

Compliance Assessment Report CAR_NRW0045837

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 2411183).

On: 23/09/2024 between 14:00 and 14:30.

Parts of permit assessed: Incident response- Permit condition 3.2.1 - - release of effluent on the 23/04/24 & 22/09/24.

NRW Lead Officer: Dale Padfield.

Report sent to: -, Plant Director , on 16/12/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant	3.2.1
IR1A - Installations - Management - General Management	C2 Significant	1.1.1
IR4B - Installations - Information - Reporting	C3 Minor	4.3.1(a)(i)
IR1A - Installations - Management - General Management	C3 Minor	1.1.1(b)

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

Total non-compliances recorded	Total non-compliance score
4	70

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
IR3B	Ensure permit compliance is maintained. Ensure the effluent sump levels are maintained below the threshold that results in	31/01/2025

Criteria	Action needed	Complete by
	leakage to the environment. Provide NRW with an update with regards to the fate of the facility once the consultation phase has finished.	
IR1A	Ensure permit compliance is maintained. Ensure the effluent sump levels are maintained below the threshold that results in leakage to the environment. Provide NRW with an update with regards to the fate of the facility once the consultation phase has finished.	31/01/2025
IR4B	Ensure any pollution incidents are reported to NRW without delay.	Already completed
IR1A	Ensure staff are aware of, and have access to any environmental operating procedures, including those relating to notification of incidents to NRW.	31/01/2025

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 Gelatins

EPR/DP3030ZC

This compliance assessment form details the following:

- Summary of release of process effluent into the river Taff on the 04/08/2024.
- Details of additional release of process effluent into the river Taff on the 23/09/2024.
- Investigation conclusion and subsequent non-compliance scoring.
- Summary of site updates.

Summary of incident occurring on the 04/08/2024

At 17:46 on the 04/08/2024 Natural Resources Wales (NRW) incident communication centre (ICC) received a notification of pollution discharging into the river Taff (WIRS 2411183), from the culvert situated beneath the bridge at the end of Bridge Road ~ Treforest Industrial estate. NRW officers attended and substantiated the pollution. The discharge had ceased when the officers had arrived, with the culvert observed to be running clear. However, a recent discharge of polluting matter was observed within pools of beige liquid and sediment

along the riverbank.

A PB Gelatins (PBG) operative was questioned under caution and confirmed that the PB facility was the likely source of the pollution given the similarity to the polluting matter and that of the PBG process effluent. Evidence samples were collected, with a sample provided to PBG.

PBG were not aware of the release until notified by NRW and could not provide any details on how / where from the site operations that the pollution was originating, the quantity of pollution released or the duration the discharge had been occurring.

The area (discharge location) was again inspected on the 05/08/2024, where the following observations were made:

- Deposits of Beige liquid & sediment, consistent with previous releases of PBG effluent, along the right-hand riverbank.
- Further sediment and liquid remained pooled around the bridge support.
- Some sediment visible within the main river, deposited along the waters edge close to the rocky riverbank.
- A beige and orange and somewhat oily scum was floating within some of the pools.
- PBG environmental manager and production manager attended the area to direct a waste removal company to remove the remaining pooled effluent and effluent sediment via means of vacuum tanker.

On the 07/08/2024 PBG simulated the conditions under which the pollution had occurred but under a controlled manner with measures in place to prevent effluent escaping via the surface water pipework. PBG identified that when the effluent within the pumping station sump became too high, effluent passed into the surface water drainage. Further drainage investigations along with CCTV surveying was then planned with the aim of locating the defective pipework. Although the precise location of the leak was unknown, this did confirm the PBG effluent as the source of the pollution seen on the 04/08/2024 and provided conformation of the pathway ~ effluent pipework leaking into the surface water network, which discharges to the river Taff from the outfall identified above.

Summary of incident occurring on the 22/09/2024

No reports of pollution were made to NRW ICC on the 22/09/2024, however, PBG had themselves self-reported a pollution incident on the 23/09/2024. A site meeting was held on the 23/09/2024. PBG stated that the investigation into the exact location of the leak that caused the August release was still on-going, the nature of this incident was similar. PBG reported that both the duty and standby pumps had failed in the PBG effluent pumping station, this resulted in the effluent level within the sump increasing, which then resulted in a spill into the surface water network.

As a response, PBG hired 4 temporary staff as a means to provide constant visual monitoring of the effluent sump level to prevent further releases of process effluent to the environment.

As with previous releases of the PBG effluent (described in CAR_NRW040197) the effluent is seen as polluting to the aquatic environment, having a detrimental impact on the water quality and aquatic lifeforms, due to the high levels of COD/BOD, suspended solids, ammonia and chlorides. The analysis of the sample taken on the 04/08/2024, from the 'pooled' discharge on the riverbank provided the following results.

BOD ~ 1260 mg/l, COD ~ 2080 mg/l, Ammonia ~ 22.3 mg/l, Chloride ~ 144 mg/l, Suspended solids 436 mg/l.

The analysis indicated elevated concentrations for the above parameters, the concentrations were likely much higher during the active discharge, given to the fact the flow of water discharging from the outfall would have diluted the pooled effluent to some degree. It is also known that the concentrations of the above-mentioned parameters within the raw untreated PBG effluent can far exceed the measured values above. Notwithstanding this, the above-mentioned parameters are at concentrations capable of inflicting significant impact on ecology and water quality.

The nature of the failure, a subsurface effluent drainage pipe leaking into the surface water drainage network during periods of high effluent sump levels resulted in PBG being unaware that the site operations were causing pollution. However, this does suggest the pollution could have had the potential to be on-going for a prolonged period, had a report not been made to NRW.

The noxious characteristics of the effluent mean that it has the potential to cause significant impact on ecology, and potential for significant impact on water quality. Considering these factors, the following significant category 2 non-compliance will be issued for the unauthorised releases of process effluent into the river Taff on the 4th of August 2024 and 22nd of September 2024.

Non-compliance: A Category 2 significant non-compliance is issued for the un-authorised release of process effluent. Permit Condition 3.2.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

CCTV surveying & repair work had been conducted in 2023 on the effluent transfer pipework. The survey identified multiple defects including holes, fractures, deformities and partial blockages of the pipework. A portion of the observed damage was to pipework that had undergone repair in 2022, following the drainage infrastructure failure incident that year. PBG provided evidence by means of work orders detailing the repair work that had been undertaken in response to the survey findings.

A new effluent treatment plant (ETP) was built as a response and solution to the previous effluent drainage infrastructure failures. The new ETP would allow PBG to treat the process effluent generated at the A21 facility to be treated at the A21 location and discharged directly to DCWW foul sewer outside the facility. It is understood that PBG's intentions were to discontinue the use of the problematic effluent line with the new ETP planned to be brought online during 2024. However, various issues have delayed the commissioning and use of the new ETP.

As a result of the delayed commissioning of the new ETP, the site has remained reliant on the existing effluent transfer line. Given the history of the pipework and the short timeframe in which the repaired pipework had become defective between 2022 and 2023, the management of this subsurface drainage infrastructure should have remained a high priority and additional checks and measures should have been introduced to manage the environmental risk. Additionally, PBG had proposed bi-annual CCTV monitoring of the effluent line until the new ETP was commissioned.

It is evident that PBG have invested heavily in improvements across the site, with the aim of improving environmental outcome and reducing environmental risk. However, the continued and repeated failure of subsurface drainage infrastructure indicates the measures being implemented have been inadequate in their means of ensuring the site operations to do not result in pollution to the environment.

PBG have been unable to locate the exact location whereby effluent is escaping the effluent drainage pipework and entering the surface water network. However, the issue is believed to be located along the drainage infrastructure transferring effluent from the A21 building to the pumping station. To prevent further pollution incidents PBG are ensuring the sump level remains low. PBG are still awaiting authorisation from

DCWW to discharge the A21 process effluent directly to sewer at a connection point outside the A21 facility. Should authorisation be granted, the environmental risk should be reduced, as the problematic effluent pipework can be abandoned and filled in with concrete.

As indicated by the above, the root cause of the drainage infrastructure failure sits within the management system, namely the operational controls and review of management strategies. The environmental risks had not been fully considered and re-evaluated following the continued use of the effluent transfer pipework. The measures implemented were inadequate in preventing pollution arising from the operations. The following non-compliance will be issued.

Non-compliance: A Category 2 significant non-compliance is issued for failing to identify and minimise the risk of pollution, including those arising from operations, maintenance, incidents and accidents. Permit Condition 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.

Notification Requirements

For the incident that occurred on the 22/09/2024, PBG provided notification the day following the incident. PBG stated that the operatives on site that had discovered the issue had attempted to notify NRW, however, having done an online search for NRW's incident phone number, had come across a statement on the NRW website accompanying the phone number stating the line was only open weekdays (Monday – Friday) between 09:00 and 17:00. As such they did not attempt to make a report to NRW. Notwithstanding the above, the PBG operatives should be aware of NRW's 24/7 role in incident response as a category 1 responder, given that NRW has attended the facility in an out of hours capacity numerous times. Furthermore, the operatives should be aware of the permit requirement, (permit condition 4.3.1(a)(i)) requiring the operator to notify NRW without delay, providing immediate notification in the event of the operation giving rise to an incident or accident which may significantly affect the environment. Moreover, the operative should have referred to PBG's accident management plan (AMP) which provides details on what to do in various accident and incident scenarios, which contains contact numbers, including NRW's incident communication centre.

The following non-compliances will be issued for the notification failure.

Non-compliance: A Category 3 minor non-compliance is issued for failing to immediately notify Natural Resources Wales of the incident that occurred on the 22/09/2024. Permit Condition 4.3.1(a)(i). It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

The root cause for this non-compliance sits within the management system, namely the training aspect ensuring staff competency. As such the following non-compliance will also be issued.

Non-compliance: A Category 3 minor non-compliance is issued for training failures resulting in the notification failure. Permit condition 1.1.1(b). It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

PBG have indicated that the facility is facing a possible closure and is currently in an internal consultation phase. Given the uncertainty of the future of the facility, NRW will not be issuing further actions in relation to the rectification of the drainage infrastructure. This is part due to measures being employed to prevent further spills occurring from the pipework by means of close control over the effluent sump level. However, should the measures currently being employed fail to prevent further pollution, or if the facility does remain

operational then NRW will pursue further enforcement action to ensure permit compliance.

Whilst the facility is in operation, PBG must ensure that compliance is maintained with the environmental permit. PBG should evaluate the any measures in place that are ensuring the effluent sump is maintained at a level to prevent pollution. PBG should also ensure all relevant staff are aware of the sites AMP, including the correct notification procedures to notify NRW of any pollution incidents.

A permit variation application is currently being determined with NRWS permitting team. As the fate of facility is unknown, PBG have requested the determination be put on hold until the fate of the facility has been established. The application is now on hold.

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.