Cyfoeth Naturiol Cymru
Natural Resources Wales

EPR Compliance Assessment Report

Report ID: VP3235HS/0192618

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

Site	Farmers Boy (Deeside) Ltd		Permit Ref	VP3235HS	
Operator/ Permit holder	Farmers Boy (Deeside) Ltd				
Date	23/10/2013		Time in	10:30	Out 12:30
What parts of the permit were assessed	Improvement Conditions, Compliance advice and guidance				
Assessment	Site Inspection	EPR Activity:	Installation X	Waste Op	Water Discharge
Recipient's name/position	Lee Faulkener, Services Manager				
Officer's name	Beth Voice		Date issued	06/11/2013	

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	C3	1.1.1 (b)
	2. Management system & operating procedures	C3	1.1.1 (a)
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	C3	1.1.1 (a)
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	C3	3.1.2
	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	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	C3	**4.2.1, 4.2.3**
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	5	**Total compliance score** (see section 5 for scoring scheme)	20

If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

	INITIALS	
OK FOR PUBLIC REGISTER	EV	2/12/13
COPIED TO PUBLIC REGISTER	JB	EDRm

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.

Beth Voice met with the Site Services Manager to discuss improvement condition progress and to provide advice and guidance. The main concerns are having suitably competent persons and sufficient resources allocated to be able to meet permit requirements, and not meeting the majority of reporting requirements including improvement conditions and CAR actions.

The following documents were discussed:

- Food and Drink Sector (EPR 6.10) guidance document
- How to comply with your environmental permit
- Food and Drink Manufacturing Industry Environmental Management Toolkit
- The Food and Drink Sector BREF.

Actions from the previous CAR form dated 01/10/13 have been left in the document (in italics) to make it easier to see progress and deficiencies.

IC 3 – 01/10/13 An audit report covering energy efficiency commissioned centrally and dated July 2013 was tabled. This included the Deeside site. A copy must be forwarded to NRW. The Operator informed us of another 3 day audit conducted in August. Advice and guidance was given to the Operator on producing an Energy Efficiency Plan and a link to H2 Energy Efficiency guidance has been provided. The Operator must confirm the findings of the audits and submit the summary of an Energy Efficiency Plan as required by the improvement condition by 31st October 2013.
23/10/13 The report from the 3 day audit was reviewed and found to be very brief and lacking in detail or an action plan. An Energy Review dated 25/07/13 was reviewed but there was no definite outcome as to any plans /actions to be taken at the Deeside site. Section 1.2 of the Food and Drink Sector (EPR 6.10) guidance document was discussed to enable the operator to see what should be covered in an energy efficiency plan. The operator still needs to submit the summary of an Energy Efficiency Plan as required by the improvement condition by 31st October. This date has passed.

IC 4 – 01/10/13 Having added 5 sub meters, bringing the total to 9 the Operator has improved measurement and recording of water usage at the site. The water usage recording spreadsheet must be forwarded to NRW. However, a written report meeting the requirements of improvement condition 4 is yet to be submitted. In particular this must detail the significant points of consumption, location of meters, type of meters, reading, recording, and reviewing frequencies and procedures as per guidance discussed. A report to meet the requirements of improvement condition 4 shall be submitted to NRW by 31/10/13.
23/10/13 The water usage spreadsheet was forwarded to NRW which listed the meter locations and usage. The report to meet the requirements of improvement condition 4 needs to be submitted by 31st October 2013. This date has passed.

IC 5 – 01/10/13 As per improvement condition 3 the July audit report suggests a heat recovery project for Deeside with estimated payback. However, as this is being managed centrally site management were reluctant to commit to anything until further interface and links are made with this project. Advice and guidance was given regarding the requirements of a feasibility study (BAT assessment) and the operator is still to meet this requirement locally. The Operator is to confirm exactly where they are up to with this project with a clear timetable towards meeting the requirements of improvement condition 5 by 31/10/13.
23/10/13 The energy report dated 25/07/13 covers part of this improvement condition, however there was no plan as to what actions were to be pursued and timetable for implementation of any proposed improvements. The operator is to provide a written summary of the timetable of implementation by 31st October. This date has passed.

Summary IC3, IC4, IC5

The Food and Drink Sector (EPR 6.10) guidance document provides information about the requirements of Improvement Conditions 3, 4 and 5 and BAT review. It was decided that more time would be required by the operator to meet these requirements and the operator was to report back with proposed new dates, however as these were not received the date of the 31/10/13 stands and has not been met. A new date is set of 31/12/13 for improvement condition completion. Failure to meet permit requirements will result in escalating enforcement options.

IC 6 – 01/10/13 A PPM schedule was tabled at the meeting, improvements to procedures and accident management pertaining to the ETP have also been made. However, advice and guidance was given to the Operator on reviewing current practice against what is considered BAT in the Sector Guidance so as to meet the requirements of this improvement condition. The Operator shall submit such details in writing together with appended procedures for process control, monitoring, and PPM schedules so as to comply with the requirements of this improvement condition by 31/10/13.
23/10/13 The operator was shown the BREF (BAT Reference Document) for the Food and Drink Sector and what is expected for BAT for effluent treatment plants. The effluent treatment operating procedure was briefly reviewed and needs to be updated to include escalation procedures if results show that the plant is operating close to the emission limit values/ discharge consent limit or if the results are rising. Need to ensure that the operators pass on information to the relevant person. Need to ensure that if key people are off site that the ETP and emergency procedures are sufficiently comprehensive that correct procedures/requirements are followed. A review of current practise against BAT is still required. This improvement condition has not been met. A new date is set of 31/12/13 for improvement condition completion. Failure to meet permit requirements will result in escalating enforcement options.

Actions from previous Compliance Assessment Report (CAR) audit 22/07/13

C1 – 01/10/13 The Operator has yet to comply with this action and a training plan is still required. CIEH Level 2 Environmental Principles and Best Practice course is in the process of being procured. Advice and guidance was given on production of a training plan and the requirement for a higher level of training for key management responsible for environment. The Operator agreed to confirm in writing on further interface with HR when a plan will be produced and submitted by 11/10/13. This plan has not been received.
23/10/13 The Site Manager, Yard and Waste Operatives, Engineering Managers and Site Services Manager attended a CIEH Level 2 Environmental Principles and Best Practice course on 15/10/13. An induction pack has been put together for all site staff to be trained by the end of October 2013. One of the training slides states that the Engineering Team manager, Engineering Facilities Manager and Site Engineering Manager are to be told if non-conforming material enters the site drains. This needs to be added to the operating procedures. The Food and Drink Manufacturing Industry Environmental Management Toolkit was discussed with reference to training plans. Pages 31-32 demonstrate the type of training check sheets required for the site. The site training plan needs to be submitted to NRW. This action has not been met.

C2 – 01/10/13 The Operator is yet to complete this. The Operator plans to add permit reporting deadlines to maintenance schedules as automatically flagged reminders. Part A and B reporting requirements are included for ETP limits. However, other emergency reporting notification requirements need to be addressed. The Operator must confirm in writing to NRW how this action is being fully addressed by 31/10/13. This must include a screen shot of maintenance schedule to demonstrate additions.
23/10/13 Permit reporting deadlines have been added to the maintenance schedule. Part A and Part B reporting requirements are to be included in the ETP SOP. The operator is to summarise what actually happens and update the SOP. This action has not been met.

D2 – 01/10/13 The site emergency procedures need to be updated to include outcomes from the site impact assessment and risk assessment.
23/10/13 Some procedures have been updated e.g. Spills from the biannual clean of the cooling towers. Need to ensure all outcomes from the impact assessment and risk assessment are covered in the emergency procedures. This action has not been met.

E4 – 01/10/13 The Operator supplied a copy of a Trade Effluent consent variation application signed and dated 15/08/13 to increase the volume of the discharge. The Operator was advised to set trigger limits below those required by the permit. Thus some headroom is factored in to act early and enable compliance.
23/10/13 Trigger limits have been set. A reserve tank is being used at present to give 3 days' storage time. The balance tank will be commissioned in the future to increase residence time and lower suspended solids. No date set as yet, but the operator is to inform NRW of the date of commissioning. The site is required to provide a plan with timescales to show when they expect to be in compliance with the permit emission limit values and the discharge consent limit for discharge to sewer. This should include details of expected variation to discharge consent, the addition of a holding tank and a BAT review for the ETP. This action has not been met.

G4 - 01/10/13 Report for discharge to sewer not submitted for Jan - June 2013. Requirement 4.2.3 of the permit.
23/10/13 Report was received 21/10/13. The following emission limits were breached: Flow rate at 491m3/day vs. 30m3/day limit, pH at 4.4 vs. 5 minimum limit, Suspended Solids at 1300mg/l vs. 1000mg/l limit, COD at 6020mg/l vs. 4500mg/l. The date of response for CAR actions has passed without requirements being met.

Other

- The operator is to document procedures for checking hard standing to ensure suitable containment.
- The drain traps (baskets) inside the buildings are to be checked on a weekly basis by the Hygiene Department rather that every 6 months by the Engineering Department. This should reduce the flooding inside the buildings and reduce solids (rags etc) being washed down to the ETP.
- Advice and guidance was provided on the importance of BAT reviews and where information can be found.
- Advice and guidance was provided on the type of environmental training required to meet permit requirements and the importance of having sufficient competent persons and resources.
- Advice and guidance was provided with respect to Environmental Management Systems and the requirements of the permits.

Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report	Report ID: VP3235HS/0192618	
This form will report compliance with your permit as determined by an NRW officer			
Site	Farmers Boy (Deeside) Ltd	Permit	VP3235HS
Operator/ Permit	Farmers Boy (Deeside) Ltd	Date	23/10/2013

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.	
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			
C1	C3	The operator is to submit a site training plan.	31/12/13
C2	C3	The operator is to confirm in writing that all reporting requirements are included in the relevant procedures.	31/12/13
D2	C3	The operator is to ensure all outcomes from the environmental emergency and accident management plan are included in the relevant operating procedures.	31/12/13
E4	C3	Site is to provide a plan with timescales to show when they expect to be in compliance with the permit emission limit values and the discharge consent limit for discharge to sewer. This should include details of expected variation to discharge consent, the addition of a holding tank and a BAT review for the ETP.	31/12/13
G4	C3	The operator is to meet action deadlines from the Compliance Assessment Reports.	31/12/13

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.