



Report ID: 4807

Compliance assessment summary

Conditions breached

The breaches indicated above may constitute one or more offences. You should take immediate action to rectify each breach and return to compliance. You should prevent any repetition of the breaches. Breaches of conditions as indicated above can result in criminal prosecutions and/or suspension or revocation of a permit.

NB if there is a breach, only one of the following will have an 'x' placed in the box as the initial enforcement response.

Review of Directly Applicable Legislation: key: A = Assessed, N = Not assessed, NA = Not Applicable, C1,C2,C3,C4 = CCS cat 1-4 breach

Wynnstay Group Plc representatives present:

- Wynne Lewis (WL) – Operations Manager

Introduction

This was a pre arranged visit and an agenda had not been provided prior to the audit. The main aim of the audit was to assess against the fugitive emission conditions within the permit.

The audit was broken down into specific objectives but also included some on-going matters concerning the improvement programme requirements.

~~CAR1v11~~

The audit included the following agenda items :

Proposed EA contact change
Actions from previous CAR 4304
Progress on Improvement Programme
EMS development – Incident procedure when to notify (dust / fire notification)
Environmental Monitoring
Complaints
Site Tour - Dust procedure
AOB

Objective 1 To establish Environment Agency Wales (EAW) contacts for the Wynnstay, Llysonnen Mill, Carmarthen

Sandra Cipollaro (SC) has been appointed since the last EAW visit. SC is based at the Wynnstay Group headquarters in Llansantffraid Wales. It is understood that SC job title is Health, Safety and Training Co-ordinator.

Objective 2 To review the actions from the previous CAR 4304.

<u>Reference</u>	<u>Action</u>	<u>Status</u>
1221112	Operator to review EA Technical Guidance Note (monitoring) M18 to ensure that a representative sample is taken at W1.	On-going work regarding W1
2221112	Operating procedures should be in place to fulfil the requirements of the environmental permit and should be made available for future EA audits of the installation	Ongoing Environment Management System (EMS) in draft
3221112	Operator to review the wording of the improvement conditions against the submissions already made and provide the outstanding information required namely timescales, inspection and maintenance programme.	On-going
4221112	Operator to notify on completion of the sealing of the overflows on the septic tanks.	Update provided during this visit
5221112	Operator to review the reports already submitted to the EA against the wording of the improvement conditions e.g. assessment against PPG2	On-going

Objective 3 – To establish Progress against the Improvement Programme

Improvement works are still on-going at the Llysonnen mill. Following a change to the Health Safety and Environment Manager responsible for the site the actions regarding the improvement conditions are still on-going. Please refer to the action table above and compliance assessment report (CAR) form reference 4304.

Objective 4 - To discuss compliance with the monitoring conditions in the permit, quarterly submissions and notifications to date.

A brief discussion was had on site about how breaches of the environmental permit are classified and recorded onto our Compliance Classification Scheme (CCS) System.

The following extract has been taken from our Environmental Charging Scheme Guidance Effective from April 2012 (revised July 2012) which can be found on our website via the following link :

<http://www.environment-agency.gov.uk/business/regulation/138519.aspx>

Converting CCS points into an Opra band

We categorise permit breaches and use a points system where more serious breaches score a greater number of points. We then add the points from each event to give an annual total of non-compliance points. We allocate points based on the relative amount of additional work we usually have to do while dealing with different types of permit breach. For Category 1 breaches some of our costs are recovered through subsequent legal action, for example costs allocated following prosecution.

We took all of this into account when we calculated the points per breach score. CCS

category - points per breach:

Category 1 - 60

Category 2 - 31

Category 3 - 4

Category 4 - 0.1

We total the points for each non compliance over a calendar year and convert the annual total into an Opra band. The respective permit sections will tell you the affect each band has on the subsistence charge.

Table 8: Compliance Classification Scheme - points banding

Opra band	A	B	C	D	E	F
CCS points	0	>0-10	10.1-30	30.1-60	60.1-149.9	150 plus

We have suspended scores for elevated emissions of BOD and suspended solids pending the completion of on-going improvement works at the feed mill. Proposed improvements have been discussed on this CAR form.

The following quarterly monitoring returns have been reviewed :

On 6 April 2012 the operator submitted quarterly returns for Jan –March 2012. There were three non-compliances on this return

24/1/2012 Suspended solids 42mg/l (limit 15mg/l),

24/1/2012 BOD 14.5 mg/l (limit 10mg/l),

13/3/2012 BOD 20.2 mg/l (limit 10mg/l).

On 3 July 2012 the operator submitted quarterly returns for April – June 2012. There were four non-compliances on this return:

18/4/2012 Suspended solids 44mg/l (limit 15mg/l),

22/5/2012 Suspended solids 26mg/l (limit 15mg/l),

12/6/2012 Suspended solids 29.6mg/l (limit 15mg/l),

22/5/2012 BOD 25.2mg/l (limit 10mg/l).

No Schedule 6 notification was received for the breaches identified in April May and June, this has incurred category 3 CCS score for a breach of permit condition 4.3.1.

On 11 October 2012 the operator submitted quarterly returns for April – June 2012. There was one non-compliance on this return and an approach to limit:

10/7/2012 Suspended solids 66.4mg/l (limit 15mg/l),

10/7/2012 BOD 11mg/l (limit 10mg/l). This result was an approach to limit when inputted into the EAW compliance calculator.

No Schedule 6 notification was received for the 10/7/2012 and this has incurred category 3 CCS score for a breach of permit condition 4.3.1

The suspension of scores cannot continue indefinitely and this was discussed during this visit. The operator expects improvements on the discharges to water following the installation of a 'v' notch weir at emission point W1 and the completion of the cesspit works and drainage.

Routine environmental reporting has improved since the last visit with quarterly results being reported on time and in the correct format, however the operator is reminded of permit condition 4.3.1 and the requirement to notify.

Objective 4: To establish the operators progress on the development of an Environment Management System (EMS) and associated procedures as referenced in the permit application for the Llysonnen mill.

WL informed KD that an Environment Management System (EMS) has been developed for the Llysonnen mill and this was in draft at the time of the visit. It is important that full regard for the environmental permit for the site is had in the development of an EMS to prevent non-compliance.

Objective 5 : To review a notifiable incident with the operator against the requirements of the environmental permit.

On the 13 April 2012 an isolated fire incident occurred at the feed mill. The incident involved the ignition of feed within the cooler located in the basement of the mill. Safety measures prevented the fire from escalating and following the incident the operator telephoned the inspecting officer and notified of the event, investigation and mitigation. A request was made for the operator to submit the formal notification 'Schedule 6' in line with the environmental permit for the site.

This visit sought to review the reporting requirements of the permit with the operator using the incident on the 13 April 2012 as an example. KD informed WL that the Fire and Rescue Service (FRS) notify the Environment Agency on incidents at permitted sites and of the EA 24hr regional control centre (RCC).

The permit requires the operator to notify 'without delay' which has been defined as:

"notify without delay" and "notified without delay"

means that a telephone call can be used, whereas all other reports and notifications must be supplied in writing, either electronically or on paper.

Furthermore the permit notification form or 'Schedule 6' includes on it 'to be notified within 24 hours of detection'.

WL was able to demonstrate a copy Environmental Incident Procedure reference: EAP05 Issue 1 dated February 2012. On request a copy of the incident procedure was provided for EAW review. The following comments have been made on the draft incident procedure:

Section 2.6 incident reporting, there is no regard for the environmental permit and therefore no mention of any actions to be taken in respect of its requirements;

It is recommended that a permit notification form or 'Schedule 6' is included in this procedure and it outlines when to notify the EAW;

In the development of the EMS the operator needs to have full regard for the permit to prevent non-compliance. The current incident procedure leaves the operator open to incurring breaches of the environmental permit.

Recommendation: Operator to review the incident procedure alongside the reporting requirements of the environmental permit for their inclusion in the EMS.

National Incident Recording System

When we are notified of an incident involving a permitted installation it is recorded onto our National Incident Recording System (NIRS). This incident is then assigned a reference number and we pass this onto the operator to investigate. We expect a response to each incident notification as details are required for the report.

Action: Operator to respond to National Incident Recording System notifications (NIRS) in a timely manner. If investigations are on-going an update can be provided however feedback on operations and any assessments made against a fugitive emissions / incident management plan linked to the onsite EMS is required to complete the NIRS.

For ease of reference the following NIRS responses are currently outstanding on our system concerning the Llynsonnen mill 050418, 056918, 1059530, 1064015, 1065568, 1067032, 1067960, 1070582, 1074733, 1074758

Objective 6 : To audit against the procedure outlined by the operator, in response to dust complaints, for the delivery of raw material feed to Llynsonnen Mill.

The environmental permit for this site was issued on 5 July 2010 prior to this date any complaints concerning the installation had gone to Carmarthenshire County Council (CCC). The EA was contacted in February 2012 by CCC Environmental Health Department concerning complaints of dust allegedly coming from the mill. On speaking with CCC and the complainants the concerns related to the delivery of raw feed at the mill and dust on the vehicles which on leaving the site were deposited on their property.

The following permit condition under section 3.2 of the environmental permit applies in this instance:

Section 3.2 Fugitive Emissions of Substances

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.

Action: Operator to provide a copy of the fugitive emissions management plan for the site (please refer to permit condition 3.2.2).

Following notification from EAW on the dust complaint the operator responded in March 2012 outlining measures that are in place to minimise fugitive emission relating to vehicle movements these have been replicated below and were audited against during this visit:

- 1) Lorries are instructed to brush down their tailgate before leaving the site.
- 2) Local signage reminds them of the need to do.
- 3) Drivers are allowed access to the lorry wash if required
- 4) Weighbridge staff are empowered to stop vehicles leaving the site if they consider them to be dirty.

Prior to the onsite visit WL explained that a particulate survey had taken place at the mill to meet the operators health and safety responsibilities. As part of this survey monitoring had taken place around the mill and WL informed KD that there were no health and safety concerns as a result of this monitoring. Although no health and safety concerns were identified as part of the survey the operator is proposing to improve the extraction on the raw delivery bay.

Action: Operator to inform the site inspection of the change to the extraction on the raw delivery bay.

In determining any environmental impact sensitive receptors need to be considered i.e. a nearby hamlet etc. For health and safety responsibilities the standards used consider a short term or long term exposure rate e.g. 8 hrs working shift pattern. However for determining an environmental impact different factors apply, namely the amount of deposition, over a period of time, over a specific area or sensitive receptor (the exposure period is greater as receptors are fixed and present 24hrs a day).

An Environmental Health officer has the power to state if they consider an issue to be a nuisance. Environmental Health have visited properties close to the Llynsonnen mill and informed KD that in their opinion the dust that is alleged to be from the Llynsonnen mill, is a statutory nuisance.

Recommendation: We recommend that the operator considers quantifying any dust deposited outside the installation boundary as part of their investigations into this on-going issue.

Observations

A site tour was carried to assess against the measures outlined by the operator to minimise fugitive emissions from vehicle movements (detailed above). During the tour the operator was able to demonstrate improvements that have taken place at the mill since the last visit.

The operator has installed a surface water drain around the fuel tank adjacent to the workshop, this has been connected into the existing surface water drain via an oil interceptor. This is an improvement to the



drainage system at the installation to minimise the potential for fugitive releases. The photograph above left was taken during this visit and shows the newly installed drain around the fuel tank. The photograph to the right shows the fuel tank prior to the drainage works.



The photograph opposite shows where the operator has made improvements to the existing drainage by the installation of an interceptor. This work was on-going at the time of the visit and it is understood that an alarm will be installed on the interceptor.

Recommendation: The operator may wish to consider colouring coding the manholes /drains to denote foul from clean surface water.



Since the last visit further improvement works concerning the site have included the sealing of the overflow on the cesspit from the canteen area. Furthermore with the diversion of clean water in this area only final effluent is now discharging to this cesspit. A level alarm has also been installed in the control room and this was evident during the visit. When complete it is considered that this work will have a positive environmental effect on the quality of surface water discharged from the site. At the time of the visit the operator was hoping to seal the overflow on the cesspit from the main offices.

Action: Operator to e-mail KD when the second cesspit overflow that serves the site offices has been sealed.

During the visit KD witnessed the discharge of the delivery of raw materials to the mill following complaints of dust. The nature of the complaints concerned feed blowing on top of vehicles on delivery. Vehicle deliveries were witnessed at the time of the visit against the points outlined above.



In the photograph above right the raw delivery extraction is just visible to the rear of the picture. Some damage was evident to the plastic curtain strips however the operator informed KD that improvements were planned on the extraction at this location. No feed could be seen to be blowing out of the bay. The photograph to the left shows a vehicle delivering raw material at the time of the visit.

There was no local signage (point 3 above) evident during the visit in or around the yard area however the visiting drivers utilised the vehicle wash unprompted. WL explained that the drivers take pride in their vehicles and wash them down as a matter of routine. If a visiting driver does not adhere to site procedures



To All Raw Material Drivers

Can you please ensure that when tipping you remove your sheet, so as to let dust fall back into the load and not rest on the closed sheet, and being discharged to atmosphere as you leave site.

Also the body of the lorry must be in the down position before leaving the intake point.

Intake area to be kept clean and tidy at all times.

The vehicle wash is only to be used to hose down tail board, rear lights and number plate etc (the interior of the body is not to be washed).

Please also ensure that rear of lorry is over the lorry wash

To enable water to run into drain and not all over the yard.(any person found not complying will not be allowed back on site).

T W Lewis

OPERATIONS MANAGER

the operator would prevent them returning to the site. This was evident on the instruction in the weighbridge (photograph below).

Recommendation : Operator to consider the need to place local signage in the yard to remind drivers to brush down their vehicles before leaving the site

4) Weighbridge staff are empowered to stop vehicles leaving the site if they consider them to be dirty.

The photograph opposite was taken of an instruction in the weighbridge at the Llysonnen mill and demonstrated that the operator has taken steps to minimise the potential for fugitive emissions.

Weighbridge operatives were not questioned regarding point 4 of the vehicle procedure above during this visit however the notice opposite was clearly visible in the weighbridge office.

Conclusion

The inspecting office was pleased with the environmental improvements that the operator has undertaken on the site. Although some of this work is still on-going positive steps to improve the water quality discharged from the site have taken place. These improvements have included the separation of clean and dirty surface water run-off, foul drainage works to include a level alarm, the installation of an oil interceptor and associated drainage and draft environmental management system. The operator continues to make environmental improvements on site to meet the requirements of their permit, on-going matters include the installation of an MCERTS flow meter, final emission point works, construction of a 'V' notch, continued drainage and sealing of an overflow from the office cesspit.

This visit also sought to audit against the vehicle movement procedures that had been outlined to the Environment Agency Wales (EAW) in response to dust complaints concerning the feed mill. It came to the EAW attention that there has been an on-going dust issue associated with the site over the last few years. Since the issue of the environmental permit for the site these complaints of dust are currently being investigated by EAW from Carmarthenshire County Council. During this visit the inspecting officer was satisfied with the vehicle deliveries witnessed at the Llysonnen mill, drivers were seen to be utilising the wash area and it was apparent that the operator has taken complaints of dust very seriously. This was also evident in the notice in the site weighbridge. The EAW has made recommendations for the operator to try to quantify any fugitive releases from the site as part of their investigations into allegations of dust coming from the installation.

END

Notes to the recipient

This compliance report form may highlight non-compliance with your permit or directly applicable legislation as observed by the Environment Agency officer.

This does not relieve the site operator of their responsibility to ensure that they comply with the permit and to prevent pollution of the environment. You are also reminded that:

- you should comply with the conditions of the permit at all times
- compliance with the permit does not remove your obligation to comply with other legislative provisions which may apply.

Understanding the Compliance Assessment Summary

a) Permitted activities	1	Specified by permit
b) Infrastructure	1	Engineering for prevention and control of emissions
	2	Closure and decommissioning
	3	Site drainage engineering (clean and foul)
	4	Containment of stored materials
	5	Plant and equipment
c) General management	1	Staff competency/training
	2	Management system and operating procedures
	3	Materials acceptance
	4	Storage, handling, labelling and segregation
d) Incident management	1	Site security
	2	Accident, emergency and incident planning
	3	
e) Emissions	1	Air
	2	Land and groundwater
	3	Surface water
	4	Sewer
	5	Waste
f) Amenity	1	Odour
	2	Noise
	3	Dust/fibres/particulates and litter
	4	Pests, birds and scavengers
	5	Deposits on road
g) Monitoring and records, maintenance and reporting	1	Monitoring of emissions and environment
	2	Records of activity, site diary/journal/ events
	3	Maintenance records
	4	Reporting and notification to the Environment Agency
h) Resource efficiency	1	Efficient use of raw materials
	2	Energy efficiency

The term 'permit' for the purposes of this form includes: licences, authorisations and consents.

Understanding your non-compliance scores

Non-compliance findings are classified using our published Compliance Classification Scheme, (CCS).

This scheme categorises breaches of permit conditions based on their potential for environmental impact as shown below. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CCS scheme, see the Environment Agency's website or contact your local office.

CCS category	Description	Score
1	A non-compliance which has a potentially major environmental effect	60
2	A non-compliance which has a potentially significant environmental effect	31
3	A non-compliance which has a potentially minor environmental effect	4
4	A non-compliance which has no potential environmental effect	1

Corrective action

We have various options to ensure that you correct actual or potential non-compliance. We may

- advise on corrective actions, verbally or in writing and require you to take specific actions, by letter or by issuing a notice.
- require you to review your procedures or management systems
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit is an offence, and we may take legal action:

- We will normally provide advice/guidance to assist operators back into compliance. However, other than for a very minor offence this will normally be in conjunction with another enforcement response.
- Where we have issued a written warning this does not preclude us from taking additional enforcement action if further relevant information comes to light. Such action includes the issue of a formal caution, taking a prosecution and/or the service of a notice.

We have published our Enforcement and Prosecution Policy which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Operational Risk Appraisal (Opra)

Compliance assessment findings may affect your Opra score. This score determines your charge and affects the allocation of our resources to check your compliance with the permit.

Data protection notice

The Environment Agency is responsible for regulating environmental protection, flood defence, water resources and fisheries. It has a duty to discharge its functions to protect and enhance the environment and to promote conservation and recreation. The information provided will be processed by the Environment Agency to fulfill its regulatory and monitoring functions, and to maintain the relevant public register(s). The Environment Agency 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, emergency services) 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.

The Environment Agency 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 Environment Agency 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 the assessment 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 the 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 manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure phone our general enquiry number 08708 506506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@environment-agency.gov.uk. If, after following our Complaints and Commendations procedure, you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0345 015 4033.