

EPR Compliance Assessment Report

Report ID: 6128

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

Site	Llysonnen Mill				Permit Ref	EP3034GS			
Operator / Permit Holder	Wynnstay Group PLC								
Date	29 February 2016				Time in	N/A	Out	N/A	
What parts of the permit were assessed	See Section 1								
Assessment		EPR Activity:	Installation	X	Waste Op		Water Discharge		
Recipient's name/position	Huw James / Mill Manager								
Officer's name	Guy Baskerville				Date issued	07/04/2016			

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	C2	2.4.1
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C3	1.1.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	A	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	A	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	C4	1.4.1
	2. Energy	C4	1.3.1

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	35.2
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

On 10 February 2016 Natural Resources Wales (NRW) officers from the local Natural Resources Management Team observed a discoloration of the permitted outfall from Lysonnen Mill and evidence of nutrient enrichment in the form of fungus lining the bed and banks of the receiving watercourse.

An investigation, carried out by NRW Industry Regulation officers on 10 & 17 February 2016, has identified the source of the discoloration as a leaking vertical molasses tank. The pathway of the pollutant was an engineered drain connecting the concrete bund serving the molasses tank to the installation's surface water drainage network.

During the investigation we identified a number of further issues, including:

- multiple breaches of environmental permit conditions;
- missing, inadequate or faulty pollution prevention infrastructure; and
- missing or inadequate pollution prevention procedures.

On 29 February a meeting was held at NRW offices to discuss the findings of the investigation. In attendance:

- Guy Baskerville NRW Industry Regulation Officer
- Huw James Mill Manager. Wynnstay Group PLC
- Steve Butler Sol Environment Limited

This Compliance Assessment Report (CAR) details those issues identified, our enforcement response to those issues and the actions required of the operator to bring themselves into compliance with the environmental permit.

Issues are dealt with in the order the corresponding permit conditions are presented in the environmental permit.

Condition 1.1.1 states:

The activities shall be managed and operated:

- (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and closure and those drawn to the attention of the operator as a result of complaints; and*
- (b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.*

When applying for the environmental permit in 2009 the operator submitted a supporting document (Ref: 129-01-01-08.EPR01) which included an ExCAL Limited (hereafter ExCAL) authored draft Environment

Management System (EMS). This document has remained in draft despite requests (beginning in November 2011) from the inspecting officer that it be finalised and implemented (see CAR ref 4304). This action has remained unresolved despite further requests from the inspecting officer (see CAR refs 4807, 5265 & 5676).

Since the issuing of the environmental permit in 2010 the responsible Wynnstay Group PLC personnel to whom the regulator corresponds in relation to permit compliance has changed on multiple occasions. This, perhaps, is reflected in the operator's continuing failure to comply with this key permit condition. Many of the issues raised in this report are as a result of the absence of a fit for purpose EMS and this must be reflected in the CCS Score levied against this non-compliance.

*Enforcement Response: A Compliance Classification Scheme (CCS) Score **3** has been recorded against compliance criteria (c)(2) (see Section 1 of this report).*

NRW understands that an EMS has been developed by Sol Environmental Ltd and is awaiting implementation and roll out to key staff.

We recommend that the operator refer to the two guidance documents listed below to ensure that their EMS is fit for purpose, appropriate to the complexity and nature of the activity.

How to comply with your Environmental Permit

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

How to comply with your Environmental Permit – additional guidance for the food and drink sector (EPR 6.10)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298072/geho0209bpiy-e-e.pdf

We remind the operator that an EMS is a dynamic document which should and must reflect the activities being undertaken at the installation. As such, we expect the operator to regularly review, update and improve the content of the document as the activities change and as they seek to reduce their impact on the environment.

The operator has also indicated a desire to seek formal ISO 14001 accreditation in the future. NRW strongly supports this proposal.

*Action: Operator to implement a fit for purpose Environment Management System. *Due dates for specific actions are presented in Section 4 of this report.*

Condition 1.2.1 states:

The operator shall:

- (a) Maintain and implement an accident management plan;*
- (b) Review and record at least every 4 years or as soon as practicable after an incident (whichever is the earlier) whether changes to the plan should be made;*
- (c) Make any appropriate changes to the plan identified by a review.*

As above, an ExCAL authored accident management plan was submitted as part of the supporting document (Ref: 129-01-01-08.EPR01) during the permit application process. Whilst this document does not appear to be in draft it is questionable whether it has been referred to, reviewed or applied since the permit was issued. Certainly, the site personnel did not have regard for this document leading up to and during the pollution event on 10 February 2016.

As 4 years have elapsed since the permit was issued and in light of the recent pollution event attributable to the leaking molasses tank, a review of the accident management plan is required. We strongly recommend that up to date drainage plans inform the surface water protection aspect of the plan. Following the implementation of the improvements/measures identified in the reports undertaken to satisfy the improvement conditions (addressed later in this report) a further review of the accident management plan will be required.

Action: Operator to review the accident management plan and make any appropriate changes to the plan identified by the review.

Condition 1.3.1 states:

For the following activities referenced in schedule 1, table S1.1 (A1 to A8) the operator shall:

- (a) take appropriate measures to ensure that energy is used efficiently in the activities;*
- (b) review and record at least every 4 years whether there are suitable opportunities to improve the energy efficiency of the activities; and*
- (c) take any further appropriate measures identified by a review.*

Condition 1.4.1 states:

For the following activities referenced in schedule 1, table S1.1 (A1 to A8) the operator shall:

- (a) take appropriate measures to ensure that raw materials and water are used efficiently in the activities;*
- (b) maintain records of raw materials and water used in the activities;*
- (c) review and record at least every 4 years whether there are suitable alternative materials that could reduce environmental impact or opportunities to improve the efficiency of raw material and water use; and*
- (d) take any further appropriate measures identified by a review.*

Condition 1.5.1 states:

For the following activities referenced in schedule 1, table S1.1 (A1 to A8) the operator shall:

- (a) take appropriate measures to ensure that waste produced by the activities is avoided or reduced, or where waste is produced it is recovered wherever practicable or otherwise disposed of in a manner which minimises its impact on the environment.*
- (b) review and record at least every 4 years whether changes to those measures should be made; and*
- (c) take any further appropriate measures identified by a review.*

The above three conditions are similar in nature and shall be addressed together. As 4 years have elapsed since the permit was issued a review of energy, raw material and water efficiency, and; avoidance, recovery and disposal of wastes is required. Operator Resource Efficiency (ORE) was to be the focus of the compliance audit scheduled for 17 February 2016. This audit has been postponed in light of the pollution event of 10 February 2016 and the issues which were identified during the investigation.

Presently, the efforts of the operator should be directed towards completing the actions presented in this report. However, we expect the reviews described in the above conditions to be carried out by the end of this calendar year in readiness for a comprehensive ORE audit in early 2017. Guidance on ORE auditing was provided to the operator in an email on 01 February 2016.

Action: Operator to carry out reviews as described in permit conditions 1.3.1(b), 1.4.1(c) and 1.5.1(b).

Enforcement Response: A CCS Score 4 has been recorded against compliance criteria (h)(1) & (h)(2).

Condition 2.3.1(a) states:

The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation described in the documentation described in Schedule 1, table S1.2, unless otherwise agreed in writing by the Agency.

Table S1.2 is reproduced below.

Table S1.2 Operating techniques		
Description	Parts	Date Received
Application	The response to section B5 to B9 in the application	29/09/09
Additional information	Odour Management Plan	28/10/09
Additional information	Changes to vehicle wash area including revised site drainage plan, drawing No. 129-01-01-08.D007 Revision A.	11/01/10
Additional information	Revised site drainage drawing No. 129-01-01-08.D007 Revision B.	18/05/10
Additional Information	Revised Installation boundary drawing No.129-01-01- 08.D004 Revision B.	11/06/10

A supporting document (Ref: 129-01-01-08.EPR01) is referenced in response to section B5, B7(a), B7(b), B9(b), B9(c), B9(e) and B9(f) of the permit application and thus its entire content is deemed part of the operating techniques. It is unclear the extent to which this document reflects the current activities being undertaken onsite or whether the operator has regard for this document in the day to day management of the installation.

The accuracy and relevance of the other documents listed in table S1.2 are called into question later in this report.

The Mill Manager has expressed a desire to revise the operating techniques listed in the environmental permit.

We will accept the submission of revised and consolidated operating techniques and if these are deemed environmentally protective and reflect the activities undertaken at the installation we will confirm their status by exchange of letter. Their inclusion in table S1.2 of the environmental permit will be formalised in the next permit variation.

The operator will need to have regard for the improvements/measures implemented as a result of satisfying the improvement conditions (addressed later in this report).

Action: Operator to confirm in writing their intention with regards to the documents listed as operating techniques in table S1.2.

Condition 2.4.1 states:

The operator shall complete the improvements specified in schedule 1, table S1.3 by the date specified in that table unless otherwise agreed in writing by the Agency.

Table S1.3 is reproduced below.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IC1	The Operator shall investigate options which avoid the discharge of surface water, other than from building roofs, to local water courses. A written report on the options and proposed actions, with timescales for implementation, shall be submitted to the Environment Agency. You must implement the plan from the date of approval in writing by the Environment Agency.	01/10/2010
IC2	A written report shall be submitted to the Agency for approval detailing the results of a survey to determine the integrity, adequacy and suitability of existing hardstanding, kerbing and secondary containment and bunding for above and below ground structures and the measures to comply with the requirements of How to comply with your Environmental Permit (EPR 1.00) and the food and drink Technical Guidance Note (EPR 6.10). This shall include but not be limited to an inspection and maintenance program for all relative equipment identified. Where appropriate the report shall contain timetabled dates for the implementation of individual measures. You must implement the plan from the date of approval in writing by the Environment Agency.	01/01/2011
IC3	The Operator shall submit a written report to the Environment Agency for approval. The report shall assess the condition and integrity of the diesel storage and heavy fuel oil tanks and associated equipment such as pumps and connection lines in line with PPG2 Above ground oil storage tanks. The report will include an action plan with timescales for implementing improvements identified. You must implement the plan from the date of approval in writing by the Environment Agency.	01/04/2011
IC4	The Operator shall undertake a survey to assess the adequacy of the design, construction and condition of the site drainage system with the purpose of preventing fugitive emissions to surface water, ground water and land. A written report summarising the survey and proposals for improvements shall be submitted to the Environment Agency. A timescale for the implementation of any improvements shall be approved by the Environment Agency.	01/04/2011

None of the above improvement conditions have been satisfied. Permit condition 2.4.1 has not been complied with.

Enforcement Response: A CCS Score 2 has been recorded against compliance criteria (a)(1).

ExCAL prepared reports in February 2011 (Ref: 129-01-02.R1) and May 2011 (129-01-03.R01) which partially satisfied some aspects of improvement conditions. However, timescales for delivery of the recommendations made by ExCAL were never submitted by the operator and thus formal approval was not able to be provided by the regulator. We are aware that Wynnstay Group PLC have made some infrastructure changes since the ExCAL reports were prepared but we are unsure if these changes were based on the recommendations made therein.

N.B. The February 2011 report brings together the investigatory endeavours and recommendations prepared to assist the operator in satisfying IC1 and IC4. The May 2011 report brings together the investigatory endeavours and recommendations prepared to assist the operator in satisfying IC2 and IC3. Given the overlapping nature of the improvement conditions this approach is considered appropriate.

Based on observations made during our investigation following the pollution event on 10 February 2016 and having reviewed both ExCAL reports; we have the following comments. N.B. These comments are not exhaustive and only serve to raise the profile of some of the more serious issues which present the greatest risk of causing pollution.

The reports were prepared in 2011 and a number of changes have been made to the pollution prevention infrastructure and operational procedures in the intervening years. Damage, fatigue and wear and tear of the

pollution prevention infrastructure are also likely to have occurred. Where the operator intends to use these reports as the foundation for satisfying the improvement conditions to comply with condition 2.4.1 we strongly recommend that these reports be appraised for their accuracy and revised where appropriate prior to implementing the improvements identified within.

The February 2011 report includes recommendations for a number of proposed remedial works (see Section 4). Section 4.2 concerns the diversion of rainfall dependent surface waters from the foul water drainage network to reduce the rapid filling and overfilling of the two septic tanks which serve the mill store and main office. Section 4.3 concerns the removal of septic tank overflows and installation of high level alarms to notify Wynnstay personnel when the tanks require emptying. The inspecting officer made reference to these recommendations in CAR 4807 and all subsequent CAR's. Confirmation that the overflow of the septic tank serving the mill store had been sealed and a high level alarm installed was recorded in CAR 4807. We have not received confirmation that the overflow for the septic tank serving the main office had been sealed and a high level alarm installed, nor that the diversion of rainfall dependent surface waters has been progressed. Verbal discussions with the Mill Manager indicate that this work has not been carried out. Furthermore, there is a suggestion that the septic tanks do not meet the specification required to effectively treat the sewage load.

During our site investigation following the pollution event of 10 February 2016 we observed fungus (consistent with nutrient enrichment caused by the presence of untreated sewage) along the bed and banks of the perimeter ditch which ultimately discharges to the watercourse to the East of the permitted area (see photograph 1 & 2 below). The sewage fungus was present downstream of the main office septic tank overflow outfall* but absent above it. This strongly indicates that the overflow of the septic tank serving the main office has not been sealed up and continues to have a polluting impact on the receiving watercourse.

* based on the ExCAL drainage plans presented in the February 2011 report.



Photo 1: Sewage fungus discharging from main office septic tank overflow outfall.



Photo 2: Sewage fungus along the bed and bank of the perimeter ditch downstream of the main office septic tank overflow outfall.

The February 2011 report fails to fully investigate the drainage network serving the vehicle wash area. A drawing (Ref: 129.01.01D007_RevA) and cover letter (Ref: DT/129-01-01/KE5115 dated 11 January 2010) prepared by ExCAL and submitted by Wynnstay in support of the permit application portrays and describes the vehicle wash area being served by single sealed 10,000 litre underground tank and an intention to empty on monthly basis. The

various drawings submitted as part of the February 2011 report suggest that this underground tank is either; by-passed by the drainage network serving the vehicle wash area, or alternatively; is indeed connected to the drainage network serving the vehicle wash area. Verbal discussions with the Mill Manager indicate that the underground tank is connected to the drainage network serving the vehicle wash area but may also have connections via overflow to other parts of surface water drainage network which ultimately discharge to the watercourse to the East of the permitted area. The operator should investigate the fate of the effluent which enters the drainage network serving the vehicle wash area as part of their efforts to satisfy IC1 & IC4. The outcome should inform what infrastructure arrangements are required and the frequency at which the tank is emptied. Furthermore, drawing (Ref: 129.01.01D007_RevA) and cover letter (Ref: DT/129-01-01/KE5115 dated 11 January 2010) are listed in table S1.2 (operating techniques) of the environmental permit. Where the details of these documents are found to be incorrect (i.e. where the operation is contrary to the information provided to the regulator in the permit application), this constitutes a breach of permit condition 2.3.1(a).

The May 2011 report addresses the integrity, adequacy and suitability of the secondary containment and bunding for above and below ground structures. In section 2.3.1 of the report, ExCAL identify an engineered drain connecting the concrete bund serving the molasses tank, vegetable oil tank and fuel oil tank to the installation's surface water drainage network. No work has been undertaken which addresses this issue despite the ExCAL recommendations. This engineered drain is the pathway by which the leaked molasses was able to pollute the watercourse to the East of the permitted area on 10 February 2016 (almost 5 years after the report was published). It is extremely disappointing that this information was not acted upon at the time ExCAL provided the operator with the report. Ignoring the acute environmental impact a total failure of any of these tanks will have had, the chronic contamination of the watercourse by the residues captured within the bund over the last 5 years must be reflected in our enforcement response to this permit breach.

On Thursday 11 February 2016 the operator informed NRW that the engineered drain connecting the concrete bund serving the molasses tank, vegetable oil tank and fuel oil tank to the installation's surface water drainage network had been sealed up. On Monday 22 February 2016 the operator informed NRW that the molasses tank had been replaced with a new vessel.

Section 2.3.2 of the May 2011 report makes the recommendation that the fuel oil tank adjacent to the main office (see photo 3) be placed in secondary containment. This recommendation has not been acted upon. The tank is positioned close to the main vehicular access and egress route and is at a higher risk of being struck and potentially breached. Given the uncertainties with regards to the surface water drainage network in this area an alternative siting should be considered.

Section 2.3.3 of the May 2011 report states that the fuel oil tank adjacent to the site workshop is not served by secondary containment. We assume that the tank being referred to is that which is positioned beside the molasses and vegetable oil tank (see photo 4). Whilst it appears at first glance that this tank is within the bunded area, greater scrutiny proves otherwise. Below the tank a partially rendered breeze block partition wall has been constructed (see photo 5), the purpose of which is questionable (more on this below). The fuel oil tank is positioned to the left of the partition wall, outside the bunded area. Any leaks (acute or chronic) from the fuel oil tank are therefore not captured by the bund and are able to escape.

In addressing the above two comments the operator should have regard for the proposed legislation affecting oil storage provisions at domestic and commercial premises throughout Wales. A consultation period for the proposed Control of Pollution (Oil Storage) (Wales) Regulations ran between June and September 2015. The draft regulations set standards for oil storage facilities which aim to prevent the escape of oil and the resulting risk of water pollution and damage to land and property. The principal requirement will be for secondary containment to prevent any leaks from an oil storage facility escaping into the wider environment. These requirements would apply to all new oil storage facilities from the date the regulations come in to force. Facilities serving non-domestic properties will need to comply between two and four years later, depending on the risk they pose to the environment. Further information on the proposals may be found on the Welsh Government website (link below).

<http://gov.wales/consultations/environmentandcountryside/prevention-of-pollution-oil-storage-wales-regulations/?lang=en>



Photo 3: Fuel oil tank adjacent to the main office not served by secondary containment



Photo 4: Fuel oil tank adjacent to the site workshop not served by secondary containment.



Photo 5: Below the fuel oil tank a partially rendered breeze block partition wall has been constructed. The fuel oil tank is positioned to the left of the partition wall, outside the bunded area. Any leaks (acute or chronic) from the fuel oil tank are therefore not captured by the bund and are able to escape.

The findings of the May 2011 report coupled with the observations made during our investigation following the pollution event on 10 February 2016 make it reasonable to question the adequacy and integrity of the bunded area serving the molasses and vegetable oil tank. A further assessment, beyond the extent undertaken to inform the May 2011 report, should be carried out as part of the wider efforts to satisfy the improvement conditions.

The May 2011 report identifies a number of areas of concrete hardstanding and kerbing which required repair. We are aware that some improvements have been made to the integrity of the concrete hardstanding and kerbing, however during our investigation following the pollution event on 10 February 2016 we observed a number of areas where the concrete hardstanding required repair.

Action: Comply with condition 2.4.1 by satisfying the improvement conditions detailed in table S1.3 of the Environmental Permit. Timescales for compliance will be staggered to reflect the wording of each improvement condition. i.e. a timescale for the submission of individual reports and timescales for the implementation of individual improvements/measures identified in the corresponding report. As per the improvement conditions, the individual reports must detail timescales for the implementation of individual improvements/measures identified in that report. Justification for proposed timescales for the implementation of individual improvements/measures must be provided in the corresponding report. NRW approval must be sought prior to the implementation of improvements/measures.

Condition 3.2.1 states:

Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved fugitive emissions management plan, have been taken to prevent or where that is not practicable, to minimise those emissions.

There is a history of complaints from members of the public with respect to dusts being deposited on property by vehicles leaving the installation. A number of these complaints have been substantiated by the regulator. The vehicle wash area was constructed to remove dusts from vehicles prior to leaving site and CCTV cameras installed to monitor its use by Wynnstay personnel. We would expect a comprehensive fugitive emissions management plan focusing on the control of fugitive dust emissions to form part of the revised operating techniques as discussed earlier in this report.

Condition 3.4.1 states:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

NRW has not received any complaints with respect to noise pollution and the Wynnstay Mill operation. A residential housing development is progressing to the South and East of the installation, bringing potential sensitive receptors closer to the site boundary.

Recommendation : We advise that the operator undertakes a comprehensive noise assessment to consider the potential impact of the onsite noise sources on the nearest sensitive receptor(s), having regard for BS4142:2014 (Methods for rating and assessing industrial and commercial sound). Depending on the outcome of the assessment we expect the operator to proactively explore appropriate noise abatement measures, having regard for Horizontal Guidance Note H3 (part 2) – Noise Assessment & Control and Best Available Technology (BAT).

Other Issues

During our investigation following the pollution event on 10 February 2016 we identified general poor house-keeping across the operational area. Several spills of raw materials were observed across the site (see photo X). The soluble nature of this material will be contributing to potentially high BOD and nutrient enrichment in the surface water system. Evidence of enrichment in the form of fungus was found at many of the outfalls from the surface water drainage system (see photo X). The house keeping at the raw material feed delivery area was particularly poor with raw material fines covering every surface and 'caking' much of the integral infrastructure. Poor housekeeping will also contribute to fugitive emissions and the potential for odours.



Photo X: raw material spillage near surface water drainage gully as a result of poor house-keeping arrangements.



Photo X: Fungus in the vicinity of a discharging surface water drainage outfall.

Recommendation: Housekeeping procedures should be described in the Environment Management System including the recording of actions (e.g. daily/weekly checks). Records will be scrutinised during routine audits moving forward.

During our investigation following the pollution event on 10 February 2016 the Plant Manager informed us that point source emission water samples which are subject to analysis as per condition 3.5.1 are collected by him.

Recommendation: Operator to review TGN M18 Monitoring of discharges to water and sewer to ensure that a representative sample is taken at W1.

<https://naturalresources.wales/media/2109/technical-guidance-note-m18-monitoring-monitoring-of-discharges-to-water-and-sewer.pdf?lang=en>

Referring once more to the supporting document (Ref: 129-01-01-08.EPR01) submitted by Wynnstay Group PLC during the permit application process; the DRAFT Environment Management System included therein, incorporates an Environmental Mission Statement (signed by Mr K Greetham CEO) and an Environmental Policy. Whilst the validity of the document is called into question earlier in this report we must hold the operator to the values expressed in these statements.

Recommendation: Review the Environment Mission Statement and Environmental Policy incorporated into the above named document and have regard to them in your efforts to comply with your environmental permit and as you seek to reduce the impact your operation has on the environment. N.B. Where the operator intends to revise the operating techniques listed in the environmental permit a revised Environmental Policy will need to be incorporated into any documents submitted.

Conclusion

The root cause of the permit condition breaches and further issues described in this report is the failure on behalf of Wynnstay Group PLC to have adequate regard for the environment in the management and control of their operations. There is little indication that the operator is committed to complying with their environmental permit. As the operator of an installation within the highest tier of environmental regulation it is expected that a permit holder manages their activities without a great deal of regulator supervision. In light of our findings and reflecting the compliance scores levied against the operator we will be required to direct increased resources and scrutiny at the operator over the next 12 months.

We will be addressing the following key areas;

- Missing/inadequate/faulty pollution prevention infrastructure.
- Missing/inadequate pollution prevention procedures.
- Operator commitment to compliance.

The actions described in this report and listed in Section 4 below intend to steer the operator towards addressing the first two of these areas. Where we perceive that these actions are unlikely to be delivered upon we will be required to formalise them by issuing enforcement notices.

We have also made a number of recommendations within this report which we hope will be reflected upon and delivered

We are relying on Wynnstay Group PLC personnel, from directors to mill employees, to take ownership of the potential impacts the operation has on the environment and seek improvements beyond those dictated by the environmental permit.

END

	EPR Compliance Assessment Report	Report ID: 6128
This form will report non-compliance with your permit as determined by an NRW officer		
Site	Llysonnen Mill	Permit
Operator/ Permit	Wynnstay Group PLC	Date
		EP3034GS
		07/04/2016

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
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.			
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.			
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.		X	
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

Section 4- Action(s)			
Where a non - compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
(a)(1)	C2	Operator to comply with condition 2.4.1 by satisfying the improvement conditions detailed in table S1.3 of the Environmental Permit. Timescales for compliance will be staggered to reflect the wording of each improvement condition. i.e. a timescale for the submission of individual reports and timescales for the implementation of individual improvements/measures identified in the corresponding report. As per the improvement conditions, the individual reports must detail timescales for the implementation of individual improvements/measures identified in that report. Justification for proposed timescales for the implementation of individual improvements/measures must be provided in the corresponding report. NRW approval must be sought prior to the implementation of improvements/measures.	Submission of individual reports. 29 April 2016 Implementation of improvements/measures identified in individual reports. TBC
(c)(2)	C3	Operator to implement a fit for purpose Environment Management System.	29 April 2016
(h)(1)	C4	Operator to carry out reviews as described in permit conditions 1.4.1.	31 December 2016
(h)(2)	C4	Operator to carry out reviews as described in permit conditions 1.3.1.	31 December 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 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 which 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 Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

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

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 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 the officer's line managers. 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) 601 0987**.