

Compliance Assessment Report CAR_NRW0037195

Permit being assessed: BL1096IB.

For: Padeswood Cement Works , held by Castle Cement Limited

At: PADESWOOD WORKS , PADESWOOD, MOLD, MOLD, CLWYD, CH7 4HB.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2007864).

On 05/11/2020 between 14:00 and 16:50.

Parts of permit assessed: Various

NRW Lead Officer: Lara Cubley.

Report sent to: David Quick, Plant Manager on 11/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	Action only (X)	
E3 - Emissions - Surface water	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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
D1	See report text ACTIONS	12/02/2021
E3	see report text ACTIONS	12/02/2021

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

--

Following a report of oil contamination in a small tributary of the Black Brook at 15:11 on the 4th November 2020 NRW incident response staff attended. This report was confirmed and NRW deployed booms and pads.

Following contact with the Environment & Quality Manager of the Padeswood Cement Works, NRW attended site following concerns surrounding suspicious activities on the 5th November 2020.

On attendance at the site a length of pipework was found placed in the watercourse down the Western boundary of the Padeswood Cement Works and further lengths in woodland along this boundary actually on site. This had been reported to the Police under incident number 162681.

NRW inspected areas of fuel/oil storage but suspected that the main above ground lorry park diesel storage tank could have been the target of a theft due to location of observed pipework in watercourse/woodland. This was inspected and there was no sign of spillages or integrity issues with this tank. At the time of inspection compartmentalised wet stock readings were taken of white diesel, and red diesel but not of lube oil. Draw off points are guarded and all three fill points were locked off. One inspection hatch on top of the tank was locked by padlock and the other two (close to the access gantry) were not.

Underground pipework from the tank to the dispensing pumps had reportedly been tested earlier in February this year and a key fob system is in place to allow dispensing by employees. There was evidence of activity due to trampled vegetation from pipework located in the watercourse through the woodland to the lorry park.

During the site inspection it was not possible to obtain information from the Operator regarding wet stock due to dispensing data being held centrally. At 17:21 on the 06/11/20 a summary of dispensing, delivery and tank stock data was provided by the Operator. This showed 5,537 litres of white diesel unaccounted for between the weekly tank level reading of Monday 02/11/20 and when the tank level was read on site during the inspection.

The weekly comparison data of the pump dispensing and deliveries versus the tank level readings was provided for the previous 6 weeks. All weeks apart from the 21/09/20, which had 984 litres unaccounted for, showed a gain in stock of up to 1,012 litres.

Evidence appeared to point towards the Operator being a victim of a theft of white diesel from the bulk tank of the lorry park. The perpetrator(s) disregard for the environment and determination was significant. The diesel must have been pumped at least 200 metres via concealed pipework towards the A5118 to the northern boundary of the site. The theft involved the Black Brook and its tributary being contaminated over several kilometres.

The Operator was very cooperative and had a contractor on site for clean up of the affected watercourse from 07/11/20 over a period of several weeks.

Advice & Guidance

ACTION 1: It is recommended that the Operator identifies high value potentially polluting stock at the site and undertake a risk based review of security measures using appropriately qualified advice. The summary of findings of such a review together with any identified improvements and timescales must be provided to NRW in writing by 12/02/21.

ACTION 2: The Operator should review high value and polluting wet stock management procedures to ensure accurate data is obtained and regularly reviewed so as to bring any anomalies or suspicious activity to the attention of the Operator in a timely manner. The summary of findings of such a review together with any identified improvements and timescales must be provided to NRW in writing by 12/02/21.

It is also understood that there is some wet stock of lube oil contained in this compartmentalised tank, however, it is no longer used. The Operator is advised to hold no stock of unused potentially polluting substances and minimise stock of that which is in use so as to reduce the potential environmental risk.

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.