

Compliance Assessment Report

Report ID:
CAR_NRW0031381

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	15/03/2017	Time in	13:00	Out	14:40
Assessment type	Audit				
Parts of the permit assessed	Containment, Surface water emissions				
Lead officer's name	Frost, Julia				
Accompanied by	McClymont, James				
Recipient's name/position	Richard Davies/ HSE Coordinator	Date issued	22/03/2017		

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	2.3.1
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C2 - General Management - Management system and operating procedures	C3	1.1.1 a
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.3.1

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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

A site meeting was held to discuss progress with the outstanding actions required by recent CAR forms.

New CIP Line

The variation application for the new CIP and associated new boiler is being produced by a consultant on behalf of the Operator. The boiler associated with this new line is now being used.

Breach of permit condition 2.3.1, category 3.

The Operator stated that the new CIP line was being commissioned and hoped to use it from September 2017.

An update on the progress of the permit variation and submission timescale should be provided to Natural Resources Wales by 31 March 2017.

Misconnection Issue

The Operator confirmed that a full drainage survey has now been carried out. This highlighted that there were three misconnections from surface water to foul water and one from foul water to surface water. The Operator is currently investigating means of correcting these misconnections. The surface water drain in manhole A remains blocked and the Operator is over-pumping to foul sewer.

The copy of the updated drainage plan should be provided to Natural Resources Wales.

The bung from manhole A should not be removed (and the discharge to surface water commence) without Natural Resources Wales agreement.

Natural Resources Wales are considering what enforcement action is appropriate in relation to the pollution caused by the misconnection.

Bunding at the Tank Farm

The deadline for completion of this improvement condition is 31 March 2017.

During the meeting we were advised that the bunding was approximately 70% complete (and on target for end March), however during the site walkaround it was clear that the bunding had not commenced around the orange tank. See below for comments on the temporary orange juice store.

Natural Resources Wales should be provided with an updated plan showing the bund as built and also confirmation that it has been coated with an acid resistant render.

The Operator should confirm completion of the work relating to improvement condition 2, in line with permit condition 2.4.2.

Outstanding Responses

Concerns were raised by Natural Resources Wales regarding the number of outstanding responses to queries raised in CAR forms. The Operator should ensure that they have a robust method for logging all environmental actions / recommendations raised both internally and externally. Deadlines should be logged to ensure that responses are submitted in a timely manner and responsibility assigned.

Breach permit condition 1.1.1.

The Operator shall review all CAR forms since the permit was issued and provide all of the outstanding information by the end of March 2017.

Site Walk around

1. During our visit in October 2016 concerns were raised regarding channelling that was evident around the site's compactor. Whilst this channelling had been repaired the issue of juices seeping out of the compactor was still occurring during the visit. A small pot had been placed under the compactor but this was full and over flowing during our visit. The run off was entering the drain at the end of the yard which we were advised drained to foul sewer. The issue was believed to be related to the compactor being used to dispose of the first part of the freeze pops run.

The Operator advised that long term they intend to relocate the compactor into a purpose built bund, which would be rendered so that it is resistant to the juices. Details of this proposal shall be forwarded to Natural Resources Wales when available.

The Operator shall investigate short term control measures for containing the liquids that are leaking out of the compactor. Alternative means of disposing of the waste / removing the liquid before placing it in the compactor, shall also be investigated. *This information should be forwarded to Natural Resources Wales by end March 2017.*

Breach permit condition 3.2.3

2. Out of spec products were being stored in containers near to the lab. We were advised that this area was being used for temporary storage and would be moved that day. The area where they were stored was the main roadway to the yard and there was no protection around the containers to avoid impact or to contain any spillages.

The Operator should find alternative suitable storage area for this material pending its removal from site, in line with permit condition 3.2.3.

In the short term the Operator should ensure that a spill kit is located in the area and consider means of reducing the potential of impact from vehicles.

3. During the walk around it became evident that the orange tank had collapsed and had been taken out of use. Orange juice was being fed directly into the process from a road tanker. The Operator did not appear to have considered the potential impact of a spillage from the tanker and no additional control measures had been put in place. A drain was in place near to the end of the tanker - it was unclear where this drained to as part of which was painted red the other blue. The drain was full of liquid so may have been blocked.

Natural Resources Wales had not been notified of the issue with the orange tank and the short term proposal to feed directly from a tanker. The Operator should be mindful of section 4.3 of the permit and ensure that Natural Resources Wales is made aware of any issues that are significantly affecting or may significantly affect the environment. The Operator should ensure that relevant staff are fully conversant with this section of the permit. We are advised that on this occasion there was no spillage of juice from the tank but there was a potential for a leak had the collapse got any worse, and given that there is no bund around the tank the impact could have been significant so we would have expected to have been notified. *Breach permit condition 4.3.1.*

Staining and corrosion on the concrete floor was evident and appeared to be originating from the tanker holding the orange juice. This issue had not been noted by the Operator prior to the visit despite appearing to have been occurring for some time.

Breach permit condition 3.2.3 (consolidated with the breach in point 1 above).

The Operator should provide Natural Resources Wales with short term control measures to ensure that any spillages from the tanker are contained by the end of March 2017. Details relating to the long term proposal with respect to the replacement orange tank shall be provided to Natural Resources Wales once available. The orange tank should not be used until it is banded in line with the proposal provided in response to Improvement Condition 2.

4. Whilst on site the Operator mentioned a number of changes that they are proposing on site. The Operator was reminded to ensure that they consider the impact of these changes on the permit and whether a variation is required. The time to apply for a variation and the determination time should be included in the management of change procedure.

5. Improvements to the spill kit on the main yard had been since our audit in October 2016. The contents of the bin are regularly checked to ensure that all equipment is available should it be required.

6. The Operator confirmed that the drain in manhole A was still blocked. The Operator had not checked that the bung was still inflated since it had been installed in January, however, the effluent was still reported as backing up in manhole B. It was recommended that the Operator regularly check the integrity of the bung whilst it remains in place to ensure compliance with permit condition 3.1.1.

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EPR Compliance Assessment Report

**Report ID:
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Site	Cott Wrexham (Calypso) Manufacturing Site	Permit Ref	AB3094FQ
Operator/Permit holder	Cott Beverages Limited	Date	15/03/2017

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.

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			
C2	C3	See CAR form text	31/03/2017
A1	C3	See CAR form text	31/03/2017
B4	C3	See CAR form text	31/03/2017
G4	C3	See CAR form text	31/03/2017

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.