

Name of site	Llysonnen Mill	Operator/ permit holder	Wynnstay Group PLC	Permit ref no:	EP3034GS
Officer	K Dunn & P Gibson	Date	22 November 2011	Area/office	SW Wales / Llandarcy
Activity	6.8 A (1)(d)(ii)	Time in/out	10:00 – 12:30	Event type:	☒ Routine ☐ Incident response ☐ Other
Assessment type:	☐ Site inspection ☐ Audit ☒ Check monitoring/sampling ☐ Report/data review ☐ Procedure review				
Site life status:	☒ Operational ☐ Pre-operational ☐ Post-operational				
What part(s) of the permit were assessed?	See Below				

Compliance assessment summary

Key to completion: A = Assessed/Assessed in part (no evidence of non-compliance) NA = Not Applicable		1, 2, 3, 4 = CCS cat 1–4 breach		ATL = Approach to limit N = Not assessed		Conditions breached
a) Permitted activities	1 N					
b) Infrastructure	1 N	2 N	3 N	4 N	5 N	
c) General management	1 N	2 N	3 N	4 N		
d) Incident management	1 N	2 N				
e) Emissions	1 N	2 N	3 3,3	4 N	5 N	3.1.2 (scores suspended)
f) Amenity	1 N	2 N	3 N	4 N	5 N	
g) Monitoring and records, maintenance and reporting	1 3	2 N	3 N	4 A		3.5.1
h) Resources efficiency	1 N	2 N				

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.

We will now consider what enforcement action is appropriate. ☐	At present we do not intend to prosecute you for the above offences. However, you are warned that this may change if further relevant information comes to light.	This is a site warning. ☒ We have given you advice. ☒
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Review of Directly Applicable Legislation: key: A = Assessed, N = Not assessed, NA = Not Applicable, C1,C2,C3,C4 = CCS cat 1–4 breach. N

Report delivery method: ☐ copy left on site ☐ posted ☒ Emailed ☐ faxed Date 17 February 2012

Wynnstay Group Plc representatives present:

- Richard Flack (RF) – Production and Nutrition Manager
- Stuart Jones (SJ) – Health Safety and Environment Manager
- Wynne Lewis (WL) – Operations Manager

Introduction

This was a pre arranged visit and an agenda had been provided prior to the audit. The main aim of the audit was to assess compliance with the monitoring conditions and to undertake the first site tour of the Llysonnen Mill since the issue of the environmental permit. The audit was broken down into specific objectives but also included some on-going matters concerning the improvement programme requirements.

Officer's Signature

Recipient's name or position within

K Dunn

Richard Flack and Wynne Lewis

Continuation sheet used

Yes

No of
pages

8

CCS record
number

175651, 175646, 175652

The audit included the following agenda items :

- Proposed EA contact change
- Environmental Monitoring
- Actions from previous CAR 3866
- Improvement Programme
- Site Tour - include W1
- OPRA Review
- AOB

Objective 1 To establish Environment Agency contacts for the Wynnstay, Llysonnen Mill, Carmarthen

On the 2 November 2011 Stuart Jones the Health and Safety and Environment Manager telephoned the Environment Agency to notify the regulator that he will be leaving Wynnstay on the 25 November 2011.

The inspecting officers asked who would be the replacement for SJ. The officers were informed that there is no replacement for the post of Health and Safety and Environment Manager at that time and Richard Flack will be overseeing permit compliance for the Llysonnen Mill.

Objective 2 To undertake a site tour with the operator to include the monitoring point W1 at the mill and to visual assess operations and infrastructure to check permit compliance.

This was the first site tour of the feed mill since the issue of the permit. Neither officer had been around the site before so a full site tour was undertaken for familiarisation purposes. The tour also sought to establish progress made against the improvement programme in the permit and to inspect discharge point W1.

Observations

The site tour began at the offices. The operator explained that pending planning permission there is a proposal currently under consideration concerning the site offices at the Llysonnen site. This would also include a change to the foul and surface water drainage in this location. The operator has identified that the septic tank serving the site offices has an overflow on it which could be impacting on the site discharge.

A visual inspection of the yard identified improvements that had been made to the impermeable pavement. A report submitted by the operator to meet the improvement conditions in permit, titled 'Integrity Assessment' May 2011 identified areas of the yard where the concrete required attention. A surface water drain had also been identified as a potential pathway for 'dirty water run off' from the site.



The photograph on the above left has been taken from the 'Integrity Assessment' report dated May 2011 and shows an area of hard standing that had been identified in the report as requiring attention and the presence of a surface water drain. The photograph on the right shows the repair to the yard and removal of a surface water drain.

Further improvements to the yard also include repairs to a manhole; the photographs below were taken before and after the repairs. In the background of the right hand photograph bollards can be seen around drainage works in progress at the time of the visit.



The improvement works on-going at the site at the time of the visit included the segregation of clean and dirty water. Clean water run off was being directed from the roof of the mill building to the existing perimeter ditch. Please refer to Objective 4 improvement programme.

Emission Point W1

During the visit an inspection was carried out of emission point W1.



The sampling location was overgrown and boggy and the inspectors considered that it would not comply with the Technical Guidance Note (Monitoring) M18 'Monitoring of discharges to water and sewer'. The operator was advised that the installation would be subject to an Operator Monitoring Assessment (OMA) to water in the near future. During an OMA for water the operator would need to demonstrate compliance against the M18 guidance. The inspector agreed to forward a copy of the M18 guidance to the operator for review.

Action: Operator to review EA Technical Guidance Note (monitoring) M18 to ensure that a representative sample is taken at W1.

Objective 3 To discuss compliance with the monitoring conditions in the permit and quarterly submissions and notifications to date.

Prior to the visit the operator had failed to submit quarterly monitoring returns in line with the reporting requirements in the permit. During this audit the requirements were explained to the operator and a request was made for the monthly results for review, these were supplied in part. The operator admitted to having missed taking some monthly samples for analysis due to the non-compliances and current on-going improvement works.

An assessment of the monitoring results provided during the audit has been included in this CAR form and tabulated below :

Date Sample Taken	pH (limit 5 -8.5)	Compliant (Calculated)	BOD (limit 10mg/l)	Compliant (Calculated)	Suspend Solids (limit 15mg/l)	Compliant (Calculated)
29/09/10	7.7	Yes	20.5	No (see CAR 3655)	30	NO (see CAR 3866)
13/10/10	7.79	Yes	18.5	NO (see CAR 3866)	12.4	Yes
01/11/10	7.03	Yes	8.7	Yes	3.6	Yes
17/03/11	7.67	Yes	10.5	ATL	5.6	Yes
30/08/11	7.53	Yes	1.7	Yes	13.2	Yes
04/10/11	7.63	Yes	7.6	Yes	26.4	No (see below)

ATL = Approach To Limit

The permit was issued on the 5 July 2010 since issue 15 monthly samples should have been taken by the operator and analysed. The results of this analysis needed to be reported on a quarterly basis to the Environment Agency, within 28 days of the end of each reporting period on the W1 form in line with the permit. However only one W1 form has been submitted by the operator with ones months monitoring results.

The operator provided monitoring results for 6, monthly, samples during this audit. This has incurred a warning on this CAR form and has been entered onto the EA Compliance Classification Scheme (CCS) system as a Category 3 score.

From a review of the monitoring supplied during the audit the suspended solids result on 4 October 2011 of 26.4 mg/l when inputted into the EA compliance tool and the correction factor applied, was found to be non-compliant with the environmental permit. (CCS guidance minor exceedance approximately greater than 20% but less than twice permitted emission limit as a guide only).

A suspended CCS Category 3 score has been given for this breach due to on-going works on site associated with the improvement programme. Please see comments under improvement programme below.

Schedule 6 Notification

On 30 November 2011 the operator notified of an elevated BOD result from a sample taken on 15 November 2011. The result was entered into the EA compliance calculator and found to be non-compliant with the environmental permit. A suspended CCS Category 3 score has been given for this breach due to on-going improvement works and in particular the sealing of overflows on the septic tanks.

The inspectors requested a copy of the operators monitoring procedure for the Llysonnen mill. The operator informed the officers that there was no monitoring procedure in place. This contradicts the application document for the environmental permit. The application document is linked to the permit via Condition 2.3 Table S1.2 Operating Techniques. Part B question 7a of the permit application relates to monitoring including the procedures the operator will follow. The answer provided to this question was 'document reference number 129-01-01-08.EPR01'. The permit application document of the same reference mentions operating procedures (EAP04) etc the operator was unable to provide copies of the procedures during this visit. PG referred to EAP01 from the application however the operator was unaware of the presence of this document.

The inspecting officers asked the operator about the on site monitoring and in particular who would be responsible for sampling at the site in the absence of the Operations Manager. The need for a deputy had been recognised at the mill for the monitoring requirement. The operator explained that the Maintenance Manager would be responsible for the site monitoring in the absence of the Operations Manager. It did not appear that this had been formalised in a monitoring procedure for the site.

RF requested that KD meets with their chosen consultants who had compiled the application on their behalf. The inspectors explained that it is vital that the operator is familiar with the information they supplied in their application because it is directly linked to the environmental permit e.g. section 4.2.4 of application details that Wynnstay operate to an Environment Management System. It was of concern that this was not demonstrated during the visit.

Action: 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.

Objective 4 To review progress and discuss the improvement programme within the permit.

On the 20 May 2010 the operator submitted the following reports to meet the requirements of their improvement programme :

- Discharge Options Appraisal and Drainage Improvement specifications dated February 2011 Excal Project Ref: 129-01-02
- Integrity Assessment dated May 2011 Excal Ref : 129-01-03-11

Both reports were submitted outside the deadlines of the improvement programme requirements in the environmental permit. This was disappointing as progress against these improvement conditions had been raised during the first visit to the mill on 10 September 2010 following issue of the permit. Please note operator submissions are logged by the PPC team technical assistant.

The reports had been compiled by the operators chosen consultant however there was no indication from the operator of what was being proposed for the Llysonnen mill e.g. the report didn't outline what drainage option or remedial works the operator had decided to progress. The operator needs to review the wording of the improvement programme requirements against the submitted reports as the EA is yet to receive proposed actions, timescales, inspection and maintenance programme etc.

Action: 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.

For ease of reference Table S1.3 Improvement programme requirements outlined in the environmental permit has 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 Extension requested on 10 Sept prior to deadline and granted to 1/11/2010 Report received 20/5/2011 Discharge options appraisal and drainage improvement specifications Feb 2011
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).	01/01/2011 Report received 20/5/2011 No prior agreement made or permit variation application received to change the deadline.

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.

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 <i>Report received 20/5/2011</i> <i>No prior agreement made or permit variation application received to change the deadline.</i>
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 implementation of any improvements shall be approved by the Environment Agency.	01/04/2011 <i>Report received 20/5/2011</i> <i>No prior agreement made or permit variation application received to change the deadline.</i> <i>Discharge options appraisal and drainage improvement specifications Feb 2011</i>

In making proposed environmental improvements / investments justifications on your choice should be influenced by a cost benefit analysis to bring the site up to BAT (Best Available Techniques) for your given sector (Food and Drink EPR 6.10)

<http://www.environment-agency.gov.uk/business/sectors/39869.aspx> or beyond. Please note that Indicative BAT in the guidance should be applied where appropriate.

The operator met with their chosen contractor on 6 September 2011 to implement some of the recommendations that had been identified within the integrity assessment report. On the 20 September an e-mail outlining the progress made against some of the works in this report was sent to the EA.

The operator explained over the phone that a phased approach would be taken to the recommendations made by their consultants in the reports. The works identified in the integrity assessment report would be undertaken first.

Furthermore investigations in the site drainage had identified the presence of overflows on the septic tanks. The operator plans to seal the overflows as they are considered to be the route cause of the breaches in the emission limits values in the permit. On completion of this work it is hoped that this will improve the quality of the discharge from the site before deciding on one if any of the proposed options in the following report :

- Discharge Options Appraisal and Drainage Improvement specifications dated February 2011 Excal Project Ref: 129-01-02

At the time of the visit the operator considered that the next phase of improvement works would involve the diesel tank by the workshop at the top end of the site and the sealing of the overflows on the septic tanks.

The improvement conditions required the operator to provide an action plan with timescales for implementing the improvements identified. This has yet to be received by the EAW.

Action: Operator to notify on completion of the sealing of the overflows on the septic tanks.

Improvement Condition 3 states that the condition and integrity of the diesel storage and heavy fuel oil tanks should be assessed against PPG2. A copy of Pollution Prevention Guideline 2 (PPG2) was forwarded to the operator following the visit in September 2010. A link to PPG2 can be found below <http://publications.environment-agency.gov.uk/PDF/PMHO0811BUCR-E-E.pdf>

The Integrity Assessment Report dated May 2011 Excal Ref: 129-01-03-11 makes no reference to PPG2. It is unclear what was identified in the assessment when compared against the guidance e.g. 2.3.3 Fuel Oil Storage adjacent to workshop mentions that the tank isn't within a bund and the title to Picture 1 that an installation of ACO drainage required to ensure capture and treatment if possible fuel spills. The improvement condition also asks for an action plan with timescales for implementing the improvement conditions.

Action: Operator to review the reports already submitted to the EA against the wording of the improvement conditions e.g. assessment against PPG2

OPRA V3.6 Spreadsheet

The OPRA V3.6 spreadsheet was submitted on request and has now been reviewed and uploaded onto the EA Permit Administration System.

[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
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.