

Compliance Assessment Report CAR_NRW0040157

Permit being assessed: BP1772IZ.

For: Poeton Cardiff, held by Poeton (Cardiff) Limited

At: Poeton (Cardiff) Ltd, 283 Penarth Road, Cardiff, Cardiff, CF11 8UL.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 08/07/2022 - 21/07/2022.

Parts of permit assessed: Monitoring Returns

NRW Lead Officer: Geraint Harris.

Report sent to: Jason Hamling, Health, Safety and Environment Manager on 21/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E4 - Emissions - Sewer	C3 Minor	3.1.2
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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
E4	Bring effluent discharge back into compliance	Already completed
C2	Improve management system and training to ensure carry over of plating solution is minimised	31/07/2022

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

Poeton Cardiff

EPR/BP1772IZ

NRW received a Schedule 5 notice for exceedances in the Cadmium effluent discharge limits for the weeks 23/6/22 and 7/7/2022. The results were 0.503mg/l and 0.517mg/l respectively. The permit requires the weekly composite sample to not exceed 0.3mg/l. A sample taken by Welsh Water on the 16th June shows the cadmium level at 0.224mg/l. Poeton, in both their schedule 5 notice and their subsequent root cause investigation, have attributed the elevated cadmium levels to the Barrel Cadmium plating process. According to Poeton the “The barrel has small holes in it to allow containment of the parts being plated inside it, and to allow Cd solution to continually pass through while plating takes place in the tank. Once the process has finished, the barrel is lifted out over the solution and allowed to drain off back into the Cd tank before going through the drag out and then subsequent rinses. Sufficient draining not carried out”.

In the event of a breach in permit conditions NRW require a root cause investigation to be undertake, since the majority of incidents are linked back to a failure or deficiency within the environmental management system. In this incident Poeton state that “Drag out got heavily contaminated and was then subsequently carried over to the rinses then into the effluent treatment. Effluent treatment did not handle the extra carry over.” They attribute this contamination due to lack of concentration when draining the barrel. Furthermore, there is only one drag out associated with the cadmium plating process and Poeton highlight that a second would have possibly helped.

Taking all the above into account it would appear that the management system is not suitably robust enough to have prevented such an incident. It appears that there is no way to test if the drag out is significantly contaminated until the ETP ELV's are breached. It's important that the sites operating procedures and training relay the importance of reducing the amount of carry over as much as possible and that staff are aware of the potential consequences if carry over becomes excessive.

The barrel Cadmium plating has since stopped and Poeton have stated that a special projects team has been created to assess the viability of continuing this process including the investigation into a better method of processing. Poeton will need to improve their operating procedures and training to ensure Cadmium solution carry over into the drag out and subsequent rinse waters are reduced as much as possible to bring the effluent back into compliance.

Action 1: Please provide an update on the special project's teams investigation and the measures that will be taken to ensure that barrel cadmium plating doesn't cause a breach in Sewer discharge ELV's. Due 31st August 2022 or sooner if Barrel plating is to resume before this date.

As a result of this breach in Cadmium effluent levels two *category 3 non-compliances CCS3* are being awarded.

Non-compliance: *A category 3 non-compliance is given for exceedances of emission limits to sewer. This is a breach under conditions 3.1.2. 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.*

Non-compliance: *A category 3 non-compliance is given due to the deficiencies within the management system which ultimately lead to the breach in Cadmium to sewer ELV's . This is a breach under conditions 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.*

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Both actions from the previous CAR Form have now been complete.

Action 1: Please can you email NRW with the treatment capacity of the new tank. **Due 6th May 2022.**

The new plant proposal is to treat 5 m³/hr, which is the same as the current plant. Action complete.

Action 2: Do you have an update on the a new double walled chemical resistant plastic tank (PFD 22-E0209 Poeton Cardiff DC Effluent tank. **Due 6th May 2022.**

Pictures were provided of the new double walled chemical resistant plastic tank fitted within the Cr reduction pit. This new tank shows clear separation between the two walls which should allow Poeton to clearly see if there was a leak within the internal wall. This action is now complete.

In addition to providing evidence of the new Cr reduction tank, Poeton also provided an inspection report of the additional pits on the site. The cadmium pit was inspected with no signs of degradation or cracking. The report on the effluent pits are as follows:

- Signs of degradation in these pits with a crack in one of them, no visible evidence of effluent leaching out of pits.
- Last water table samples taken were satisfactory, annual leak test satisfactory and weekly effluent samples within limits.
- Remedial work will be needed on these pits and the company that installed the Cr reduction pit liner has been contacted to quote for liners for these pits.

Since a crack has now been discovered please ensure that work is undertaken to prevent effluent from escaping its confinement.

Action 1: Please keep NRW updated with the progress of the liner quote and installation.

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.