

Compliance Assessment Report

Report ID:
CAR_NRW0026766

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

Site	Deeside Packaging Coatings EPR/BU7545IM	Permit Ref	BU7545IM			
Operator/Permit holder	The Valspar (UK) Corporation Ltd					
Regime	Installations					
Date of assessment	13/12/2016	Time in	10:30	Out	15:40	
Assessment type	Audit					
Parts of the permit assessed	Odour					
Lead officer's name	Frost, Julia					
Accompanied by	Ellis, Rhys					
Recipient's name/position	Scott Bragg/ HS&E Manager	Date issued	07/02/2017			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C1 - Infrastructure - Staff competency/training	C3	1.1.1
E1 - Infrastructure - Air	C3	3.1.1
F1 - Infrastructure - Odour	C3	3.4.1
G4 - Infrastructure - Reporting and notification to Natural Resources Wales	C3	4.3.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	16
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

The purpose of the visit was to carry out an audit of the site's EMS, however on arrival at site a chemical odour was observed at levels likely to cause annoyance and therefore this formed the basis of the discussions on the day. The EMS audit will be rearranged for the New Year.

Odour Issues

On four occasions during the day NRW Officers noted a chemical odour off site on the road between the installation and Iceland. The odour detected was intermittent but was strong enough to cause annoyance outside the site, breach of permit condition 3.1.1. The odour was detected both on and off site by NRW and the Operator.

Investigations on the day were unable to find the exact cause of the odour and the Operator was asked to submit a Part A and investigate the source of the odour. The Operator advised that an odour specialist was due on site the following day to follow up on the issues with the scrubber valve in October.

The Part A was not received until 10 Jan 2017, breach permit condition 4.3.2.

The investigation is still on-going and therefore the part B has not yet been submitted. The Part B shall be submitted asap, if the investigation is not available by 30 January, please provide an update of the investigation to date. Permit compliance will be further assessed upon receipt of the Part B.

EMS procedure DEE-PRO-027 Legal and IPPC Compliance briefly covers the notification requirements of the permit. The Operator shall review the current procedure to ensure it is robust enough to secure permit compliance by 30 January 2017. The Operator shall also ensure that all personnel on site with a responsibility to notify NRW under section 4.3 of the permit are aware of their responsibilities and are suitably trained, by 30 January 2017.

Daily odour checks are carried out at key locations on site. The daily check did not pick up the issue of odour that was detected throughout the day on 13 Dec by NRW Officers. The Operator shall review the current odour investigation procedure to ensure it is fit for purpose. This review shall include an assessment of the correct person / people (it would be useful to utilise two staff - a non plant operative to detect the odour, plant staff to identify the source if odour detected) to do the checks and the consideration of off site checks. This review shall be carried out and fed back to NRW by end February 2017.

Outstanding Returns

Discussions were held over a number of outstanding submissions, concerns were raised over the time some of these have been outstanding and the lack of communication from the Operator on them.

The permit variation required by end July 2016 has still not been submitted. This variation was to apply to include the additional emission points that have been added by the Operator that are currently not permitted. The emissions are in breach of the existing permit, breach permit condition 3.1.1.

This breach has been on going for some time now and the permit variation still not applied for, with little communication from the Operator to explain the delay or request an extension. Permit condition 1.1.1 requires that *the site is managed and operated by sufficient persons*. Breach permit condition 1.1.1. The Operator shall ensure that adequate resources are assigned to ensuring compliance with the environmental permit. The Operator shall submit the variation to NRW by end of January 2017 at the latest.

A spreadsheet showing the Solvent Emissions calculation for 2015 has been provided to NRW since the visit and comments sent on this to the Operator by email.

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EPR Compliance Assessment Report

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Operator/Permit holder	The Valspar (UK) Corporation Ltd	Date	13/12/2016

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
F1	C3	See text in CAR form	30/01/2017
C1	C3	See text in CAR form	30/01/2017
E1	C3	See text in CAR form	30/01/2017
G4	C3	See text in CAR form	30/01/2017

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.