

Compliance Assessment Report CAR_NRW0045212

Permit being assessed: DP3030ZC.

For: PB Gelatins EPR/DP3030ZC, **held by:** PB Gelatins UK Limited

At: Unit A6 Severn Road , Treforest Industrial Estate, Pontypridd, Rhondda Cynon Taf, CF37 5SQ.

Type of assessment: Site Inspection,

Reason: Incident Response (Incident number 2411688).

On: 23/08/2024 between 09:00 and 17:00.

Parts of permit assessed: Odour management .

NRW Lead Officer: Dale Padfield.

Report sent to: -, Environmental, Health and Safety Manager, on 17/09/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3C - Installations - Emissions and monitoring - Odour	Assessed (A)	
IR4A - Installations - Information - Records	C3 Minor	4.1.2
IR2C - Installations - Operations - Operating techniques	C3 Minor	2.3.1(a)
IR1A - Installations - Management - General Management	C3 Minor	1.1.1
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.3
IR1A - Installations - Management - General Management	C3 Minor	1.1.1(a)

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

Total non-compliances recorded	Total non-compliance score
5	20

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
IR4A	See Action 1 within main body of report.	30/11/2024
IR2C	See Action 2 within main body of report.	30/11/2024
IR1A	See Action 3 within main body of report.	30/11/2024
IR3B	See Action 4 within main body of report.	24/09/2024
IR1A	See Action 5 within main body of report.	30/11/2024

Compliance 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

PB Site visit CAR form – 23/08/2024

This purpose of this CAR form is to detail the site visit conducted on the 23/08/2024.

An unannounced visit was conducted at the PB Gelatins (PBG) facility in response to an odour report received by Natural Resources Wales (NRW) incident communications centre (ICC) on the 20th of August 2024 (WIRS number: 2411688). Due to an internal error, the report was allocated to the incorrect team, as such, it was not received by the South-Central Industry Regulation team until the afternoon of the 22nd of August.

An odour check was conducted along the perimeter / boundary of the facility along Gwealod-Y-Garth Road & Taffs Mead Road on the morning of the 23/08/2024. No obnoxious odours were detected during this check / walk of the perimeter. For amenity reports to be substantiated, they must be perceived by an officer from NRW. As such, incident report WIRS:2411688 will be closed as unsubstantiated, and no non-compliance score will be issued against permit condition 3.4.1.

Site odour monitoring records were requested at the PB office, this highlighted some issues with the records management and compliance with the sites odour management plan (OMP).

PB Gelatins were required to develop and submit an OMP to satisfy 'Improvement Condition 2'. The OMP was then incorporated into the operating conditions of the permit, as detailed in table S2.1

'Response to Improvement condition 2 – Odour management plan'. From the information gathered during the site visit it is evident that PBG are compliant with aspects of the OMP, but some areas require attention.

The site has recently re-instated lines of communication with neighbouring businesses in order to notify and report any issues or potential off-site impacts to these neighbouring businesses, and for neighbouring businesses to report any concerns directly to PBG. This is good practice and NRW are pleased to see that PB have been proactively communicating with their neighbours.

PBG have a spreadsheet detailing numerous items / aspects including the daily odour check, which includes notes on any odours detected and the sources & mitigation measures. However, there were gaps identified within the odour log, whereby there were no records detailing odour checks for numerous days, this included no records for the 20/08/2024. PBG stated that this is likely a result of the checks being done after the daily meeting and therefore, are not captured or recorded on the spreadsheet.

Record keeping provides an aid to any odour investigation, helping identify the sources and ensure mitigation can be implemented to prevent a re-occurrence. A lack of records could result in a preventable issue re-occurring. It is also a permit requirement for PB to produce and retain all records that demonstrate compliance with the permit, the gaps identified within the odour monitoring log are a breach of this permit condition, as such, the following minor non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is issued for failing to maintain records demonstrating compliance with the permit. This is a breach of permit condition 4.1.2. 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.*

It was also stated that the odour assessments are conducted by the 'day staff' on a Monday to Friday basis, which results in no odour assessments being conducted on the weekends. The OMP details 'daily' odour monitoring at the facility, and this should include weekends & bank-holidays. As the operations still have the potential for off-site impact of odour during weekends, daily checks should still be conducted to help with the early detection of any issues to enable the implementation of mitigation measures as soon as possible. The following non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is issued for failing to implement daily odour monitoring as stated within the permitted OMP. This is a breach of permit condition 2.3.1(a). 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.*

With any non-compliance the root cause must also be identified, assessed and scored on its own merits. The root cause of the above non-compliances likely a symptom of deficiencies within the environment management system (EMS). The EMS should ensure procedures are in place that reflect the requirements of the permit. Sufficient resources should be made available to ensure these

requirements are implemented. The gaps identified in the recording keeping and the odour monitoring could result in minor environmental impact. As such, the following minor non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is issued for the management system failing to implement the requirements of the permit. This is a breach of permit condition 1.1.1(a). 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.*

Action 1: PB Gelatins – 17th September 2024: PB Gelatins to ensure records of odour monitoring are maintained and are kept up to date. Consider reviewing any procedures to include a sign-off to ensure records are kept up to date. Provide NRW with details and conformation of completion. Due 30/11/2024.

Action 2: PB Gelatins – 17th September 2024: PB Gelatins to ensure that the daily odour monitoring is also conducted on weekends, these checks should also be recorded. Provide NRW with conformation when this has been implemented. Due 30/11/2024

Action 3: PB Gelatins – 17th September 2024: PB Gelatins to ensure the EMS is updated to reflect the changes / requirements mentioned within actions 1 and 2. Provide NRW with conformation of completion. Due 30/11/2024.

During the visit the temporary balance tank was seen to be situated on un-made permeable ground and the tank did not benefit from any secondary containment. It is a permit requirement to ensure all liquids in containers, whose emission to water or land could cause pollution are provided with secondary containment, or other appropriate measures to prevent or minimise leakage and spillage from the primary container. In this instance, as the tank was situated on un-made ground, any emission from the tank would not be captured and would discharge directly to the land beneath the tank. This could result in minor environmental impact – changes in pH of the soil could mobilise pre-existing historical contamination, which would have the potential to discharge to surface waters via ground-water movement. It's appreciated 'larger' spills such as from catastrophic failure of the tank would likely, for the most part, be captured by the tertiary containment (over-spill onto the impermeable surface with subsequent capture by the onsite effluent drainage system). The following minor non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is issued for the failure to have secondary containment or appropriate measures to mitigate the pollution potential from the temporary balance tank. This is a breach of permit condition 3.2.3. 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.

It is appreciated that the balance tank is temporary instalment whilst repair work is undertaken on the primary tank. As all the pipework has now been connected, the effort required to re-locate the tank is likely unproportional to the risk posed. However, PBG should look to limit any risk by implementing regular checks for leaks etc whilst the tank is in place and ensure the sites accident management plan has a procedure to ensure any catastrophic failure of the tank can be appropriately managed.

Action 4: PB Gelatins – 17th September 2024: PB Gelatins to ensure regular checks are in place for the temporary balance tank. PGB to also ensure procedures are available to manage any catastrophic failure of the tank. Provide NRW with conformation of implementation. Due 24/09/2024.

As previously stated, the root cause of the non-compliance must also be identified, assessed and scored on its own merits. The oversight of failing to consider secondary containment or appropriate alternative measures as required by the permit is likely a symptom of deficiencies within the EMS. When changes are made such as this, a management of change procedure should be implemented to assess how the change will impact various requirements, including compliance with the permit and managing / assessing risk to the environment. As such, the following non-compliance will be issued.

Non-compliance: *A category 3 minor non-compliance is issued for the management system failing to recognise and control the risk of pollution. This is a breach of permit condition 1.1.1(a). 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.*

Action 5: PB Gelatins – 17th September 2024: PB Gelatins to ensure a management of change procedure is available within the EMS, and environmental aspects are a consideration within the procedure. Provide NRW with conformation of implementation. Due 30/11/2024.

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.

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

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.