

Compliance Assessment Report

Report ID:
CAR_NRW0020625

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

Site	R F Brookes	Permit Ref	UP3237CP			
Operator/Permit holder	Solway Foods Limited					
Regime	Installations					
Date of assessment	26/05/2016	Time in	10:00	Out	13:00	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	Returns, notifications, EU ETS					
Lead officer's name	Willey, David					
Accompanied by	Chris O'Brien					
Recipient's name/position	William Ellworthy/ Divisional Health, Safety and Environment Lead	Date issued	06/06/2016			

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
B4 - Infrastructure - Containment of stored materials	C4	2.2.4.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	5.1.1.3
	C4	5.1.1.3

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	3	Total compliance score (see section 5 for scoring scheme)	0.3
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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

Solway Foods Ltd - 26th May 2016

Present

David Willey (NRW),

Chris O'Brien (NRW),

William Elworthy Divisional Health, Safety and Environment Lead

Hugo Moore Engineering Services Manager

David Jones Health and Safety Manager

There have been some staff changes at Solway Foods Ltd that has led to the main contact changing from Alicia Thomas to William Elworthy. This is a temporary position until a new chief engineer is appointed. This new role will have the legal responsibility for the permit requirements and will be the point of contact for NRW. This position should be filled by August 2016. Until this position is filled the contact for permitting queries is William Elworthy. There is also a new Energy Improvement Manager at 2 Sisters as well as and Environment Forum.

1. Actions from previous OMA assessment

The action from the OMA assessments were discussed with NRW stating that these actions would go towards obtaining a better score at the next OMA assessment – due in 2019. There was one action not relating to the OMA assessment but in regard to the waste area being cleaned regularly to avoid the build-up of waste and potential for vermin and odour generation. A procedure has now been put in place and during the visit the waste area was in a much better state.

ACTION: Solway Foods Ltd to supply the amended procedures and demonstrate where it fits into the sites EMS for cleaning in this area to NRW.

2. EU ETS – Chris O'Brien

Chris O'Brien is a member of the EU ETS team that regulates sites that are required to comply with the scheme. Chris provided some very useful information to Solway Foods Ltd to ensure that they fully understand the requirements of the scheme. The EU ETS scheme is outside the scope of EPR and formal

requests and notifications should be done through the ETSWAP system.

3. Annual returns and ongoing requirements

The permit requires Solway Foods Ltd to submit reports / information at various times of the year. These were discussed and NRW were assured that these have been passed on from Alicia to Solway Foods.

4. Notification requirement

The requirement to report any releases from the site was raised by NRW. Condition 5.1.1 of the permit LP3035XM (version 3) requires the Operator to notify NRW 'without delay of:-

The detection of an emission of any substance, which exceeds any limit or criterion in this Permit, specified in relation to the substance;

The detection of any fugitive emission, which has caused, is causing or may cause significant pollution;

The detection of any malfunction, breakdown or failure of plant or techniques which has caused, is causing or has the potential to cause significant pollution; and

Any accident, which has caused, is causing or has the potential to cause significant pollution.'

The Schedule 1 Notification of abnormal emissions form was not completed following a recent fire at the site and was only brought to the attention of NRW from News coverage.

This is considered to be a category 4 breach of permit condition 5.1.1.3 as there was no risk to the environment.

5. Odour complaints update

As a result of an odour complaint investigations undertaken by Solway Foods Ltd indicated cracks in some of the casing that leads to the thermal oxidiser (A1) and allowed some of the pre combusted air from the building to escape. This has now been fixed during the recent downtime with the oxidiser being re-skimmed. Solway Foods Ltd carry out daily checks and have an annual service undertaken by a third party on the equipment. There is the potential to change the treatment of odorous air extracted from the process areas, this is currently being looked at by Solway Foods Ltd.

ACTION: Solway Foods Ltd to provide the procedure for daily checks to NRW.

6. Noise complaints update

Noise complaints have been received for some operations carried out in the early hours of the morning. A source has been identified as being Amber Foods collecting waste. This has now been rectified and Amber Foods will only collect during the daytime. The security guards on site also carry out noise checks during their walks around the site and report any activities that may give rise to unacceptable noise levels.

7. Pollutant Release and Transfer Register (PRTR)

Solway Foods Ltd are required to submit their PRTR by 10th June, this has already been done by Solway Foods Ltd.

8. Update on Insource AD site

The situation of the AD plant was discussed with Solway Foods Ltd stating that they propose to have a new AD plant at the site under their own permit. This is in the early stages of development at the moment. NRW informed Solway Foods Ltd that this would require SSE to surrender their permit before they can apply to vary their permit to extend their site boundary to include the AD plant. There is also scope for further expansion at the site, this would likely form part of the variation for the AD plant. NRW encourage early pre application discussions to avoid any un-necessary delays during the permitting process. The AD plant will be operated through Amber Foods that looks after the waste generated from the 2 Sisters group.

9. Site inspection

A site inspection was carried out to look at the combustion units that fall within the EU ETS scheme as well as a check on the waste area maintained by Amber Waste Services. The waste area was in a good state and much improved on from the previous visits by NRW. The site inspection included a visit to the energy centre where two new burners have been installed.

During the inspection storage of IBCs containing oil for the newly installed Oriental Line were located on the tarmacked area with only the oil interceptor in place as a secondary bund. There were drip trays beneath the IBCs but there was the potential for the IBCs to spill directly to the interceptor. NRW were informed that this was a temporary situation as the IBCs were waiting to be moved into the bunded storage area pending use. This has been considered as a breach of condition 2.2.4.3 of the permit EPR/UP3237CP/V003 where it states 'all liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.' **Considered to be a category 4 breach as there was little risk of the oil reaching the watercourse.**



During the inspection it was brought to the attention of NRW that there had been a drain blockage at the site near to the Oriental line that led to the waste water backing up and breaching the drain cover and spilling onto the parking area. This was swiftly dealt with by means of drain covers and halting production in the area to avoid more waste water being released. The blockage was due to a build of silt from the recent works that has not yet been cleaned away. **NRW were not notified of this incident in line with the requirements of condition 5.1.1.3 of the permit and has been therefore considered as a category 4 breach where there was a low risk to the environment.**

ACTION: Solway Foods to add text to their internal response document to the effect of 'Contact NRW in line with condition 5.1.1. of the permit' when there is an incident on site to avoid any future non compliances.

10. Returns and annual report

This CAR Form acknowledges receipt of the following returns / forms with the associated comments.

- EMS Summary for 2015
- Form A1

ACTION: Please could you supply the monitoring report for the emissions to air? Nox and CO levels appear to be high for A5 and A7.

- Form S1 January to June
- Form S1 July to December

ACTION: Please could you confirm that the data in S1 is for July to December? The reason for requesting is

due to the form stating it is for the period January to December.

End

EPR Compliance Assessment Report

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Site	R F Brookes	Permit Ref	UP3237CP
Operator/Permit holder	Solway Foods Limited	Date	26/05/2016

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.

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.

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			
G4	C4	Solway Foods to add text to their internal response document to the effect of 'Contact NRW in line with condition 5.1.1. of the permit' when there is an incident on site to avoid any future non compliances.	31/08/2016
B4	C4	Store IBCs in appropriate bunded area	31/08/2016
G4	C4	Solway Foods to add text to their internal response document to the effect of 'Contact NRW in line with condition 5.1.1. of the permit' when there is an incident on site to avoid any future non compliances.	31/08/2016

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.