Compliance Assessment Report CAR_NRW0040607

Permit being assessed: KP3734SH.
For: Barry Silicon Installation , held by Navigator Terminals Windmill Limited
At: Vopak Terminal Windmill Ltd Hayes Road , Sully, Penarth, Vale of Glamorgan, CF64 5RZ.

Type of assessment carried out: Site Inspection, Reason: Other.
On 26/10/2022.
Parts of permit assessed: Conditions relating to infrastructure, and tertiary containment

NRW Lead Officer: Andi Kemp.
Report sent to: Andy Jackson, Terminal Manager on 26/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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

Compliance Assessment Report (CAR) Navigator Windmill Terminal: EPR KP3734SH, 26th October 2022

-

Purpose Of Compliance Assessment

This CAR covers an incident relating to the tertiary lagoon leaking (February 2021), subsequent investigation and repairs, and revised procedures where necessary. Action 1 August 2019 also concerned the general tertiary drainage system condition and inspection – that action was brought to completion by a remote inspection conducted over Teams with the Terminal Manager on 8th July 2022 – this included lagoon discussions.

CAR February 2019 contained several actions, two of which concerned bund sizes and interceptor inspections – both actions acknowledged as complete in CAR August 2019. Recommendation 1 CAR February 2019 concerned using the drainage plans and surveys to record the extent of inspection and repair – this all fed into Action 1 August 2019.

April 2020 CAR Action 2 required the lagoon integrity process to be reviewed and submitted. This was received and closed out in CAR July 2020.

So, the drainage system, via interceptors (on some line lengths), surveillance and repair, interceptor description and inspection, and lagoon integrity following the leak (Actions 3 and 5 CAR February 2019, Recommendation 1 February 2019, Action 1 August 2019 and Action 2 April 2020) are brought to an ultimate conclusion in this CAR inspection form.

Documents Referred To

- Navigator letter to NRW 27th April 2022 – highlights of lagoon investigation & repair
- 2016 drainage plan, detailing complete and ongoing repairs, plus grade / seriousness of repair
- 2021 version of the above
- Lagoon annual inspection procedure and record of inspection 10th Oct. 2021
- Lagoon leak investigation 25th Nov. 2021

Relevant Permit Conditions

1.3.1 – Overarching Management System; 2.1.1 and Table 2.1.1 – Operating Techniques; 2.1.2 – Site Protection Monitoring Programme; 2.2.2.3 and Table 2.2.4 – specified emission points; conditions 2.2.3.1 – 2.2.3.3 incl. – relating to no emissions to groundwater and application of BAT to prevent such emissions; 2.2.5.1 – prevention of fugitive emissions to surface water; 2.3.5 – maintenance and inspection to prevent pollution.

Assessment

This assessment will work through the lagoon incident events in chronological order, referring to the documents above as relevant. The drainage surveillance and repair will then follow.

In terms of incident notification, the operator promptly notified NRW and discussions and email correspondence were exchanged about current state, risk and response / repair. The operator has followed their prescribed internal procedure for incident notification and investigation: Navigator Incident Reporting & Investigation – Doc.no.: NUK-PRO-SHEMS-0014. Issue 7. This report from November 2021 covers the February leak situation, where it was noticed that over the weekend of Friday 1st Feb. 2021, by the following Monday, the lagoon level had dropped from 1.5 m to 1 m. In summary what followed then was: CCTV surveys of upstream drainage and interceptors, repairs to vent pipe of surface water interceptor, excavations around lagoon walls (lagoon partially buried), all seals replaced with an elastomeric seal with polyurethane top seal – this cost £30 k alone. The lagoon was emptied for this investigation and subsequent repairs. The root causes were: managing lagoon level responsibility not clearly defined; level monitoring for unplanned losses not in place; asset integrity programme did not identify the integrity (seal failure) issue. Obviously, the proximate cause was seal failure. The operator, through lessons learned, will review the procedure for operating and monitoring the lagoon and its contents and will review the integrity programme for the lagoon.

A lagoon inspection report from Oct. 2021 was submitted as evidence of the annual lagoon inspection. The overall asset integrity management has been updated now for the lagoon and future leaks should be avoided due to lagoon monitoring and emptying procedures, roles and responsibilities and ongoing asset inspection and maintenance. The lagoon sample taken on the Friday before the leak was noticed came back from analysis by Dow Silicone's laboratory as within the agreed limits of pH, TOC and visible oil / grease / immiscible substances e.g. linear fluids etc.

The 2016 drainage map and survey shows various relevant features: foul, surface water and process water (rainwater in bunds) drains, interceptors, chambers and the lagoon discharge line to the river Cadoxton. Also shown, which addressed previous actions and recommendations, are areas of drainage line lengths inspected, with any defects noted in a red box and the severity ranked, i.e. Grade 3 = best practice suggests consideration be given to maintenance repair in the medium term; Grade 4 = best practice suggests consideration be given to repair to avoid potential collapse; Grade 5 = best practice suggests this pipe is at risk of collapse at any time; urgent consideration should be given to a repair to avoid collapse. This is for structural defects, with a similar scheme for operational defects, the differences being: Grade 4 = same wording except applies to blockage; and Grade 5 applies to backing up / causing flooding. These surveyed line lengths sit in either of two boxes: red for outstanding repairs and blue for completed repairs. Whilst the regulator has to take at face value the condition and repairs reported, the operator can provide actual CCTV video footage and pictures, along with these two drainage surveys, which show the vast majority, if not all lengths, of drainage, chambers and interceptors, having been surveyed and repairs made. This does give the regulator considerable confidence that harmful and polluting substances cannot easily leave the site by virtue of seepage through damaged infrastructure. Allied to this are the revised lagoon inspections, roles defined and repairs to the seals.

It is assumed at this stage that the most recent drainage surveys have been sophisticated enough to identify anomalies within the drainage system, such as lines not represented on plans and connections not on plans.

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.