

The Company Secretary
Industrial Chemicals Limited
Titan Industrial Estate
Hogg Lane
Grays
Essex
RM17 5DU

Our ref: EPR/AB3192HQ

Date: 16th April 2020

Dear Sir/Madam

**Environmental Permitting (England and Wales) Regulations 2016 Permit Review
Request for information**

Permit reference: EPR/AB3192HQ
Operator: Industrial Chemicals Limited
Facility: Cold Mill Effluent Treatment Plant

In April 2019 we wrote to you advising of Natural Resources Wales statutory requirement to review your permit, following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Waste Treatment. Our letter and accompanying Notice set out the information we required from you in order to be able to carry out that review.

On 2nd October 2019 we received a response from you to the above request. The information has been reviewed and is insufficient, we require additional information. Please provide the following information:

- **BAT 1** – Please provide copy of ISO 14001 certificate and provide a summary of how the Environmental Management System (EMS) meets each of the BAT requirements (including a description of the techniques in place and how they meet the standard). You do not need to supply the EMS as a whole. Meeting ISO1 4001 will not meet all the requirements of this BAT conclusion. Please submit any relevant, updated supporting documents, e.g. operating techniques, emergency and accident management plans to support.
- **BAT 2** – as the operator, you need to demonstrate that you have control over the permitted activity. In order to approve the overall environmental performance of the plant the appropriate waste acceptance, tracking, output etc need to be implemented. You need to provide further details on how BAT 2 is adhered too. You need to be able to demonstrate that you know what waste is coming into the neutralising tank and ensure it is only ferrous chloride (what quality it is, is it the acceptable waste you are permitted for?). Please provide more details to address the requirements of BAT 2.
- **BAT 4** – Reduce the environmental risk associated with the storage of waste. You have stated that the plant does not have any storage vessels just a neutralisation tank. All storage tanks come under the TATA permit for the whole site and that BAT 4 is not applicable. Please clarify where do you store the calcium hydroxide, is this stored in order to reduce environmental risk?
- **BAT 5** – Not enough sufficient information has been provided to address the requirements of BAT 5. You need to demonstrate that there are implemented handling and transfer procedure on the site. You mention that Tata Steel control the levels in the tanks etc but ICL need to ensure they have competent staff that oversee and handle this waste transfer, it duly documented, measures are in place to detect and

mitigate spills. The risk of any accidents or incidents need to be considered too. Please provide more detailed information.

- BAT 6 – Is the waste produced on site, the calcium chloride solution after neutralisation monitored before leaving site (flow, pH etc)?
- BAT 12 Odour management -Although no odour condition currently on the permit, there are vapours from the calcium chloride and ferrous chloride slurry, emission points A1 and A2 as listed in table S3.1 of the permit, is it possible to have any odour emissions from this?
- BAT 17 – You have stated that Industrial Chemicals does not own or maintain any of the equipment for the neutralisation process of Ferrous chloride. All equipment is still owned & maintained by TATA Steel and that NRW should contact TATA Steel for further details. As with this BAT conclusions and others, it is not clear that ICL have appropriate controls over the permitted activity and meet the definition of an operator and what control means in our Regulatory Guidance Note 1. As an operator you need to demonstrate you are in control the permitted activity by means of controlling the day to day activities and would be in control in an emergency situation. If an emergency was to occur and you, ICL does not own or maintain any of the equipment on site who would be responsible for dealing with an emergency situation, Tata Steel? As the operator you should be in control. Please provide further information to address BAT 17 and clarify how control is established by ICL ensuring they can legally be the operator.
- BAT 18 – As above, insufficient evidence has been provided to address the BAT conclusion. You will need to provide this evidence.
- BAT 20 – discharge goes back to Tata Steel – Please provide more details on where this effluent goes, discharged to water, tankered away? You will need to provide details that show Tata Steel accept the effluent from site and its fate.
- BAT 21 – With regards to accidents and emergencies, the Industrial Chemicals compound is located within TATA Steel (& this is a top tier COMAH site), all site accident & emergency plans are controlled by TATA Steel. Industrial Chemicals has been provided with a copy. No copy has been provided to NRW, please provide one. This then brings me back to concerns that ICL does not have appropriate controls over the activity on the site. Please address concerns.
- BAT 23 – Energy efficiency. Ferrous chloride does require energy to be processed. Only energy requirement is for the use of pumps, agitator & filter-press. You have not provided enough information to address this BAT conclusion. Please provide more information.
- BAT 52 - As the plant can only receive Ferrous chloride from the Cold mill pickle line and nowhere else, waste input is not monitored. The quality of the ferrous chloride discharged to the effluent plant, is determined via the strength of the acid used in the pickle lines. Industrial Chemicals can only accept this waste. The TATA monitoring system determines the final strength. How would you know if an unacceptable waste/strength was coming in? Would you just manage and adjust how much neutralisation you would need to do? Please clarify.
- BAT 53 – You have stated that the Ferrous chloride storage tanks are owned & operated under the TATA permit, BAT 53 is not applicable. What about the at the neutralisation tanks on site? Confirm if emissions to air under BAT 53 would not be applicable.

If you do not comply with the BAT conclusion, describe how and by when you intend to meet the standard, before the 17th August 2022.

Confirm if you intend to continue operating in a manner which would not comply with the relevant new BAT Conclusion, after the compliance date, what your justification for being allowed to do so is, and by what date you intend to come into full compliance, or a description of alternative measures to be adopted that will provide equivalent environmental protection.

In relation to item 6 of the Reg 61 Notice - relevant hazardous substances, this has not been addressed. Where your activity involves the use, production or release of relevant hazardous substances (as defined in Article 3(18) of the Industrial Emissions Directive) carry out a risk assessment considering the possibility of soil and groundwater contamination at the installation with these substances. Where any risk of such contamination is established either:

- Prepare and submit a baseline report containing information necessary to determine the current state of soil and groundwater contamination;

or

- Provide a summary report referring to information previously submitted where you are satisfied that such information represents the current state of soil and groundwater contamination;

so as to enable a quantified comparison to be made with the state of soil and groundwater contamination upon definitive cessation of activity. Where you have concluded that there are no risks of soil or groundwater contamination, provide a copy of the risk assessment.

Please you also confirm that there are no discharges to surface waters and/or sewer from the site. This will help confirm that Request 7 of the Reg 61 Notice is not applicable.

You also did not provide a current Opra profile as per the updated Opra spreadsheet available on our website: <https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>. Please provide updated version.

You have failed provide adequate information to comply with a Statutory Notice requiring information which was issued the 5th April 2019. The Natural Resources Body for Wales ("Natural Resources Wales"), in exercise of its powers under Regulation 61(1) of the above Regulations, required you to provide the information specified in Schedule 1.

Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2016.

Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.

There is no right to appeal against this notice.

As the requirements of the Reg 61 Notice dated the 5th April 2019 have not been fulfilled, please provide all outstanding information within 3 weeks of the date of this letter. If for any reason the missing information cannot be provided within this timeframe please contact Kirsty

Thomas via email: kirsty.thomas@cyfoethnaturiolcymru.gov.uk or speak to your regulatory officer.

Yours sincerely



Kirsty Thomas MSc, BSc (Hons)
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