

EPR Compliance Assessment Report

Report ID: BU7545IM/0194733

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

Site	Deeside Packaging Coatings		Permit Ref	BU7545IM	
Operator/ Permit holder	The Valspar (UK) Corporation Ltd				
Date	06/11/2013		Time in	10:00	Out 16:45
What parts of the permit were assessed	OMA audit of emissions to air				
Assessment	Audit	EPR Activity:	Installation	X	Waste Op
Recipient's name/position	Ann Bell/HSE Manager				
Officer's name	Lara Cubley		Date issued	26/11/2013	

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	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	A	
	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	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	C3	3.6.3
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C3	4.3.1
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

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

Number of breaches recorded

2

Total compliance score
(see section 5 for scoring scheme)

8

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

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

OMA Audit for Emissions to Air

OMA audit conducted returned a score of 74% for monitoring of emissions to air.

Compliance

G1 Monitoring of Emissions and the Environment - Condition 3.6.3 Some improvements required to meet minimum standards expected for periodic monitoring to ensure compliance with M1 and MCERTS standards.

Recommendations made in the report are to be reviewed by the company and actioned.

G4 Monitoring and Notifications - Condition 4.3.1 The Operator is required to Notify Natural Resources Wales of emission breaches within the timescales specified and report information required. **See Section 4, Actions, over the page.**

 Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report	Report ID: BU7545IM/0194733
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Operator/ Permit	The Valspar (UK) Corporation Ltd	Date 06/11/2013

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 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			
G1	C3	The Operator is advised to review recommendations in OMA report and take necessary action.	17/01/14
G4	C3	The Operator must provide completed Part A and B notification and investigation summary as soon as possible. He must also ensure management systems in place and training enable the Operator to comply with this Permit notification requirement.	20/12/13

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 the Natural Resources Wales (NRW) to fulfill 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 (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.

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 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 607 0987.

Summary sheet		
Permit Number: BU7545IM	Compliance Officer: Lara Cubley	
Operator: Valspar	Auditor (if different):	
Emission Point(s): A1 – A6	Others Present:	
OMA Sections	SCORE	
OMA 1 – Management of monitoring	20/25	
OMA 2 – Periodic monitoring and test laboratories	24/35	
OMA 3 – Continuous monitoring	n/a	
OMA 4 – Quality assurance	23/30	
	OVERALL SCORE	74%
OVERALL SITE ASSESSMENT COMMENTS		Letter
		Variation
		Enforcement
Please see summary of each section for recommendations for improvements and actions. The overall standard of monitoring meets our requirements apart from periodic monitoring. In particular, the critical element of monitoring provisions at A2 and A6 fall below our required standards.		
		Date of audit: 06/11/2013
		Signed: L Cubley
		Date: 26/11/2013

OMA 1: Management of monitoring

OMA ELEMENTS	SCORE	COMMENTS
A. Documentation of management system procedures for monitoring	4	The Operator has an EMS and Procedure DEE-PRO-015 Monitoring & Measuring, (last reviewed 20/12/2011), gives responsibility to HSE Manager for monitoring as required by Permit. SSP is provided by current contractor. The SSP would gain from more critical review or auditing so as to understand where there are failures to meet M1 guidance or MCERTS accreditation, and to check data quality followed by acting of findings.
B. Organisational structure for monitoring	3	Responsibilities detailed formally, however, no formal deputy is identified to assume responsibility for monitoring for business continuity as required in guidance, hence maximum score of 3 for this element.
C. Schedules and planning of monitoring, including contingencies	5	HSE Manager plans monitoring via task tracker on Outlook. This is always quarterly for emissions to air and the contractor also schedules such monitoring in.
D. Monitoring records and use of monitoring data	4	This is not formally documented but HSE Manager reviews data and any exceedances of Permit limits acted upon. Monitoring trends are reviewed at annual management reviews. Further understanding of Monitoring requirements and MCERTS would enable a more critical review of monitoring reports.
E. Understanding the requirements of the permit and monitoring methods	4	HSE Manager has an IEMA diploma and MSc. and an understanding of how the process may impact upon the Environment. HSE Manager is booked on MCERTS Awareness training February 2014. A contractor having gained Level 2 MCERTS certification is always present during monitoring.
OMA 1 – SCORE	20/25 80%	

SUMMARY COMMENTS FOR OMA 1

Good overall score achieved. The following improvements are recommended to attain a higher score:

- Formal deputy should be identified to assume responsibility for monitoring for business continuity as required in guidance.
- The HSE Manager or others responsible for monitoring should complete their MCERTS Awareness training. This will then allow a more critical review of the SSP and monitoring reports with an understanding of where there are failures to meet M1 guidance or MCERTS accreditation. This will also enable greater checks on data quality.

OMA 2: Periodic monitoring and test laboratories

OMA ELEMENTS	SCORE	COMMENTS
A. Sampling provisions <i>Critical Element</i>	2/5	Some of the sampling locations do not comply with M1 guidance. In particular location A2 is almost on the bend of ducting and A6 is very close to fan. Sampling access ports observed were mostly holes made in the ducting with an attempt to seal by taping over, which wasn't always successful. Split score given, as A5 appears compliant with proper sampling access port fitted. A4 is no longer monitored and required a drums have been replaced with bulk storage negating the requirement for decanting. A3 was not accessed.
B. Certification of equipment	4	Equipment generally has MCERTS certification but not always for relevant determinand or range. This is partly due to the requirement for intrinsically safe equipment and that the range if not high enough meaning tube are used for VOCs.
C. Measurement methods and standards <i>Critical element</i>	3	As mentioned above there are deviations from standard methods reportedly due to the requirement for IS equipment and range required. The monitoring appears to be semi-quantitative/total rather than speciated for VOCs. BS3405 being used for particulates as per permit requirement is old method and not certified. M2 should be reviewed for potential updates to methods. There is no formal review process to ensure methods remain fit for purpose.
D. Calibration methods <i>Critical element</i>	3	Equipment and methods generally follow MCERTS with some deviations but all calibrations in date. Not all lab methods employed are UKAS accredited.
E. Frequency of maintenance and calibration	4	On the whole contractors and labs have MCERTS or UKAS accreditation, however, this is not always extended to the method or determinand of interest at the site.

F. Reliability of equipment (data reliability)	5	Reliability generally at least 95%. Re-testing had to be undertaken recently but no record of equipment failure was recorded. Monitoring is undertaken quarterly.
G. Breakdown response	n/a	The Operator could consider an alternative approved contractor in case there are issues with breakdowns of equipment from current contractor.
H. Traceability	3	See above, not all methods are UKAS accredited. Data on use of blanks and results for VOCs was not clear in the report.
OMA 2 – SCORE	24/35 69%	27/35 when considering sampling provisions for A5.

SUMMARY COMMENTS FOR OMA 2

The Operator performance in this element of the audit on Periodic Monitoring and Test Laboratories was not so good. A critical element, Sampling provisions, fell short of our requirements for A2 and A6. Other critical elements are on the cusp of what we would deem to be an acceptable standard and the following improvements are required:

- 1) A formal review of the sampling provisions and conformance to M1 together with documented decisions and required improvements is required.
- 2) A formal documented review process demonstrating a review of monitoring methods and standards with a record of decisions and improvements is required.
- 3) The Operator must review analytical methods to ensure laboratories employed have UKAS accreditation specifically for the determinands analysed.

OMA 3: Continuous monitoring

OMA ELEMENTS	SCORE	COMMENTS
A. Provisions for monitoring and location of CEMs <i>Critical Element</i>	n/a	
B. Certification of CEMs		
C. Calibration methods <i>Critical element</i>		
D. Frequency of maintenance and calibration		
E. Reliability of equipment (data availability)		
F. Breakdown response		
G. Traceability		
OMA 3 – SCORE	n/a	

SUMMARY COMMENTS FOR OMA 3

No continuous monitoring requirements in Permit.

OMA 4: Quality assurance

OMA ELEMENTS	SCORE	COMMENTS
A. External quality control schemes	3	As previously mentioned not all methods have accreditation. There was some confusion about the contractors report for Q3 results (Sept 2013). This showed 33.3% total VOCs being detected on the back up tube without a recommendation for re-testing. There was also confusion comparing the results to the text as to whether this was from A2 or A5.
B. Internal data quality control	3	The operator reviews results and undertakes trending and review at management meetings. Despite action being taken due to recent breach of Permit emission limit this was not reported as required by Permit. It is recommended that the Operator employs rigorous procedures for ensuring Permit breaches are reported and investigated as required by the Permit. The Operator would benefit from procedures for reviewing data to ensure its integrity and validity.
C. Competence of monitoring personnel	5	Certificates were available to demonstrate monitoring personnel are endorsed by STA (Source Testing Association) for the monitoring of gases and particulates. A valid Level 2 MCERTS certificate was made available.
D. Auditing of monitoring	4	Audits of monitoring are undertaken when the contractor comes to site to monitor. Such audits are not documented as covering our standard proforma. This will be provided to the Operator.
E. Audit compliance	3	The Operator has an EMS which includes documenting and closing out of corrective actions.
F. Reporting	5	The Operator provides reports detailing monitoring data as required by the Permit.
OMA 4 – SCORE	23/30 77%	

SUMMARY COMMENTS FOR OMA 4

The Operator performance in this element of the audit on Periodic Monitoring and Test Laboratories was of an acceptable standard. However, a couple of areas could be improved as follows:

- It is recommended that the Operator employs rigorous procedures for ensuring Permit breaches are reported and investigated as required by the Permit.
- The Operator would benefit from procedures for reviewing data and reports to ensure its integrity and validity. The MCERTS Awareness training will also help with this.
- An auditing programme covering and recording elements of our 'Audit form for stacks emissions monitoring' proforma.