Compliance Assessment Report

Report ID: CAR_NRW0026481

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	13/10/2016	Time in	10:00	Out	15:40
Assessment type	Audit				
Parts of the permit assessed	EMS, waste returns				
Lead officer's name	Frost, Julia				
Accompanied by	Ellis, Rhys				
Recipient's name/position	Liz Huband/ HS&E Manager	Date issued	23/11/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	2.3.1
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1

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

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

The main purpose of the audit was to assess the robustness of the site's Environmental Management System (EMS) to secure compliance with the permit. We also carried out a brief assessment of the site's waste documentation.

Liz Huband (Cott UK Health, Safety and Environment Manager) and Andy West (Site Leader) were present during the audit.

General Management

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-compliances, closure and those drawn to the attention of the operator as a result of complaints; and

b) using sufficient competent persons and resources."

Condition 1.1.2 requires the Operator to maintain records to demonstrate compliance with 1.1.1.

Management System

An Environmental Manual has been produced by Cott Beverages Limited. This manual details the requirements of ISO 14001 and what each of the sites need to have in place in order to comply with the standard. Cott Wrexham have an accredited 14001 EMS.

Cott Wrexham has a number of documents sitting under this Manual which are specific to their site. The EMS is well structured and is split into a number of sections covering authorisation, implementation, management, accidents and incidents and waste management.

The content of a number of procedures within the site's EMS were reviewed during the audit.

The EMS is stored on the Operator's Intranet and only limited people have access to it. There are no hard copies of the content kept on site. To date only limited training on the procedures relevant to permit compliance has been carried out and the Operator was unable to provide evidence of this training.

The majority of the procedures in place were written prior to the site gaining an environmental permit. Key elements for securing compliance with the permit are not covered by the procedures, for example notification and reporting sections. ***The Operator should review the EMS to ensure that it is robust enough to secure compliance with the environmental permit, by end January 2017. Breach of permit condition 1.1.1, category 3.***

The following document may assist with your review:

http://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf

As part of this review the Operator should role out and implement the procedures to relevant staff, ensuring that training is documented. The Operator should also consider how to make the procedures / instructions available to relevant staff and audit to ensure that they are being followed.

Internal audits are carried out and a plan exists showing what will be assessed on the monthly audits.

The Operator has an action log where actions from all incidents, audits (internal and external) should be logged. Environmental actions did not appear to being logged on this action log. The Operator was advised to include actions from NRW CAR forms, permit requirements (eg returns and improvement condition responses), as well as actions from internal audits within the action log.

Procedure 2.3 covers management of change and is a Cott wide procedure. Impact on compliance with the Environmental Permit is considered at the initial stage. A number of projects are in the process of being moved forward on site. The Operator is to forward written details of these to Natural Resources Wales, including the assessment on permit compliance and whether a variation is necessary.

Structure

The Health, Safety and Environment Manager oversees relevant issues at all of the Cott UK sites. Each site has an Environmental Coordinator who reports to the HSE Manager. The Wrexham Environmental Coordinator has left the business and the replacement will be starting at the end of October. Whilst there is no Coordinator in place at Wrexham the HSE Manager is spending more time on site.

The Environmental Coordinators for the Cott sites are in regular contact and share lessons learned / good practice with each other.

Training

A training matrix has been produced for each role on site and records of training are kept on the site's database. This includes details on when refresher training is required (although the system has to be manually interrogated to find out when refresher training is due). Some environmental awareness training had been given to staff, however, nothing specific to permit compliance.

Maintenance

The site is in the process of moving over to a new SAP system which will be operational by the end of October. Due to this maintenance will be picked up in detail during future audits once the new system is in use.

It is the site's intention to produce an environmentally critical equipment list once the new SAP is in place. This also will be assessed during future visits. This list is in place for other Cott sites and the format will be the same.

The Operator was advised to ensure that for all equipment highlighted as environmentally critical they either have spares available on site or an action plan for where / how long it would take to get them to site, as well as actions to be taken should each particular kit fail.

Waste Documentation

A small selection of waste notes were reviewed during the audit.

A waste matrix has been produced for the site, detailing all wastes produced and who within Cott is responsible for arranging their collection. It details approximate collection frequency, quantities produced, EWC code, waste carrier and destinations site, along with the relevant permit numbers. Cott periodically carry out audits on the waste carrier / disposal sites.

Various hazardous waste is collected by PCWS. A quarterly consignee return is provided to the Operator detailing the waste received. The Operator should ensure that the quarterly return provided includes all of the information required by regulation 54 (1) (a) / Schedule 8 of the Hazardous Waste Regulations.

The waste transfer notes reviewed did not contain all of the information required by the Regulations.

As a producer of waste Cott have a duty of care to ensure that the waste transfer notes are in line with the Regulations. The Operator should review the current duty of care notes and where necessary put measures in place to ensure that all of the relevant information is included for future transfers. The link below is to a template duty of care note.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311081/LIT_7932.pdf

Site Walk around

A brief site walk around was carried out during the audit. Only one of the lines was operating whilst we were on site.

The spill kit assigned to the mixing room was assessed and found to contain the elements specified on the list.

The spill kit near to the bulk orange juice tank was also assessed. This area is one of the highest risk areas on site, whilst IC2 is completed and as such it was concerning that the spill kit did not contain the kit specified on the list. It also appeared to be being used as a waste bin. Response to IC1 received on 24 March 2016 stated that the frequency of monitoring the area where chemicals and juices are stored will be increased to daily until the permanent measures are in place. It also stated what would be present in the spill kit, but this was not the case during our visit, and had not been picked up by the Operator.

The Operator's response to IC1 is not being adhered to. Breach permit condition 2.3.1, category 3.

The Operator shall ensure that the response provided to IC1 is adhered to (including documenting the daily checks), until the permanent measures are put in place, in response to IC2.

There is a compactor on site for the plastic bottles. To the side of this significant channelling in the concrete hardstanding was observed during the visit. This channelling looked like it had been there for a significant period of time but had not been picked up by the Operator in their checks of the area. The Operator should investigate the cause of the channelling, carry out the necessary remediation and put measures in place to stop a repeat situation by the end of November 2016.

Breach of permit condition 3.2.3, category 3.

It was noted during the site walkaround that yellow wheelie bins are used for both spill kits and waste disposal. It is recommended that the Operator uses different colour bins for different purposes and ensures that they are clearly labelled.

Improvement Condition

The Operator was reminded during the audit that IC2 is due for completion by 11 November 2016 and that the design of the proposed containment has not yet been agreed with NRW.

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	Review existing EMS and ensure it adequately covers all aspects of the Environmental Permit. Role out the procedures to relevant staff, and document this training.	31/01/2017
B4	C3	The Operator should investigate the cause of the channeling near to the compactor, carry out the necessary remediation and put measures in place to stop a repeat situation.	30/11/2016
A1	C3	Operator to ensure that the control measures specified in their response to IC1 are being followed	07/11/2016

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 reports 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 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.