

Compliance Assessment Report

Report ID:
CAR_NRW0031836

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

Site	Cott Wrexham (Calypso) Manufacturing Site	Permit Ref	AB3094FQ		
Operator/Permit holder	Cott Beverages Limited				
Regime	Installations				
Date of assessment	03/07/2017	Time in	10:00	Out	13:00
Assessment type	Audit				
Parts of the permit assessed	1.1.1, 2.4.1, 2.4.2, 3.2.3, S1.3, S3.3				
Lead officer's name	McClymont, James				
Accompanied by	Frost, Julia				
Recipient's name/position	Liz Huband/ Group Health, Safety and Environment Manager	Date issued	31/07/2017		

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
A1 - Specified by permit	C3	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Natural Resources Wales (NRW) visited the site on the 3rd of July 2017, for a pre-arranged visit.

The visit was undertaken in order to review the progress of actions required by previous compliance assessment reports. Details regarding each item assessed are outlined below:

Spill kits

During our previous visit to site, on the 14th of June 2017, it was noted that the Velcorin spill kit within the processing area had last been checked on the 7th of May 2017, with a note stating "part of the spill kit missing". The spill kit had not been checked again by the 3rd of July. The missing parts were replaced while we were on site, and you confirmed that the Velcorin unit was not in use at the time, and that is why the spill kit had not been checked in June.

Spill kits should be inspected regularly and parts replaced following use, as per EMS procedure 3.6, Spill Kit Response.

Surface water drains

Four surface water drains in the northern yard have been sealed, and a resin edge is to be added to effectively remove these drains from the surface water system. It is understood that all run-off from this area of the yard will be directed to effluent via a new effluent gulley.

Action 1: Cott to provide details regarding the layout of the proposed gulley, and likely timescales for installation, by 31st August 2017.

Orange tanker

The effluent drain to the north of the orange tanker has been unblocked and cleaned out. A drip tray was in place below the connection between the tanker pipe and the process line, but not below the connection between the tanker pipe and the tanker itself. It is not clear in the 'Orange Tanker Management' procedure which connection is required to have a drip tray.

It is recommended that Cott place drip trays below both connections.

Paul Sellars described the proposed new effluent drain to the east of the orange tanker, to protect surface water drains further to the east.

Action 2: Cott to provide details regarding the layout of this proposed drain, and likely timescales for installation by 31st August 2017.

Environmental Action Tracker

You were asked to show us your most recent environmental tracker. The most recent tracker was last updated in April 2017 by Richard Davies who has recently left Cott Beverages. Paul Sellars

then showed us the Health, Safety and Environmental Tracker - an access database which has been used to track health and safety actions but from the day of the visit onwards would be used to track environmental actions. The actions will be assigned to an individual and a weekly reminder will be sent to the task holder. The actions will also be reviewed at a daily management meeting.

The tracker will be reviewed during our next site visit.

Environmental Management System (EMS)

You stated that you updated the EMS following our request in CAR_NRW0026481 which stated that "the Operator should review the EMS to ensure that it is robust enough to secure compliance with the environmental permit, by end January 2017".

You explained that two documents within the EMS had been updated, the Aspects and Impacts Register and procedure 2.4 'Reporting Environmental Permitting Data to Natural Resources Wales'.

There are still no hard copies of the EMS on site, although all staff have 'read only' access on your computer system. Training is given to managers regarding the notification to Natural Resources Wales, however there is no specific procedure in place detailing the requirements for NRW notification.

Breach of Permit condition 1.1.1(a).

Action 3: Cott to provide NRW with a procedure regarding notifications with reference to Permit condition 4.3 Notifications, and review all EMS procedures to ensure that they are robust enough to secure compliance with the environmental permit, by 31st August 2017.

During our meeting, we requested that you send us the following documentation:

- Current aspects and impacts register
- Environmental critical equipment list
- EMS & permit compliance training PowerPoint presentation
- Current EMS procedure for complaints
- Current EMS procedure for Spill kit checking
- Current EMS procedure for Rainwater run-off & effluent containment
- Current EMS procedure for Containment bund inspection
- Current EMS procedure for General waste compactor

The documents above were subsequently received on the 7th of July 2017.

The aspects and impacts register includes several suggested improvements in the 'Compliance Measure' columns. It is recommended that a review of these suggestions be added to the Health, Safety and Environmental Tracker.

The supplied 'Wrexham-Site Environmental Equipment Critical List' is limited and focusses on external infrastructure only, with no details regarding specific items of critical equipment including individual tanks, pipework, the compactor, internal machinery, vehicles etc.

Action 4: Cott to review environmental equipment critical list to include all environmentally critical equipment on site by 31st of August 2017. You can define the levels of impact and criticality using the Failure Mode Effect Analysis (FMEA) as outlined in NRW guidance 'How to comply with your environmental permit'.

In terms of the complaints procedure, NRW guidance 'How to comply with your environmental permit' details our requirements regarding the receipt of complaints. You must take complaints you receive seriously and take the necessary actions to investigate the complaint. If a complaint is

valid:

- Identify the cause;
- minimise the impact of the activity causing the problem;
- investigate the root cause of the problem;
- take steps to ensure the problem is not repeated, this may include changing a piece of equipment or procedure;
- record the complaint and what you did to investigate and resolve it;
- amend your management system to reflect any changes.

Action 5: Cott to review Environmental Complaints procedure with regard to the requirements above, and update if necessary, by 31st August 2017.

EMS procedure 4.4 'Rainwater run-off & effluent containment' was updated on the 4th of July 2017, and has been re-numbered as procedure 2.13. This procedure contains details regarding notifying NRW in the event of a suspected leak into the rain drainage system.

Action 6: The information regarding notification within procedure 4.4 should be reviewed to ensure that it reflect the requirements of Permit condition 4.3 Notifications, by 31st of August 2017.

Item 9 in the methodology of the 'Bund Emptying Procedure', states that "Any bunds which contain small amounts of chemical can be disposed of down the drain using copious amounts of water". It is unclear whether the stated drain is effluent or surface water. Table S3.2 in the Permit requires that only clean and un-contaminated surface water run-off be discharged to the surface water drainage system.

Action 7: Cott to clarify whether item 9 in the methodology refers to effluent or surface water drains, by 31st August 2017.

Improvement Condition 2

Bund 2 was being skimmed with Ucrete while we were on site. We observed the drum spill pallets and the walk-in external solvent storage. You noted that acid and alkaline solutions will be separated within the external storage.

Initially, IC2 should have been completed by the 11th of November 2016, this was extended to the 31st of January 2017, and finally to the 31st of March 2017. As the bund was being skimmed while we were on site, it is clear that the final deadline was not adhered to.

Breach of Permit condition 2.4.1

Action 8 Cott to provide NRW with written notification stating that all elements of IC2 have now been installed, as required by Permit condition 2.4.2, by 31st August 2017. This should include a summary as to why Bund 1 has not been installed (i.e. because the new orange tank is not in place).

Compactor

The compactor has been removed off site. A new contained compactor is due on site soon - which will not leak liquid. The location for the new compactor to the west of the facility was inspected. A new bunded effluent drain has been installed adjacent to the location.

It was noted that the waste from the compactor is taken to a Suez Ellesmere Port.

Action 9: Cott to confirm that Suez can accept liquid within this waste stream by 31st of August 2017.

Conductivity & pH Meter

It has been determined that the previously purchased brix meter was not fit for purpose. A conductivity and pH meter has now been purchased, but had not been installed at the time of the site visit. It is to be installed in Manhole C. The limit for conductivity is to be set at 1000 uS/cm. It is noted that the conductivity of freshwater is usually between 0 and 1500 uS/cm, and so this limit seems appropriate.

A draft procedure for the use of the conductivity meter was received on the 29th of June 2017.

Action 10: Cott to confirm that the conductivity and pH meter has been installed and is operational, and provide NRW with a finalised procedure for use, including a rational regarding the chosen limits, by 31st August 2017.

Review of Environmental Permit Application

In the Environmental Risk Assessment (ERA) submitted with the application, it is stated that "surface water run-off from clean areas of the site will be directed to site drains and will pass through an interceptor before being discharged to the watercourse". Based on the latest drainage plan the surface water discharging from Manhole C does not appear to pass through an interceptor before leaving the site.

Action 11: Cott to confirm whether surface water run-off from Manhole C passes through an interceptor before being discharged to the watercourse, as described in the ERA, by the 31st of August 2017.

OPRA

The OPRA spreadsheet submitted with the permit variation for the new CIP was reviewed.

You were asked to update entire OPRA spreadsheet, including EMS section with specific document references, by the end of August 2017. The updated OPRA spreadsheet was received by NRW on the 10th of July 2017.

We accept the updated OPRA as being an accurate representation of current conditions. We will normally ask you to review your OPRA profile once a year.

Welsh Water sampling of effluent discharge at S1

Permit table S3.3 states that "Effluent is spot sampled hourly at site and Welsh Water test a composite sample every 2 months".

You were asked to provide details of how this sampling is undertaken. This information was received on the 7th of July 2017.

Permit condition 3.3.3 requires that monitoring equipment, techniques, personnel and organisations employed for the emissions monitoring programme and the environmental or other monitoring specified in condition 3.3.1 shall have either MCERTS certification or MCERTS accreditation (as appropriate), where available, unless otherwise agreed in writing by Natural Resources Wales.

In your response you note that the flow meter used to take volume readings is MCERTS accredited. It is not clear from your response whether sampling of total suspended solids (TSS), chemical oxygen demand (COD), biological oxygen demand (BOD) and pH undertaken by Cott and Welsh Water are MCERTS accredited.

Action 12: Cott to confirm whether testing for TSS, COD, BOD and pH are MCERTS accredited,

and provide evidence regarding the MCERTS accreditation of the flow meter used to take volume readings, by 31st of August 2017.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031836**

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Site	Cott Wrexham (Calypso) Manufacturing Site	Permit Ref	AB3094FQ
Operator/Permit holder	Cott Beverages Limited	Date	03/07/2017

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.

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.

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			
C2	C3	See comments section	31/08/2017
A1	C3	See comments section	31/08/2017

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.