

Compliance Assessment Report

Report ID:
CAR_NRW0034411

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

Site	Dowlais Slaughterhouse EPR/AP3433ES	Permit Ref	AP3433ES
Operator/Permit holder	Kepak Group Limited		
Regime	Installations		
Date of assessment	30/06/2019	Time in	N/A
Assessment type	Report/Data Review		
Parts of the permit assessed	Annual Returns		
Lead officer's name	Taylor, Richard		
Accompanied by			
Recipient's name/position	Matt Pengelly/ Group Technical Manager	Date issued	01/07/2019

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
B5 - Infrastructure - Plant and equipment	C3	2.8.1
E1 - Emissions - Air	C3	2.1.2
E4 - Emissions - Sewer	C3	6.4.2
	C3	6.4.2

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

Kepak Ltd AP3433ES

Review of Quarter 1 reports 2019 (Jan-Mar 19 inclusive).

The following permit breach scores have been applied following latest NRW guidance.

Q1 2019 Emissions to Air

Site reported two F Gas emissions to air via schedule 1 forms in accordance with the permit. Both releases were R448a type gas which has a CO₂ equivalence factor of x1385.85. The first was reportedly from 19th Jan 2019 where 106kg of lost f gas had to be topped up with new material. The 106kg's equates to 146.9 tonnes of CO₂. The second was reportedly at March 23rd approx. 13 x 50kg's of material had to be topped up. This 650 kgs of R446a equates to a CO₂ equivalent of 900.8 tonnes. Both releases total an emission to air of 1,047 tonnes of CO₂ equivalent f gas and have been consolidated to a single management breach. A single Cat 3 penalty has been issued in this case following the rules for consolidation of permit breaches. The permit condition breached is 6.1.1 and refers to permit limits regarding air emissions.

Q1 2019 Emissions to Sewer

Anionic detergent is toxic to marine life. It forms a film on the surface water which prevents oxygenation with subsequent effects for marine plants and creatures. The permit limit of 100mg/l was breached with a large spike of 433mg/l. The usual quantities measured and reported by site are between 1mg/l and 2 mg/l. The quarterly average was reported as 72.7mg/l with the minimum at 0.074mg/l. NRW imposes a Cat 3 breach for this alarming spike in the site emissions which was measured and reported to site by DCWW. The effluent containing the spike of detergent flowed to the DCWW treatment works at Cilfynydd where it was treated. We are satisfied that the anionic detergent was brought to normal levels within the sewerage system and did not cause more than potential minor environmental risk leaving site. Therefore, we impose a category 3 breach to represent the potential for the detergent spike to harm the environment in this case.

Site has repeatedly breached the permit limits for hourly and daily limits during Q1 2019. There remains an issue where site equipment is reportedly measuring below the breach limits leading site representatives to believe they are within permit limits. Site is not reporting the tolerance to NRW, so we are duty bound as the regulator to score these as permit breaches as they are laid out. Site should include the measured tolerances when they submit the schedule 1 reports to us as this may have a bearing on the permit breach outcome. For example, if the recorded daily total is 810m³ and the limit is 800m³ and the given tolerance of the measuring equipment is $\pm 1.5\%$ or $\pm 12\text{m}^3$, then the tolerances are applied to the

lowest level of certainty. This means that NRW would apply the lower limit meaning the reported amount would be given the value of 795m3 and would stay within the permit limit. As such, without the reported uncertainty for the daily or hourly flow, the given values are judged to be the final given values and are dealt with as such. Therefore, we impose a consolidated permit breach score equivalent to the minor environmental risk associated with repeated permit breaches. In this case the scores are consolidated into a single Cat 3 breach.

If the site cannot obtain measured uncertainty factors, then a cautionary approach should be adopted. The site must then stay within permit limits through tighter control. This should be achieved through applying a measured tolerance themselves. i.e., site works to lower hourly and daily limit which is imposed and managed by site to ensure permit compliance. This should be put in place immediately to avoid future breaches. For example, a limit of 10% below the daily and hourly limits could be set.

Q1 Emissions to Surface Water

A spill of trade effluent entered the surface water system from the site on 28th March 2019. The quantity was estimated at between 1- 10m3. The site responded with the closure of sluice gates and reportedly contained the spill. The site contractor was called to clean up the aftermath. The cause was reported to be a faulty fine mesh screen which accidentally diverted a portion of effluent to the yard area which then made its way to the surface water system. We award the site a Cat 3 breach of permit condition 2.1.2 where the mesh was not maintained in a good operating condition resulting in the potential to create a minor pollution incident to surface water. We are satisfied from wider sampling in the Dowlais area that no significant pollution entered the local Nant Carno stream. The permit breach is for the potential for the pollution to occur.

Q1 2019 Summary Table.

Q1 Emissions to Air	Pollutant	Permit breach
There were 2 releases of F gas to air during the quarter.		
Jan 19 th , 2019 F Gas release of 106 kg R448a refrigerant from HT2 top up.	R448a - 106kgs equates to GWP of x1385.85 – 146.9 tonnes of CO2.	Both emissions have been consolidated into a single Cat 3 breach against permit management conditions.
March 23 rd 2019 FGAS release	R448a – 13 x 50kg, Estimated at 650kgs or CO2 equivalent of 900.8 tonnes.	Pc 2.1.2 Result 1 x Cat 3 – 4 points
Q1 Emissions to Sewer		
There were 11 daily and hourly breaches during the quarter plus 1 limit breach of detergent.		
Daily and hourly limit breaches Pc imposes an hourly and daily flow limit on the site - 34 m3 per hour and 800m3 per day.	Jan 3 rd , 2019 – hourly limit Jan 3 rd , 2019 – daily limit Jan 8 th , 2019 – daily limit Jan 23 rd , 2019 - daily limit Jan 24 th , 2019 – daily limit Feb 8 th , 2019 – daily limit 804.9 m3	All limit exceedances have been combined into a single cat 3 breach for the quarter i.a.w ccs guidance.

Anionic detergent. This emission was detected by DCWW after the event. Permit limit – 100mg/l	Feb 19th, 2019 – daily limit 812.6 m3 Feb 22nd, 2019 – daily limit 809.1 m3 Mar 6th, 2019 – daily limit 804.7 m3. Mar 13th, 2019 – daily limit 802.14 m3 Mar 15th, 2019 – daily limit 810.3m3 Jan 22nd, 2019 – 433mg/l	Pc 6.4.2 Result 1 x Cat 3 – 4 points Pc 6.4.2 Result 1 x Cat 3 – 4 points
Q1 Emissions to Surface water		
There was a single potential breach of surface water conditions during the Q1 period.	March 28th, 2019 - Trade effluent quantity estimated at 1-10m3 released to surface water.	Pc 2.8.1 Result 1 x Cat 3 – 4 points

End.

EPR Compliance Assessment Report

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Operator/Permit holder	Kepak Group Limited	Date	30/06/2019

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			
B5	C3	Continue to improve infrastructure	31/07/2019
E4	C3	prevent future breaches	31/07/2019
E4	C3	submit recorded tolerances with any future schedule notifications	31/07/2019
E1	C3	Control and limit future releases	31/07/2019

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.