

Compliance Assessment Report CAR_NRW0039247

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: Audit, Reason: Routine.

On 20/01/2022 - 01/02/2022 between 15:12 and 13:31.

Parts of permit assessed: Effluent Treatment Plant

NRW Lead Officer: Geraint Harris.

Report sent to: Jason Hamling, Health, Safety and Environment Manager on 01/02/2022.

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	1.1.1
B4 - Infrastructure - Containment of stored materials	Ongoing (O)	Permit condition 3.2.3

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	Up date management system to include an inspection regime including leak testing	Already completed
B4	Please advise when you will be able to undertake a full inspection of all subsurface sumps and undertake a leak test	15/02/2022

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 Ltd

EPR/BP1772IZ

Many thanks for your responses to the actions in CAR Form CAR_NRW0039076. NRW require land and groundwater to be protected at all times throughout the life of a permit. Poeton, the operator, should prevent pollution, clean up any releases at the time and keep accurate records. NRW's general guidance 'How to Comply with your Environmental Permit' explains how. This means preventing pollution, rectifying any problems at the time and keeping adequate records as an integral part of management systems. This is to ensure that if the day comes that the permit needs to be surrendered there is suitable information and evidence available at the time for the surrender requirements to be achieved. Therefore, it is important that both the borehole information and the maintenance and inspection records are accurate and up to date. In their response Poeton state that the borehole analysis is showing that nothing is leaking from the plant. However, some degree of caution is needed when relying on borehole data, for example the borehole needs to be down gradient of any leak that is occurring. Furthermore, the movement of the pollution within the subsurface may be slow and so could take a considerable amount of time before it reaches the borehole. Moreover, relying on borehole data for containment integrity is not advisable since if the point comes where contaminants are discovered within the borehole samples then a loss of containment would have already occurred. This would mean that Poeton would not only receive non-compliance scores but would be required to remediate the contamination upon surrender of the permit which would be expensive and time consuming.

It is essential that the management system is sufficiently robust enough to contain adequate maintenance procedures to prevent leaks from occurring or to minimise such leaks as much as possible. Permit condition 1.1.1 requires the operator to 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.

In this instance it was discovered that there were some significant deficiencies within the management and maintenance of the subsurface sumps. From the information provided thus far the annual leak test stated within the sites 'Site Protection and Monitoring Plan' has not been undertaken. Poeton have since updated their management system to include a leak test and a log book. However, a category 3 non-compliance is being awarded for operation of an inadequate management system that has the potential to cause environmental harm.

Action 2 required Poeton to review the suitability of the material used to construct the sub surface infrastructure. Your response states that "the pits are constructed of acid resistant concrete topped with a chemical resistant epoxy render. The cadmium pit is lined with a chemical resistant coating". During the inspection it was noted that sump used to reduce the Chromium (VI) to chromium (III) was constructed of bricks and mortar. What is not known is their suitability to contain the effluent they are designed to hold. During the inspection it was this particular sump that was a concern since the bricks and mortar showed

signs of corrosion. Therefore, it is important to undertake the routine inspection and leak tests to ensure there's no source-receptor-pathway. From the correspondence thus far, it appears that no leak test has been conducted on any of the sub surface infrastructure for a long time. This was the main reason for requesting that a leak test be undertaken on all subsurface infrastructure in the previous car forms. To date no such test has been undertaken.

In the previous two car forms Poeton were asked to undertake an investigation into the condition of the sites subsurface infrastructure including the sumps and influent channels, highlighting any areas of erosion, cracks and unsuitable containment materials. Even though a number of new and updated procedures have been provided an investigation and leak test have yet to be undertaken.

Action 1: Please advise when you will complete the above investigation and leak test? **Due 15th February 2022.**

Action 2: In the previous CAR Form action 2 it is still unclear what the chrome reduction sump is constructed from. Are the bricks and mortar lining the pit chemically resistant to the effluent?
Due 15th February 2022.

Action 3: With regard to action 3, thank you for the information you provided to far, I want to try to ascertain how you took the groundwater samples? How many times did you purge each well prior to sampling them? **Due 15th February 2022.**

Action 4: With regards to action 4 you have not answered the following: Do you intend to try and operate the existing system while the new one is being installed and commissioned? **Due 15th February 2022.**

Please provide suitable detailed answers to the above including an assessment of the sub surface infrastructure as well as undertaking leak tests on each area. **Failure to comply with this may result in the serving of an enforcement notice.**

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.