

Compliance Assessment Report

Report ID:
CAR_NRW0035367

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

Site	Broughton Aircraft Factory EPR/BM3965IA	Permit Ref	BM3965IA			
Operator/Permit holder	Airbus UK Ltd					
Regime	Installations					
Date of assessment	13/05/2019	Time in	15:26	Out	16:26	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Kelk, Matthew					
Accompanied by	McGregor-Andrew, Sian					
Recipient's name/position	Aled Zachary/ Environment Officer	Date issued	16/07/2019			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). 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	CCS Category	Condition(s) breached
B4 - Infrastructure - Containment of stored materials	C3	3.2.3.
C2 - General Management - Management system and operating procedures	C3	1.1.1.
E3 - Emissions - Surface water	C3	3.2.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	12
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If the Number of breaches recorded is greater than zero, please see Section 3 for 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 (eg. 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 advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Coolant Spillage and Incident Response

13 May 2019

Natural Resources Wales (NRW) were informed by Airbus via telephone that there had been a spillage of approximately 200 litres of waste coolant fluid from the Mayfran SWARF handling machine in building 15. The spillage of coolant had consequently entered the surface water drains on site and furthermore into the Higher Ferry Drain which runs within the site boundary. NRW were also immediately notified via a part A notification of the incident.

On the same day at 15:26 Senior Industry and Waste Regulation Officers Matthew Kelk and Sian McGregor Andrew from the Industry Regulation Team North East attended the Broughton Airbus Site.

NRW officers were met by Airbus Environment Officer Aled Zachary and Head of EHS Claire Powell. It was evident that the waste coolant spillage having entered the surface water drains and had been carried into the Higher Ferry Drain. At this time the spillage had not left site and had not entered the leg of the Higher Ferry Drain that runs under the railway line and navigates through a local farmers field before entering the River Dee. Whilst attending the incident, tankers were in place removing the source of the contamination from the surface water drains. We were informed that operators would remain on site overnight and report to NRW if the pollutant left site.

14 May 2019

NRW were informed by Airbus that hay bales were in place in the Higher Ferry drain on site and that tankering from behind each bale would be taking place to remove the contamination from the watercourse. Airbus staff were to check the contamination plume every 2 hours to ensure that it had not left site.

15 May 2019

Airbus informed us by telephone that the contamination plume had moved approximately 250-500 metres within the Higher Ferry Drain on site. We were also informed that tankering was still taking place behind the hay bales in the watercourse and that all contamination had been removed from the surface water drains.

NRW attended site at 11:24 on the 15/05/2019, the hay bale baffles and tankering were still in operation. Contamination in Higher Ferry drain at the surface water discharge point to the Higher Ferry Drain was clear. It was evident that the contamination plume had got to the point at which the Higher Ferry Drain leaves the site. It was not physically possible at this point to establish whether the plume had left site.

On the afternoon of the 15 May 2019 Senior Industry and Waste Regulation Officers Matthew Kelk and Stuart Ross attended the Higher Ferry Drain confluence with the River Dee. The Higher Ferry Drain (off site) at the pumping station discharge to the River

Dee there was evidence of milky white off colour and mixing in the margins of the River Dee.

Water samples were taken by NRW officers at the following locations and returned the results listed below:-

Higher Ferry Drain immediately upstream of Higher Ferry Drain pumping station:-

Mineral Oil 5.46mg/l

Oil and Grease 16.1mg/l

Higher Ferry Drain near Railway Line (Farmers Field):-

Mineral Oil 4.89mg/l

Oil and Grease 8.12mg/l

River Dee, downstream of confluence with Higher Ferry Drain:-

Mineral Oil <0.2mg/l

Oil and Grease <0.2mg/l

Upstream of Confluence Higher Ferry Drain in River Dee:-

Mineral Oil <0.2mg/l

Oil and Grease <0.2mg/l

Further update was received via email from Airbus on 15 May 2019 at 15:33. Higher Ferry Drain had been dammed at the point at which it left the Airbus site and further skimming and tankering was taking place. Samples taken by Airbus. There was a potential for flood risk due to significant rainfall forecast Friday 17 May 2019 and that the baffles and dam on the outfall would need to be removed 12 hours before to minimise flood risks. The groundwater pumps were near high level and likely need to be discharged that evening.

16 May 2019

Email received from Airbus and telephone conversation with Airbus Environment Officer Aled Zachary that the site 2 outfall remained bunged and that no discharge was occurring. Tankering remained in place behind the straw baffles.

Airbus confirmed that 25 x 28 tonne lorries had removed contamination from site, plus extra 200 tonne. Rain was forecast for Friday and Saturday and surface water being held back with unknown capacity left. Site were planning to remove bung and bales later on Thursday or early Friday morning.

Friday 17 May 2019

Further update received- Results received of plume showing Total Hydrocarbon Aliphatic and Aromatics of 89,500 ug/l at its worst point. Airbus were at a position where the water in the Higher Ferry Drain on site at the site 2 outfall needed to be released due to rainfall and potential flood risk.

On the afternoon of 17 May 2019 - Senior Industry and Waste Regulation Officer Rhys Ellis attended the Higher Ferry Drain at the confluence with the River Dee, coolant spillage pollutant was not evident in the Higher Ferry Drain by the pumping station or within the River Dee.

20 May 2019

- Email received from Airbus showing photographic evidence that no sign of residual contamination remained either leg of the Higher Ferry Drain, both on site and off site close to the pumping station at the confluence with the River Dee.

Root Cause Analysis

Part B submission received from Airbus on the 6 June 2019.

Condition 3.2.1

Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable to minimise, those emissions.

Spillage of approximately 200 litres of waste coolant to surface water drains, consequently entering the Higher Ferry Drain and River Dee. Breach of condition 3.2.1, scored 1 category 3 score.

Condition 1.1.1

The operator shall manage and operate the activities:

(a) 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; and

(b) using sufficient competent persons and resources.

Airbus root cause analysis identified:-

- 1. A lack of knowledge of the local surface water drainage system around the Mayfran room leading to the original internal report stating the spill had been contained.*
- 2. Training for maintenance technician who installed the new oil level instrument in March 2019 was insufficient.*
- 3. The visual and audible high level alarm system relies on a manned control room 24/7, this is not how the Mayfran is currently operated due to production of materials in this area being mothballed. In any event the alarms would not have triggered due to calibration issues.*

Action

Airbus have proposed session/refresher training with local operators and maintenance staff training on the use of the Vega Controls tank level sensor. Please confirm completion of training to NRW by 16 September 2019.

Lack of adequate operating procedure due to mothballing in area, Airbus to confirm if mothballing operations in area and review procedure if operations continue to operate in this area. Review and confirmation to be sent to NRW by 16 September 2019.

Insufficient training and inadequate procedure, breach of condition 1.1.1 (a & b), scored 1 category 3 score.

Condition 3.2.3

All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

Airbus root cause analysis identified:-

The gauge came set for detecting waste level(s) and required to be calibrated for oil/coolant.

The tank has no secondary high level sensor in the event of failure of the first sensor. Interlock valves that prevent feed forward of further oil/coolant are only linked to the first sensor and are a single point of failure.

An alarm on the surface water drainage interceptor did not provide any early warning of the incident.

Action

Airbus have proposed/already carried out the following:-

The original equipment manufacturer has been on site(Vega Controls) to ensure the tank level sensor is now properly calibrated.

Waste oil tank level is now on daily autonomous check for operators in this area, so any future issues can be identified early.

An ultimate high level alarm system has also been installed. Further secondary containment for the tank is being reviewed depending on the future of manufacturing operations in this area.

All interceptors and alarms are being checked to ensure this isn't a problem with other units on site. The SW16 interceptor is to be serviced by facilities management to identify root cause of no alarm.

Further to the above all other tanks of this nature on site are to be rechecked to ensure there are no similar issues elsewhere.

Airbus to send review of secondary containment in the Mayfran operational area. Root Cause analysis of alarm failure on SW16 interceptor and checks of all other tanks on site to NRW by 16 September 2019.

It is noted by NRW the considerable efforts made by Airbus to minimise the impact of this spillage in the days following the incident. This fact will be considered when NRW decide on appropriate enforcement action.

EPR Compliance Assessment Report

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Operator/Permit holder	Airbus UK Ltd	Date	13/05/2019

Section 3 – Enforcement Response

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.

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

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E3	C3	See text for details.	16/07/2019
C2	C3	See text for details	16/09/2019
B4	C3	See text for details.	16/09/2019

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 verbally or 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 that 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 fulfil 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 (eg. 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 its service
- Freedom of Information Act/Environmental 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 fifteen 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 officer's line managers using the informal appeals procedure. 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.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.