



EPR Compliance Assessment Report

Report ID: BX7282IS/0248049

This form will report compliance with your permit as determined by an NRW officer

Site	Magor Brewery NRW/EPR/BX7282IS/V006				Permit Ref	BX7282IS		
Operator/ Permit holder	AB InBev UK Ltd							
Date	09/06/2015				Time in	09:30	Out	16:00
What parts of the permit were assessed	Containment and AMP							
Assessment	Audit	EPR Activity:	Installation	X	Waste Op	Water Discharge		
Recipient's name/position	Kathryn Fowler							
Officer's name	David A Willey				Date issued	16/09/2015		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit Conditions and Compliance Summary

Condition(s) breached

a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	C3	2.3.5;
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	C3	2.8.1;
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	C3	2.2.3.2;
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C4	5.1.1.3;
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	12.1
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Hydrochloric Acid spillage incident – 23rd June 2015. Approximately 12:00.

Overview

On the 23rd June at approximately 12:00 Tank 2 that stores approximately 14 tonnes of 32% Hydrochloric Acid (HCL) failed leading to HCL leaking into the concrete bund that also failed. Tank 1 was empty during the time of the incident. Trending undertaken for the tanks levels showed an abnormal loss of HCL that continued until 16:00 when the tank was empty. Within an hour of the incident being detected Qualitech were on site to pump the HCL from the bund and decontaminate the area. Despite this some HCL was lost to the wastewater drains outside of the bund that feed into the sites drainage system. This was then treated for pH correction and then onwards to the treatment plant. Following the incident AB InBev submitted their internal Major Accident / Incident Form which detailed the steps that led to the incident and the measures taken by AB InBev. The form provides photos of where the failures occurred.

Incident response

AB InBev acted swiftly in response to the detection of the spill with the area being cordoned off and the relevant people alerted. Within one hour contractors were on site to pump out the excess HCL and decontaminate the area.

Mitigation measures undertaken

A temporary HCL storage area has been installed with the existing bund and tanks removed from site. These will then be replaced with approved modern double skinned tanks that meet the current best available techniques / HSE approved standards.

The HCL that seeped through the bund walls was washed with copious amounts of water to the balance tank. It was then neutralised and sent to the offsite plant for treatment.

The soil beneath the bund that was effected by the HCL has been removed with the soil being neutralised. Qualitech removed approximately 8 tonnes of soil and sent to Tradebe under license.

A bund survey had been undertaken prior to the incident with planned civil works proposed to repair the bund. This was planned for Monday the 6th June.

AB InBev, as part of the Major Accident / Incident Form, provides details of recommendations for the replacement tank. This includes the use of isolation valves that are fully polypropylene ball valves and the use of Hastelloy bolts to be used on the isolation valve flanges. Also recommended were integrated covered bunds, bund level detection alarms, adhere to HSE document 235, use of PVC delivery pipes and have a store of Soda Ash to neutralise any acid spill.

Environmental Impact

As a result of the incident response and the following mitigation there has been no environmental impact.

Permit breaches

There have been four permit breaches that have occurred as a result of the HCL incident. These are:

1. Inappropriate bunding in place for the HCL tank.
2. Inappropriate storage tank in place for HCL.
3. Unauthorised discharge to ground.
4. Failure to notify Natural Resources Wales within the required timescales.

1. *Inappropriate bunding in place for the HCL tank.*

The bund lining was compromised with a green/yellow liquid witnessed exiting a hole in the bund. Following the incident the main isolation valve on the bottom of the tank was missing. The bund lining was also compromised. Condition 2.3.5 of the permit requires *'All plant and equipment used in operating the Permitted Installation, the failure of which could lead to an adverse impact on the environment, shall be maintained in good operating condition'*. The bund was compromised in two areas and was not suitable for the containment of HCL. **This has been considered as a category 3 breach of the permit.**

2. *Inappropriate storage tank for HCL.*

Investigations undertaken by AB InBev revealed that the steel bolts holding the manual isolation valve onto the tank had failed. The bolts were externally corroded by the HCL Fumes that emanated from a small leak from the diaphragm seal of the main isolation valve. The diaphragm was PTFE with glassed lined with a cast metal body. The cast metal valve and the stainless steel bolts are not suitable materials to be used for the storage of HCL. This led to the bolts being corroded and the subsequent release of HCL.

Condition 2.8.1 of the permit is for accident prevention and control. The condition requires the Operator to maintain and implement the sites Accident Management Plan; Version 1.2 dated 23rd January 2014 in section 3. The plan lists the Risk Classes and Control Measures and has a section for containment failure. As part of the control measures it states that bulk tanks are used to store chemicals but it does not detail the appropriate tank specification for the storage of the different chemicals. **This has been considered as a category 3 breach of the permit.**

3. *Unauthorised discharge to ground.*

The permit does not authorise any discharges to ground, the spill has led to a breach of condition 2.2.3.2 of the permit. **This has been considered as a category 3 breach of the permit.**

4. *Failure to notify Natural Resources Wales within the required timescales.*

The incident took place on the 23rd June with NRW not being informed until the 2nd July. The permit BX7282IS issued on 28th December 2000 stipulates under condition 5.1.1.3 that; *'The Operator shall notify the Agency (now NRW) without delay of the detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause significant pollution.'* Condition 5.1.2.1 goes on to state that the information should be submitted within 24 hours. **This has been considered as a category 4 breach of the permit.**

Actions following the incident

ACTION 1: AB InBev to provide details of the bund survey undertaken by AMEC for all the other tank storage areas on site and determine their suitability in line with CIRIA 736.

ACTION 2: Update the AMP in line with the appropriate tank specifications for the different chemicals stored on site.

ACTION 3: Update the AMP to include notification to NRW of any incidents.

ACTION 4: Provide a copy of the maintenance programme in place at AB InBev as required by condition 2.3.6.1. This can form part of the AMP or a standalone Preventative Maintenance Plan.

ACTION 5: Inform NRW of the specifications of the new HCL tank as well as the storage capacity of the new tank.



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Operator/ Permit	AB InBev UK Ltd	Date	09/06/2015

Section 3- Enforcement Response

Only one of the boxes below should be ticked

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

X

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B1	C3	No action specified	N/A
B4	C3	No action specified	N/A
E2	C3	No action specified	N/A
G4	C4	No action specified	N/A

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

● We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.

● Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- offering/providing you with its literature/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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

