

Compliance Assessment Report CAR_NRW0038318

Permit being assessed: BP1772IZ.

For: Poeton Cardiff, held by Poeton (Cardiff) Limited

At: Poeton (Cardiff) Ltd, 283 Penarth Road, Cardiff, Cardiff, CF11 8UL.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Other.

On 12/05/2021 - 25/05/2021.

Parts of permit assessed: sampling

NRW Lead Officer: Geraint Harris.

Report sent to: Jason Hamling, HSE and Facilities Manager on 25/05/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	Permit condition 1.1.

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
C2	Improve sampling procedures onsite to avoid the chance of contamination and improve the reliability of the results.	14/06/2021

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Poeton Cardiff

EPR/BP1772IZ

CAR form NRW0037920 was issued to Poeton as a consequence of measuring elevated chromium levels within the weekly composite dated the 25th March 2021. A request to undertake an audit of the effluent sampling procedure was made in a bid to try and ascertain the source of the contamination. Poeton provided the results of this audit on the 12th May 2021 as requested.

A summary of this audit is as follows:

- No evidence of leaks in tanks containing chromium solutions were identified around the time of the high result, or to date.
- All production sheets for work processed from 18th March to 25th March have been examined for any anomalies that could account for a rise in Cr to effluent, but there is nothing on them to suggest anything out of the ordinary when compared against work carried out in the weeks preceding the recorded high level or post.
- The effluent sample results recorded by us are consistent for the year and the high one in March is the only one year to date. The average result for Cr year to date is 0.601mg/l (This is including the high result).
- An internal audit of the effluent sampling process has taken place, and several areas where contamination could arise were identified.
- The sampling methodology is not an official procedure/document.
- No statement for clean gloves to be used.
- Sample pots being reused for other samples / Possibly not fully cleaned.
- These actions have been placed on the corrective action tracker and are being monitored for completion.
- There has been no other cause for the breach identified, and we still believe the breach was somehow down to the sample being compromised.

I believe that the previous sampling instructions fell short of the standards expected of you as a permit holder. The detail we expect to see with regards to effluent sampling procedures are listed at the end of this CAR Form and can be found within the Environment Agency TGN M18 Technical Guidance note for Monitoring of Discharges to Water and Sewer. Had a more detailed and robust procedure been in place the likelihood of chromium contamination entering the composite effluent sample would have been significantly reduced.

As a permit holder you should be aware that there is a general management requirement (1.1) for operators to manage and operate the activities in accordance with a written management system. That identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints. Furthermore, NRW as the environmental regulator, must ensure that operator self-monitoring is performed correctly to an acceptable standard and to this end encourage operators to use and adhere to quality management systems. As an operator who is responsible for self-monitoring, you must ensure their management system covers all aspects of self-

monitoring, including:

- management of self-monitoring
- sampling programme design
- sampling procedures
- analysis and reporting procedures
- staff training
- the process of audit and review of sampling and analysis operations
- addressing non-conformities. The system used should be fully documented, for example in a quality manual.

This incident will be recorded as a failure to comply with permit condition 1.1.1, General Management. **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.** As an operator who is responsible for self-monitoring of its effluent, NRW expect to observe a management system to high standards that reduces the uncertainty of the monitoring results to as low as reasonably practicable. I believe that this incident undermines the reliability of the sampling and associated results and that action needs to be taken to improve the procedures on site.

Action 1: Having reviewed the Process Control Document 054 - Effluent Monitoring, I would like to see a revised version containing in depth detail that encompasses the points mentioned below. **Due 14th June 2021.**

- the precise location of the discharge, spot sampling point and automatic sampler installation as appropriate.
- the sampling process
- the conditions of storage and transport of samples
- the types of bottles or containers and their closures
- the cleaning procedure for each type of bottle, container and closure
- details of any sample preservation measures
- calibration and maintenance of automatic samplers, timers and thermometers etc
- provision of records and information, including records of training of those who take the samples, and the automatic sampler installation and testing record
- actions to be taken in the event of automatic sampler failure
- procedure for notification of sampling event failure to Environment Agency
- quality assurance procedures for sampling activities These procedures should be part of the management system and be made available to all staff that undertake sampling and if requested should be submitted to the Environment Agency for approval. The procedures should include examples of:
 - the sampling event record sheets to be presented to the analysing laboratory
 - sample results forms returned from the laboratory plus format of any computer generated data
 - sampling staff training records
 - calibration and maintenance records
 - sample event failure reports Having a well controlled sampling methodology is essential to ensure the contribution of sampling to the overall uncertainty budget is minimised.

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.

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.