

Compliance Assessment Report CAR_NRW0043385

Permit being assessed: AN0389201

For: IAWS FERTILISERS SOUTH DOCK NEWPORT, held by IAWS FERTILISERS (UK) LTD

At: IAWS FERTILISERS (UK) LTD, NORTH SIDE, SOUTH DOCK, ALEXANDRA DOCKS NEWPORT, NP20 2NP.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 18/01/2024, between 10:10 and 11:30.

Parts of permit assessed: Permit compliance

NRW Lead Officer: Elis Nuttall.

Report sent to: Grant Shorthouse, Site Manager , on 14/03/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Operations - Permitted activities	C3 Minor	1.4.1 - Volume of the discharge
WQ-B3 - Operations - Operating techniques	C2 Significant	1.6.1 - Works Operation
WQ-D1 - Information - Records	C3 Minor	1.8.1 - Maintenance Programme

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	Provide further details of the on-site infrastructure that ensures the discharge volume condition (1.4.1) is not breached i.e. flow meters etc.	15/04/2024
WQ-B3	Provide records of operational practices for the washdown area as specified in condition 1.6.1 of the permit.	15/04/2024
WQ-D1	Provide a copy of the site's maintenance programme and records of all non-routine actions for the washdown area as specified in condition 1.8.1 of the permit.	15/04/2024

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Visit Report

I (NRW Environment Officer, Elis Nuttall) attended Origin Fertilisers (formally IAWS Fertilisers (UK) Limited; permit reference number EPR- AN0389201) at Westway Road, North Side, South Dock, Alexandra Dock, Newport, NP20 2NP for a permit compliance visit at 10:10 on the 18/01/2024 where I met with the Site Manager. The weather was cold, dry and clear during the visit.

Site Observations

The permit regulates the consented discharge of trade effluent consisting of wash-down water from the designated wash-down area on site. The volume of the discharge shall not exceed 5m³/day. Regarding composition, the discharge shall not contain more than 40 mg/l of suspended solids and as far as reasonably practicable, the plant shall be operated so as to prevent the discharge from containing any significant trace of visible oil or grease. The discharge shall not contain detergents.

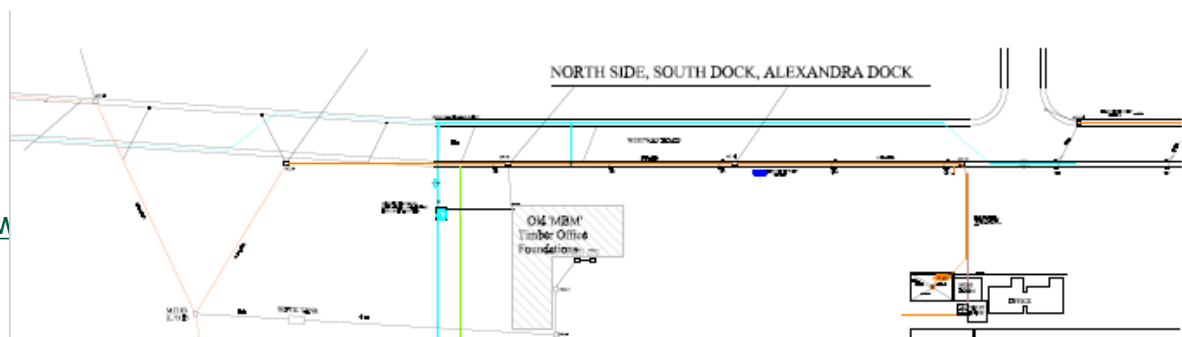
Site Meeting

An office meeting was held between myself, the site manager and several representatives from Origin Fertiliser's Health and Safety team prior to the onsite observations being made.

It was noted that no major environmental incidents have ever been recorded at the site, with only surface water and washdown water leaving site. All sewerage on site is managed by a private sewage system, described as a "septic tank".

During general discussion about site operations it was revealed that the operators do not undertake any periodic sampling of the discharge, either for composition or volume. However, there is no discharge monitoring condition in the Environmental Permit, only that a sample point shall be provided and maintained as per condition 1.3.2. Additionally, it was revealed that the consented discharge point (as noted in condition 1.2.1) is not owned or managed by Origin Fertilisers and is in fact a private drainage asset owned by Associated British Ports (ABP). It was noted that multiple tenants also discharge surface water via this outfall. The site management of Origin Fertilises stated that they do not have access to the outfall itself and that ABP would need to be contacted if the condition of the asset needed to be assessed. Several contact numbers were provided for ABP staff who can assist with this matter.

A drainage plan for Origin Fertilisers' on site assets was provided; I also requested a digital copy of this plan. This can be seen below in Figure 1.



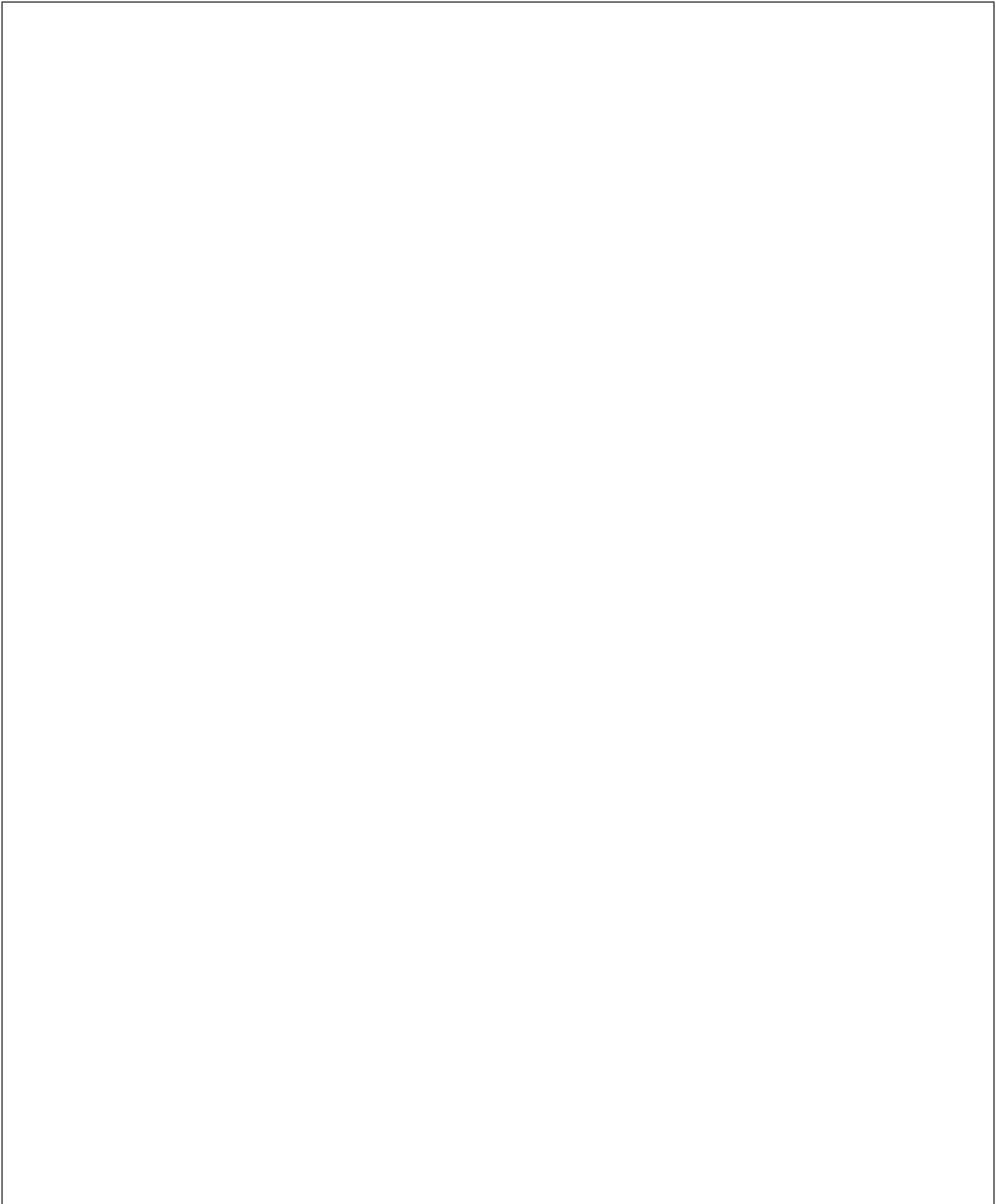


Figure 1 – Drainage plan: Origin Fertilisers on site drainage assets that connect into ABP's outfall to the River Ebbw. It was noted that this drainage plan was compiled by site operators and not undertaken as part of a structured drainage survey.

As can be seen, the site discharges to this ABP surface water line at several points, including what appears to be listed as a 'septic tank' discharge. This was not noted at the time of the visit and as such not discussed with the site management.

Site Infrastructure

I observed the washdown area located outside the site office; the washdown process involves rinsing off with water on an impermeable surface with all runoff entering a catch pit before discharging to the site drainage system. The washdown area was clean at the time of the visit with no excessive build-up of debris as seen in Figure 2. It was not noted whether any detergents/cleaning products were used during washdown operations.



Figure 2 – Site visit photo: The washdown area as observed during the visit.

A road sweeper was on site at the time carrying out on site road cleaning, which was stated to be a planned maintenance operation undertaken 2-3 times a week.

The catchpit was observed at ST3151585068; It was holding water at the time of the visit (Figure 3) but there was no flow entering or exiting at the time. It is noted that the water within appeared silty but no oily sheen or odours were present.

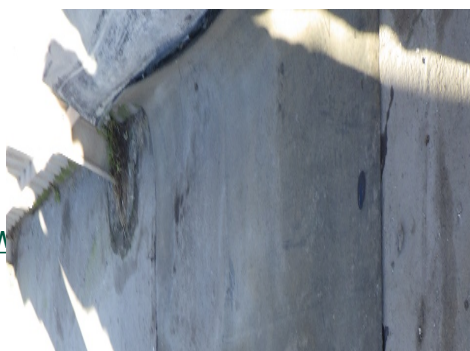


Figure 3 – Site visit photo: The catch pit observed at the time of the visit.

Information on exactly what the drainage infrastructure was on site was limited, with site manager noting he was unsure. The only information available was that compiled by site management and seen in Figure 1. Further information is required to assess the suitability of site drainage infrastructure – see below for a list of actions.

The sampling point was accessible and unrestricted at the time of the visit as seen in Figure 4. It is located in the middle of an onsite road but it can easily be cordoned off if access is required. There were some cracks in the tarmac around this chamber which poses a trip hazard. I advise addressing this issue as a Health and Safety concern for any sampling staff as well as site operators. It was noted that no routine sampling of discharge is undertaken and no records of discharge rate or discharge composition are available. There is no condition in the permit stating that this should be undertaken.



Figure 4 – Site visit photo: The formal sampling point for the site observed at ST3151685052.

As noted, the discharge point was not accessible to site operators at the time of the visit due to it being owned and access is restricted by a third party (ABP). I will contact ABP to discuss inspecting the discharge point at a later date.

No further observations were made on site.

I left site at 11:30.

Breaches of permit condition:

Below are the permit breaches that were identified during the site inspection.

1. PERMIT CONDITION 1.4.1 – Volume of the discharge

The volume of the discharge shall not exceed 5 cubic meters per day.

Justification: Due to the site drainage discharging to ABP's surface water line and associated outfall there was no access at the time of the visit to assess the volume of the discharge. However, no on site method of measuring discharge volume was noted or observed.

It was noted that ABP will need to be contact to facilitate an assessment of this condition. Contact details have been provided.

2. PERMIT CONDITION 1.6.1 – Works Operation

- a. *The plant shall be operated and the effluent treated in a manner which, so far as reasonably practicable, minimises the polluting effects of the discharge on controlled waters.*
- b. *This condition does not require any alteration of the type of treatment used from that specified in the application.*

Justification: No information was available during the visit regarding the operational steps

taken to ensure this permit condition is not breached.

3. PERMIT CONDITION 1.8.1 – Maintenance Programme

The Consent Holder shall establish and operate a documented maintenance programme and record all non-routine actions undertaken that may have adversely affected effluent quality. Copies of the programme shall be made available for inspection by the Agency's officers at all reasonable times.

Justification: During the visit the maintenance programme was requested but the site operators were unable to produce one for inspection.

Action required by dates specified:

1. Provide further details of the on-site infrastructure that ensures the discharge volume condition 1.4.1 is not breached i.e. flow meters etc.

Deadline: 15/04/2024

2. Provide records of operational practices for the washdown area as specified in condition 1.6.1 of the permit.

Deadline: 15/04/2024

3. Provide a copy of the site's maintenance programme and records of all non-routine actions for the washdown area as specified in condition 1.8.1 of the permit.

Deadline: 15/04/2024

Other advisory comments:

1. From the on site drainage plan provided it is clear that a private sewage system (labelled as "septic tank" on the drainage plan) services the site, which discharges to the ABP surface water line. To ensure that no polluting material is being discharged from site please provide details on the type of system used and what treatment is undertaken before effluent is discharged. Additionally, please provide details of what effluent is treated in this system i.e. is it foul/wastewater from onsite amenity facilities or is there any trade effluent discharged via the system?
2. The cracks in the road around the sampling point at should be repaired to eliminate the trip hazard currently present. This will ensure the safety of any sampling staff that may require access as well as the safety of site operators.
3. Please ensure the washdown area plant is operated in a manner which prevents the discharge containing any polluting material in line with condition 1.5 (composition) of the permit.

Contact details:

If you have any queries regarding this CAR form or to provide an update on any actions above, please contact me using the following details: Elis Nuttall, Environment Officer, elis.nuttall@cyfoethnaturiolcymru.gov.uk, 03000 65 4651.

If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

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.