

Compliance Assessment Report CAR_NRW0040705

Permit being assessed: BV5858IW.

For: Pyle Waxes EPR/BV5858IW, held by Abril Industrial Waxes Ltd

At: STURMI WAY VILLAGE FARM INDUSTRIAL ESTATE , PYLE, CF33 6NU.

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

On 16/11/2022.

Parts of permit assessed: Quarterly returns

NRW Lead Officer: Dale Padfield.

Report sent to: Nez Radka, Operations Manager on 04/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	Assessed (A)	
E4 - Emissions - Sewer	C3 Minor	2.2.2.8
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.1.2.4
C2 - General Management - Management system and operating procedures	C3 Minor	1.3.1

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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	Identify root cause to prevent reoccurrence.	Already completed
G4	Ensure timely reporting of quarterly returns as specified by the permit.	Already completed
C2	Update operating procedures to ensure permit breaches are identified and the correct measures are taken.	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

Abril Industrial Waxes Ltd

Permit number: EPR BV5858IW

The Quarterly reports for the emissions to air and sewer for quarter two (April – June 2022) and quarter three (July to September) were received by NRW on the 26th of October 2022.

The quarterly reports for quarter three were reviewed, all parameters were within the specified limits and the reports are accepted.

The quarterly reports for quarter two had a submission deadline of the 31st of July 2022 as per permit condition (PC) 4.1.2.4. Abril provided the following explanation for the late report:

'Please accept my apologies for sending this across late, I sent this through the wrong channels in August instead of sending it to yourself.'

Although an attempt to submit the report was made in August, this was still beyond the deadline as per the forementioned permit condition. The following minor non-compliance will be issued.

Non-compliance: A category 4 minor non-compliance is given for failing to adhere to reporting timelines specified within the permit. This is a breach of permit condition 4.1.2.4. **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 CCS4.**

Upon reviewing the quarter two emissions to sewer report, the following emission limit value (ELV) breaches were identified. Suspended solids sampled on the 20th of May 2022 had a result of 403 mg/l (ELV = 400 mg/l). Oil and grease sampled on the 11th of May 2022 had a result of 189.8 mg/l (ELV = 150 mg/l). Abril reported an uncertainty value of ± 1 mg/l for the suspended solids, as a percentage this represents an uncertainty of 0.25%. It is likely the true uncertainty value is greater than the one provided by Abril, as such the result is likely to be within the ELV taking in to account the true uncertainty value. No breach will be scored for the suspended solids. However, Abril should consider revising the method they use to calculate uncertainty. When calculating uncertainty, an uncertainty budget is developed, this takes into account all sources of uncertainty such as from the overall uncertainty of the chosen method, the uncertainty associated with how that method is used in the lab, including uncertainty associated with test equipment, uncertainty associated with the day-to-day variation and the analytical repeatability. An expanded uncertainty should then be calculated using a coverage factor, usually 2, which provides the 95% confidence interval.

The result for the oil and grease was significantly elevated above the ELV, however the impact is likely to be low as the release is to sewer as such the following minor non-compliance will be issued.

Non-compliance: A category 3 minor non-compliance is given for exceeding the ELV for oil & grease as set by the permit. This is a breach of permit condition 2.2.2.8. **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.

The following actions were emailed to Abril as a result of the issues identified in the quarterly reports.

Action 1: Abril Waxes 27th October 2022. Please investigate and report to NRW the root cause of the breach of the ELVs that occurred on the 14th of May. **Due 10th November 2022.**

Action 2: Abril Waxes 27th October 2022. Please investigate why NRW were not informed the breach of the ELVs that occurred on the 14th of May and review any procedures that are in place for incidents of this nature. **Due 10th November 2022.**

Action 3: Abril Waxes 27th October 2022. Please Submit a Schedule 1 notification for the ELV breaches. **Due 31st October 2022.**

Action 4: Abril Waxes 27th October 2022. Please provide copies of the current procedures that cover all the effluent sampling & analysis and the uncertainty calculation methods. **Due 10th November 2022.**

The following replies were received on the 09th of November 2022.

Action 1: *Our bund areas required repair work to fully line them, which GPT (contractors) conducted on 27/05/2022. Prior to the work being done by GPT both site bunds were emptied (of rainwater etc.) and cleaned ready for the contractors to carry out their work. During this cleaning process, any suspended solids and oil and grease that was in the bund area would have been transferred into our effluent system to be treated and then disposed. It was during this process that the breach of ELV's occurred.*

Action 2: *Our investigation has shown in the case of the suspended solids the excess of 3 units was not considered to be an issue due to the uncertainty of calculations. The oil and grease incident was over-looked due to the recording process not stating the limit of 150. This is partly because it is not identified as a limit in the Welsh Water SAR report. It was not until compiling the data for the quarterly return in June (4 weeks later) that this was identified as a breach. Our recording process was immediately updated to include the limit to ensure that it is identified immediately in the future. Our conclusion is that the breaches were not reported to NRW due to human error. In both instances the scenarios under which a schedule 1 notification is required was misunderstood.*

Further actions have either been implemented or are being implemented to prevent a reoccurrence. The testing regime for effluent has been changed such that only the QC laboratory has the authority to test effluent and approve the release into the foul sewer system. The site management team must be informed of any effluent sample failing against stated limits. They will assess the situation and decide on the appropriate course of action. Under no circumstances will the failing effluent be released from site. Our effluent treatment SOP707 has been updated to reflect this and a work instruction issued. A copy of this document, with changes highlighted in yellow, is attached to this report for full information disclosure.

The effluent treatment system will now be remodelled to better handle and store our effluent including a new filtration system designed to reduce the quantity of suspended solids and oil and greases in our effluent.

Action 3: Two schedule 1 notifications (as per **Action 3: Abril Waxes 27th October 2022**) were received on

the 28th of October 2022.

Action 4: The following documents for testing procedures were received. (SOP707 – Effluent Treatment Procedure Rev 4 Nov 2022, Test Method 015 – Testing of effluent water for COD Rev 2, Test Method 023 – Effluent Water Grease and Oil Rev 2, Test Method 005 – Effluent Water Suspended Solids Rev 2, SOP707 – Effluent Treatment Procedure Rev 3 Jan 2022, Uncertainties of effluent testing equipment).

The scenarios in which NRW are to be informed are clearly listed within 'Section 5 – Notifications' of the environmental permit. Within this section it states that NRW are to be informed without delay of any emission that exceeds any limit as specified within the permit (PC 5.1.1.1). A schedule 1 notification is then to be submitted with 24 hours of that notification (PC 5.1.2.1). No notification was received by NRW when the above results were identified to be in exceedance by Abril Waxes, nor at any time thereafter including when the quarterly report was submitted. It is also a concern that the original sample recording procedure did not identify the ELV for oil and grease meaning any non-conforming effluent was not being identified until weeks after the effluent had already been released from the holding tank to the sewer. NRW are pleased that this has been identified and rectified with the revision and updating of SOP707, providing greater effluent control.

The lack of awareness demonstrated by the operator in relation to the non-compliances, along with the inadequate effluent sampling procedures leads to the conclusion that the root cause of the non-compliances lies in the management system. A management system should identify the reporting requirements, the systems and procedures in place to prevent non-compliances and detail the actions to be taken when non-compliances occur. In this instance the management system has failed to achieve compliance with the limits and conditions specified within the permit, as such the following non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is given for failing to identify a breach of a specified ELV and failing to notify NRW of that breach. This is seen as a failing to implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of the Permit, Permit Condition 1.3.1. 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.*

Abril have identified these failings and are implementing procedures to ensure any future occurrence of such incidents are identified and actioned appropriately. The updated SOP707 should provide Abril with complete control on the quality of the effluent that is released to sewer, and this should prevent non-compliances with the effluent ELV's. These changes are welcomed by NRW. No further actions are required as Abril appear to have identified and rectified the areas of concern, please ensure the scenarios in which NRW are to be notified are captured within your management system. All outstanding actions are considered complete.

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.