Cyfoeth Naturiol Cymru / Natural Resources Wales	**EPR Compliance Assessment Report**	Report ID: VP3030BX/0222670

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

Site	Whitchurch Salt Slags			Permit Ref	VP3030BX	
Operator/ Permit holder	Befesa Salt Slags Ltd					
Date	21/10/2014			Time in	11:39	Out 12:09
What parts of the permit were assessed	Odour and Management Conditions					
Assessment	Site Inspection	EPR Activity:	Installation X	Waste Op		Water Discharge
Recipient's name/position	John Leah					
Officer's name	Matthew Kelk			Date issued	07/11/2014	

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	N		
	2. Management system & operating procedures	C2		1.3
	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	N		
	2. Land & Groundwater	N		
	3. Surface water	N		
	4. Sewer	N		
	5. Waste	N		
f) Amenity	**1**. Odour	C2		2.2.6.1
	2. Noise	N		
	3. Dust/fibres/particulates	N		
	4. Pests, birds & scavengers	N		
	5. Deposits on road	N		
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	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)	62

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.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

Local residents reported 10 odour complaints to Natural Resources Wales between 15th August 2014 and 24 October 2014. Natural Resources Wales visited the site on the 19th August 2014, 13th October 2014 and the 21st October 2014, on these three occasions an offensive off site ammonia odour was substantiated.

As a consequence of these visits the following non compliances of permit VP3030BX were identified, as outlined below:-

1.0 Fugitive Odour Emissions

Permit Requirement

Condition 2.2.6.1:- the Operator shall use BAT as to prevent or where that is not practicable to reduce odorous emissions from the Permitted Installation, in particular by:

- *Limiting the use of odorous materials*
- *Restricting odorous activities*
- *Controlling the storage conditions of odorous materials*
- *Controlling processing parameters to minimise the generation of odour*
- *Optimising the performance of abatement systems*
- *Timely monitoring, inspection and maintenance*
- *Employing, where appropriate, an approved odour management plan.*

Provided always that the techniques used by the Operator shall be no less effective than those described in the Application, where relevant.

The following permit breaches attract one consolidated CCS category 2 score as Befesa have not used BAT to prevent and minimise odorous emissions. Scored at CCS category 2 due to an ongoing odour issue, in accordance with NRW - Scoring Non Compliance Classification Scheme (CCS) Guidance.

1.1 Wardall Befesa Fine Aggregate (BFA) Storage Building

On 19th August, 13th October and 21st October 2014 the door on the Wardall Befesa Fine Aggregate (BFA) storage shed was left open, at the same time tipping of BFA into lorries was evident. In particular on the 13th October 2014 fume could be seen leaving the lorry whilst tipping. Potential for fugitive emissions leaving shed. (See photos 1 - 4, appendix 1)

1.2 – Raw Materials / Milling Area

During the inspection of the 13th October and 21st October 2014, doors were left open on the raw materials/milling area, loading was not occurring at the time. During the inspection of the 13th October 2014 NRW officers entered the raw materials/milling building; it was evident that there was a strong smell of ammonia within this building. Leaving doors open on this building has the potential to contribute to fugitive odour emissions. (See photos 5 - 7, appendix 1)

1.3 – BFA Interim Storage Building

On the 19th August, 13th October, 21st October 2014 the door on the BFA interim storage building was left partially open (approximately 600mm). There was an extremely strong smell of Ammonia next to this building that made the NRW officer cough. Following discussions with the site manager/ QSE manager it is understood that the partial opening is to allow through flow of air into the building. It appears that when strong winds blow across the door fugitive odours are escaping from this opening.

1.4 Vehicle Loading

NRW officers have observed the loading of BFA outside the interim storage area. Fume is evident when material is tipped into the trailer as they are loaded. Additionally the door on this area has to be opened throughout the loading process to allow a low loader to enter and exit the building. (See photo 8, appendix 1)

Befesa states in its report titled *'Review of Fugitive Emissions from Befesa Slags Ltd 2012/13'* 'that oxides are generally loaded in a covered building and only when material is cool. However interim storage of the material at times loaded outside the building'.

Compliance/ action

NRW believe that the above observations on site do not constitute Best Available Techniques (BAT). BAT should be used to mitigate/minimise fugitive emissions of ammonia and consequently offsite odour.

- Befesa QSE manager has indicated by email to Natural Resources Wales (22/10/2014) and within odour investigation documents (forwarded 24/10/2014) the following:-

- To investigate the possibility of installing CCTV and an electronic roller shutter door to the Wardall BFA storage shed.

- Electronic fobs to close salt slag storage/milling area doors are to be fixed enabling door to be closed for longer.

- Discussions held with QSHE manager for Befesa to investigate air intake methods into the interim BFA storage shed so that the door can remain fully closed.

Actions to be included within a designated action plan to be forwarded to NRW by 07/12/2014

2.0 Management

Permit Requirement

Condition 1.3
Without prejudice to the other conditions of this Permit, the Operator shall implement and maintain management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this permit.

The following permit breach attracts one consolidated CCS category 2 score. Scored at CCS category 2 due to an ongoing odour issue.

Due to failure of employing best available techniques across site for odour control, Befesa environmental management system should be reviewed.

Procedural review to include:-

- Odour control from receipt and processing of raw material.
- Odour control from the containment and storage of BFA both on main plant and Wardall storage shed .
- Loading of BFA before further transportation on and offsite.

Procedural review to be submitted in writing to NRW by 07/12/2014

3.0 Odour Management Plan

In accordance with condition 2.2.6.2 of your environmental permit Natural Resources Wales are notifying Befesa Salt Slags Ltd that the activities operated on site are causing annoyance outside the site due to odour, as such we are instigating the following condition:-

Condition 2.2.6.2 (a):-

The operator shall if notified by Natural Resources Wales that the activities are giving rise to annoyance outside the site due to odour, submit to Natural Resources Wales for approval within the period specified, an odour management plan.

Please provide an odour management plan as outlined above to NRW by 08/01/2015 We welcome a discussion on site as to the content of this report before completion.

When compiling the odour management plan consideration should be given to the following guidance note:- *H4 Odour Management, Environment Agency, March 2011.*

4.0 Advice and Guidance

Please ensure that all complaints forwarded by NRW to Befesa Salt Slags are investigated and send an investigation report back to the regulating officer . Action now instigated by Befesa QSHE manager.

If Befesa carry out the actions detailed within this report to bring the site back to compliance, Natural Resources Wales may consider to 'suspend' future subsequent CCS scores with regards to the non compliances for a period of six months whilst the action plan is being implemented.

Appendix 1



Photo 1 (Wardall Shed 13/10/2014)



Photo 2 (Wardall Shed 13/10/2014)



Photo 3 (Wardall Shed, 21/10/2014)



Photo 4 (Wardall Shed, 21/10/2014)



Photo 5 (Salt slag storage and oxide storage areas 13/10/2014)



Photo 6 (Salt slag storage area 13/10/2014)



Photo 7 (Salt slag/milling area 21/10/2014)



Photo 8 (Vehicle loading 21/10/2014)

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Operator/ Permit	Befesa Salt Slags Ltd	Date	21/10/2014

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

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			
C2	C2	Procedural review to be submitted in writing to NRW (see main text for details).	07/12/2014
F1	C2	Actions to be included within a designated action plan to be forwarded to NRW (see main text for details).	07/12/2014

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.