination of the watercourse or the spillage resulted in any off site release.

As a consequence of the investigation Befesa have proposed the following:-

Befesa are to speak to firms involved and ensure future procedures reflect the change in practice required;

Befesa to thoroughly check all areas after completion of works.

Communicate to contractors the importance of reporting any loss of containment.

Site implement means of animals to escape lagoon.

Action Required:-

Befesa to revise procedures for adequate supervision of contractors and forward to NRW by 19 December 2016

Update procedures for training of relevant contractors and forward to NRW by 19 December 2016

Update procedure for contractor reporting of spillages on site and forward to NRW by 19 December 2016

Update procedures to ensure that spillages of ammonium sulphate cannot occur during disconnection of tanker hoses and forward to NRW by 19 December 2016

To provide sufficient evidence that all ammonium sulphate has been cleared in the area of the spillage in the form of soil testing. Soil tests to be forwarded to NRW by 19 January 2016.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0026575**

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Operator/Permit holder	Befesa Salt Slags Limited	Date	09/09/2016

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	See text for details	19/12/2016
E2	C3	See text for details	19/12/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.