

Compliance Assessment Report CAR_NRW0039520

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: Report/Data Review, Reason: Routine.

On 08/03/2022.

Parts of permit assessed: See report

NRW Lead Officer: Lara Cubley.

Report sent to: David Quick, Plant Manager on 08/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.1.1

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
E2	See Actions 1 - 3	22/04/2022

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

This CAR provides a summary regarding progress with outstanding Actions 8 & 10 CAR_NRW0035686 issued on 19/09/19 relating to transformers at the site. This was following a site inspection on 17/03/19.

Action 8

'Contain the oil spill and prevent further leakage from the transformer. Remove contaminated soils/stones beneath the equipment including any residues in the adjacent drainage system. Samples should be obtained to ensure and demonstrate that the contamination has been removed from the ground. The destination of the drain adjacent to the transformer shall be established. A report shall be submitted to NRW by 28/06/19 demonstrating that the requirements of this action have been completed'.

The operator reports that 'all material around the bottom of the transformer has been removed, in addition during excavation it was found that the transformer base is actually made of concrete, therefore it is unlikely that any further ground contamination has occurred'.

Further Action Required - The original requirements of action 8 shall be met no later than 31/10/19.

Progress

A letter report by Golders was received on 17/02/22, 'Soil Validation for Remediation Works Completed by Hanson Following a Transformer Oil Leak' dated 14/02/22.

NRW have reviewed this report. The results of the validation testing indicate impacted soils are still present. The report compares the concentration of hydrocarbons to background for the site and this indicates that hydrocarbons significantly above the background are still present on site.

As this is a pollution incident the aim should be to return the site back to how it was before the leak occurred and it is not appropriate at this stage to undertake a risk based approach with the aim of leaving the soils in situ. There is no mention if a PID was used during the excavation and validation, which would have assisted in ensuring impacted soils were excavated.

As this is a permitted site, in the future when the site wishes to surrender, it will need to be demonstrated that the site has been returned to the pre permit state, therefore these soils would likely need remediation. It is appreciated some natural degradation of the hydrocarbon contamination would occur over time, but it would be in Castle Cement's interests to remove the contaminated material now.

ACTION 1: Please provide further proposals to remediate this contamination with timescales by 01/06/22.

Action 10

'Undertake an inspection of all electrical transformers (in use or otherwise) to assess pollution risk and the adequacy of the pollution prevention control measures in place. Provide a report of your findings to NRW by 31/07/19'.

In response to this action the operator supplied a table detailing the findings of an inspection of the transformers and the site's transformer register. The inspection identified some oil leaks deemed historic, recent or of an undermined date. It was reported that it has been difficult to identify if and where any leaks are coming from. In order to fully assess the presence of leaks all transformers are to be steam cleaned by 16/09/19. Once cleaned further assessment will be made at a suitable frequency in order to assess in depth if any leaks are present, further control measures will be implemented if required.

Castle Cement also report that there are known issues with transformer 3 and 4, and the plant is awaiting a suitable time where these transformers can be powered off in order to carry out a more thorough inspection, of which will also include cleaning activities as mentioned above.

In the meantime, the plant has formulated a scope of work which will rectify any problems found, of which falls under CAPEX which is pending approval to be spent late this year or early next. This will include the removal of two old transformers (T1 and T2) and will cover replacing or refurbishing T3 and T4, once approval for expenditure has been granted a finish date can be provided.

Further Action Required – Provide a full response to the original Action 10 to NRW by 31/10/19. This is to include details of the pollution prevention measures in place (e.g. concrete hard standings, bunds) and where contamination of the ground has occurred a program of remedial works.

Update

Castle Cement responded on 03/04/20 to confirm, *'Further cleaning has taken place. Similar to the transformer in action 8, the area around the base of the transformers has been cleaned and these transformers also have concrete bases.*

The relevant assessments are now complete and the CAPEX proposal is being formulated. The proposal may differ slightly now that further assessments have been done and the current economic climate will impact on the CAPEX timescales stated above.

As well as the assessments, additional control measures have also been installed. Transformers 3 & 4 now have drip trays/bunding between the bottom of the transformer and the concrete base. If any leaks are present the risk can be managed until the capital work can be completed.'

During a site inspection on 23/02/22 we noted that the base around some of the transformers inspected still appear to have straining and it was not possible from observation alone to determine whether this ground was concrete hard standing. The drip trays referred to for transformers 3 & 4 were not in place.

NRW is of the opinion that this still constitutes a breach of condition 3.1.1 (E2 Unauthorised emission to land or groundwater C3 Minor).

Information provided to date does not fulfil the requirements of the original action. The summary of the inspection provided 12/09/19 did not provide detail of specific pollution prevention measures in place for individual transformers, the adequacy of these or assess pollution risk. **NRW have been chasing the Operator to complete this action which is now overdue by two and a half years. The Operator must therefore prioritise delivery of this action without delay.**

ACTION 2: Please provide a plan to NRW regarding how you propose to fulfil the original action in writing with timescales by 22/04/22.

ACTION 3: Please update NRW in writing regarding the CAPEX proposals with timescales and progress by 22/04/22.

Advice & Guidance

The Operator should refer to H5 guidance.

[Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(naturalresources.wales\)](#)

The site condition report (SCR) should be maintained through collection and recording of information throughout the lifetime of the permit. This particularly includes information on pollution incidents or if assumptions made have changed. It is noted that the SCR assessed the risk of pollution from transformers was Low/Moderate based on 'limited evidence of contamination, leaks and spills and no known significant spills on site'.

CAR_NRW0037514 Action 1 required several actions following the leak from cement additive tank by 22/03/21. These are still outstanding and should be completed without delay. It would be advisable to assess contamination from this leak at the same time as the work on transformers.

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.