Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032369

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	04/10/2017	Time in	10:00	Out	16:00
Assessment type	Audit				
Parts of the permit assessed	All				
Lead officer's name	Kelk, Matthew				
Accompanied by	McGregor-Andrew, Sian				
Recipient's name/position	Yvonne Sheridan/ HSQE Manager	Date issued	13/11/2017		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	3.2.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	A	
E5 - Emissions - Waste	A	
F1 - Amenity - Odour	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	**3**	**Total compliance score** (see section 5 for scoring scheme)	12

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

An audit was undertaken on site on the 4 October 2017 by Regulatory Officers Matthew Kelk and Sian McGregor Andrew.

The audit mainly concentrated on containment and potential risks to groundwater and surface water from site.

Drainage Plan

A detailed overview of the current drainage was given by site. Site drainage is a contained system:-

The salient points discussed around the drainage plan were:-

Car park water is directed into the groundwater collection lagoon.

Road drains and pumps collect groundwater and surface water coming down the road from the Wardle estate above the site.

There were some parts of the drainage plan that needed updating, site to update plan.

Parts of drainage are blocked off, site confirmed that this is with concrete blanks.

Pipe marked green on the drainage plan running underneath the Ammonium Sulphate lagoon is redundant.

Groundwater Collection Lagoon and Pumphouse Sump

The groundwater lagoon on site collects groundwater that is pumped from the access road to avoid flooding and car park surface water. The water from this lagoon is directed to the water tank in the chemical process area via a sump.

Action/Recommendation

The integrity of the groundwater lagoon is not known and it would be prudent to check the condition to ensure no leaks.

The sump which collects all surface water from site and groundwater from the lagoon is located next to the pumphouse. The integrity of the sump was ascertained during the most recent CCTV survey.

There is a siphon back valve between the lagoon and the groundwater collection sump to ensure that no contaminated process water can back siphon from the sump to the lagoon.

Wheel wash Area

3 monthly checks, wheel wash area last checked on the 18 August 2017

Pretreatment area records were shown, last checked on the 10 July 2017.

Bunds and Pipelines

Chemical processing area - checks here are carried out within gas treatment plant checks, this were last carried out on 17 August 2017.

Externally concrete bunds are located around gas treatment plant and brine tanks.

Pipelines on site:-

Underground drainage system that drains all surface water from process site back to break tank - CCTV survey undertaken in 2016

Only other underground pipe within process area are LPG pipes for boiler and the ammonium sulphate pipe from the scrubbers to the ammonium sulphate lagoon.

Bunds and pipework checks were last carried out 25 May 2017.

Action/Recommendation

Bund identified during site walkover as outwardly corroded, see picture below, consideration should be given to repair, to avoid failure during a catastrophic leak on plant.

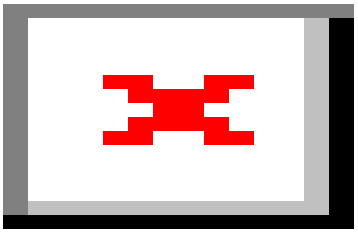


Photo -Gas treatment area bund.

Action/Recommendation

IBC bund, evidence of degradation of the bund structure, see picture below, consideration should be given to immediate remedial works to ensure the integrity of the bund.

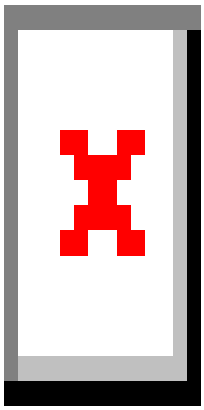


Photo - IBC bund structure.

Ammonium Sulphate Lagoon

An overview of the construction of the ammonium sulphate lagoon was given. The lagoon is approximately 4000 cubic metres in size. This is a 4 layer liner system, within the layered system dip pipes have been inserted. These tests allow site to check for any leaks, pipes generally fill with rainwater and are tested for pH and specific gravity, this would show if the liners are leaking in any way. Records were shown of the weekly tests and no abnormalities were shown.

Ammonium Sulphate Conversion Area

Procedures were provided for the ammonium sulphate conversion area, ammonium sulphate is mixed with urea prills in this area. This is carried out by contractors and is supervised by site.

A monthly mass balance is calculated for ammonium sulphate, indicating tonnage of ammonium sulphate create and tonnage of product dispatched from conversion area. Any loss would be picked up during this mass balance calculation.

Condition 3.2.3

All liquids in containers, 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.

Condition 3.2.1

Emissions of substances not controlled by emission 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 emmisions management plan, have been taken to prevent or where that is practicable, to minimise those emissions.

Tankers are loaded from the ammonium sulphate conversion mixing tank to mobile road tankers. See photo below. Tankers should be located in an area of containment to avoid a spillage to ground.

Breach of permit condition 3.2.3 - scored one category 3 score.

Breach of permit condition 3.2.1 (scored as a single category 3 breach, see kerbing and roadway section).

Action

Befesa are investigating loading options for this area following the audit, Befesa to send report on options by 13 December 2017

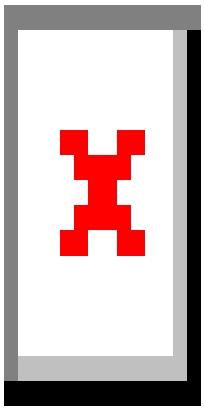


Photo - Ammonium Sulphate conversion area tanker.

Aluminium Oxide/Befesa Fine Aggregate Shed.

Discussions were held over the moisture content of the Aluminium Oxide in the interim BFA store and whether there was any potential for leaching of liquid from the product. The product is at 30% moisture content and decreases to 15% as part of the on going reaction and unlikely to pose a leaching risk in this building, in addition to the building being fully concreted.

Kerbing and Roadway Concrete Condition

The site roadways are surrounded by kerbing, which provides containment and makes sure that any contaminated surface water is directed to the drainage system which in turn is directed to the onsite water storage tank to be used in the chemical processing plant.

The condition of the kerbing is checked on a 3 monthly basis in the roadway checks documentation, which was shown during the audit.

During the audit the edge stones of the kerbing did appear to have a lot of cracks in. SHE manager assured that the kerbing behind the edge stones was in adequate condition to contain any contamination runoff.

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, incidents, non conformances, closure and those drawn to the attention of the operator as a result of complaints and

(b) using sufficient competent persons and resources

Condition 3.2.1

Emissions of substances not controlled by emission 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

emmisions management plan, have been taken to prevent or where that is practicable, to minimise those emissions.

Concrete condition around particular parts of the site in inadequate condition, see photo below, potential for emissions to land.

Action

Befesa to instigate concrete remedial works and inform NRW upon completion.

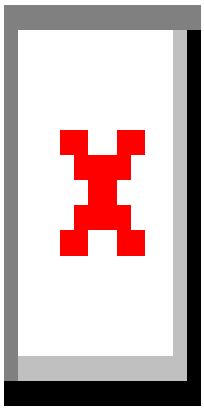


Photo - concrete condition.

Breach of condition 1.1.1, scored one category 3 score.

Breach of condition 3.2.1, scored one category 3 score.

Waste Classification

NRW have reviewed your waste classification of Befesa Fine Aggregate (BFA) as per the requirements of Improvement Condition 17 of permit VP3030BX.

We have the following comments to make:-

Hazardous waste classification depends on presence / absence of hazardous substances and does not take into account the likelihood of exposure.

The report has identified zinc and copper being present within the material but does not say with certainty what form the Zn/Cu is in. Therefore when using the waste classification you are obliged to assume worse case for both of these. The threshold for either Zn or Cu (as oxides) is 0.25%.

NRW agree with the conclusion that the waste is hazardous HP14 ecotoxic but do not agree that it can be discounted as HP14 because of the way Zn/Cu is “locked up” .

Action

NRW recommends that the above waste classification is reviewed assuming the above comments.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0032369**

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	Date	04/10/2017

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			
B1	C3	See text for details	13/12/2017
C2	C3	See text for details	13/12/2017
B4	C3	See text for details	13/12/2017

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.