

Compliance Assessment Report

Report ID:
CAR_NRW0035902

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

Site	Felinfach Effluent Treatment Plant	Permit Ref	BP3135EB		
Operator/Permit holder	Sensient Flavors Ltd & Volac International Ltd				
Regime	Installations				
Date of assessment	09/09/2019	Time in	11:00	Out	15:00
Assessment type	Audit				
Parts of the permit assessed	1 Management; 2 Operations; 3 Emissions and Monitoring; 4 Information				
Lead officer's name	Cowie, Douglas				
Accompanied by					
Recipient's name/position	Byron Williams/ Effluent Treatment Plant Manager	Date issued	19/11/2019		

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
A1 - Specified by permit	A	
C2 - General Management - Management system and operating procedures	A	
E5 - Emissions - Waste	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Site description

The Felinfach Effluent Treatment Plant (ETP) is located at Felinfach Industrial Estate, Ceredigion and processes and treats effluent from two nearby manufacturing sites: Sensient Flavors Ltd and Volac International Ltd. The ETP is operated jointly by a Consortium of Sensient and Volac and is permitted as an installation under Section 5.4 (The disposal, recovery or a mix of disposal and recovery of non-hazardous waste) of the Environmental Permitting Regulations (EPR).

The permitted installation comprises: a primary effluent treatment unit with balance tank; a dissolved air flotation (DAF) plant; anoxic pre-mixing (selector tank); a conventional activated sludge unit and gravity sludge settlement tanks. The treated effluent is discharged into the coastal waters of Cardigan Bay.

Purpose of visit/assessment

In October 2018 the European Commission published its revised Best Available Techniques Reference (BRef) document and BAT Conclusions (BATc) for Waste Treatment installations. Natural Resources Wales (NRW) is required to review the operator's environmental permit against these revised standards. To support this process, we compared the permitted activities at Felinfach ETP against the revised standards and emission limits outlined in the Waste Treatment BATc.

Waste emissions from the installation – specifically effluent sludge transfers – were also discussed during this intervention.

The relevant permit conditions are listed under Sections 1.1, 1.4, 2.1, 2.3, 4.1 and 4.2 of the Consortium's permit.

Person(s) present

Sensient and Volac Consortium

Byron Williams
Joe Williams

Volac

Paul Skyme

NRW

Doug Cowie

BAT 'gap' analysis: Waste Treatment

The Industrial Emissions Directive (IED) is the main statutory instrument regulating pollutant emissions from industrial installations in Europe. According to Article 14(3) of the IED, Best Available Techniques (BAT) conclusions shall be the reference for setting the permit conditions to

installations covered by the Directive.

Felinfach ETP is permitted as non-hazardous waste treatment installation and therefore the revised **Waste Treatment BRef/BATc** applies to its activities.

There are situations where more than one set of BATc may be relevant to a permitted installation. In these circumstances, the primary function of the installation influences which takes precedence i.e. the 'primary' BATc. For Felinfach ETP, the primary BRef/BATc is Waste Treatment.

The requirements of any published revised *secondary* BRef/BATc documents are considered where they are relevant; however secondary BRefs/BATc do not set the permitting timescale for the installation unless it undergoes a substantial change which necessitates a full permit review.

Following publication of the revised Waste Treatment BRef/BATc, the UK along with other European Union (EU) Member States must now ensure these BATc are implemented into relevant environmental permits. NRW's permit review process for Felinfach ETP had already commenced at the time of this visit. Initially, this process requires the operator to respond to an **EPR Regulation 61 Statutory Notice** Requiring Information. Our notice sets out the information we require from the operator (the Consortium) to carry out our permit review.

The response to the Regulation 61 Notice needs to be sufficiently detailed for NRW to assess and be able to explain the assessment to the public. It is not enough for an operator to simply state that you are or intend to be compliant; you must explain how. A narrative response is normally sufficient. Progress towards achieving BAT and an assessment of an operator's BAT compliance will be monitored periodically.

To support the permit review process, the permitted activities at Felinfach ETP were compared against the revised standards and emission limits. This 'gap' analysis aims to identify potential operational issues for the Consortium as early as possible within the prescribed **compliance timescale of four years from the date of BATc publication** (the 'compliance date'). It can also reveal any interpretational ambiguities within the BRef/BATc which require further regulatory consideration.

Scope

Felinfach ETP treats liquid biodegradable waste (effluent) from the separately permitted Volac and Sensient manufacturing installations. The ETP uses primary and secondary waste water treatment techniques, including Dissolved Air Flotation (DAF) and activated sludge (biological) treatment.

The published Waste Treatment BATc document defines *water-based liquid waste* as:

Waste consisting of aqueous liquids, acids/alkalis or pumpable sludges (e.g. emulsions, waste acids, aqueous marine waste) which is not liquid biodegradable waste.

This definition, nor any BATc specific to the treatment of water-based liquid waste, do not appear to apply. The effluent being treated at Felinfach ETP is understood to be 'liquid biodegradable waste'.

Similarly, certain BATc specific to the *biological treatment of waste* may not apply to the installation. For example, those BATc written for composting, anaerobic digestion and/or mechanical biological treatment (MBT) activities. None of these techniques are utilised at Felinfach ETP.

Conclusions

Our gap analysis revealed that the Consortium should be capable of meeting most of the revised standards and emission limits (either now or by the compliance date). There were some areas of ambiguity which required further attention:

BAT 1: Overall Environment Performance

The Consortium is formed by two companies: Sensient Flavors Ltd and Volac International Ltd. Felinfach ETP's Environment Management System (EMS) uses a combination of site-specific (ETP) procedures and management systems, which tie in to an overarching ISO 14001 EMS used by Volac at its factory.

BAT 1 requires the operator to adhere to an EMS which incorporates all the prescribed features.

Recommendation: The operator should review the EMS arrangements for Felinfach ETP, especially those which rely on Volac's EMS, to ensure that the requirements of BAT 1 are met in full by the compliance date.

BAT 10 & BAT 12: Odour Monitoring and Odour Management

The regulating officer is not aware of any substantiated odour complaints (received by NRW) which have been attributed to Felinfach ETP.

For installations where odour nuisance 'is expected', BAT 10 and BAT 12 will apply. A decision in respect of Felinfach ETP will be made during the permit review process. The Consortium should raise any queries or concerns regarding these BATc with NRW's Permitting Service.

BAT 17: Noise Management

The regulating officer is not aware of any substantiated noise complaints (received by NRW) which have been attributed to Felinfach ETP.

For installations where noise nuisance 'is expected', BAT 17 will apply. A decision in respect of Felinfach ETP will be made during the permit review process. The Consortium should raise any queries or concerns regarding this BATc with NRW's Permitting Service.

BAT 20: Emissions to Water

It is noted that the operator currently monitors Chemical Oxygen Demand (COD), which is permissible under the final effluent monitoring prescribed by BAT 20.

Revised emission limits – known as BAT-AELs – for **suspended solids** and **total phosphorus** (Total P) are potentially challenging to achieve on a consistent basis. This assessment was based on current ETP performance and previous effluent monitoring results.

For situations where an operator cannot meet a BAT-AEL, you must state if you wish to continue operating. If you wish to operate beyond the fourth anniversary of the BATc being published (the compliance date) and cannot meet the limits, a **derogation** will be required. Please refer to Part 4 of Schedule 1 of NRW's Regulation 61 Information Notice:

4. Where the BAT conclusion has a BAT Associated Emission Level (BAT-AEL) specified, with which you will not comply by the compliance date you should consider requesting a derogation. To do this you must provide sufficient technical and commercial information to demonstrate that achieving that BAT-AEL would lead to costs that are disproportionately high, compared with environmental benefits due to one or more of:
- the geographical location of your installation;
 - the local environmental conditions around your installation;
 - the technical characteristics of your installation.]

No other justification for a derogation can be considered.

Applying for a derogation from the IED requirements is not a simple process and requires careful technical consideration. There are two parts to a derogation application:

- there must be a technical, geographical or local environmental reason for a derogation; and
- you must show that the costs of achieving the BAT-AEL is disproportionate to the environmental benefit gained.

For pollutants which are not currently monitored under the Consortium's environmental permit i.e. total phosphorus, when applying for a derogation the applicant is expected to model the environmental impact of the release to demonstrate there is no adverse environmental effect.

Further guidance about IED derogations can be provided on request.

EPR Regulation 61 submission

It is noted that since this visit, the Consortium has responded to NRW's Regulation 61 Information Notice within the specified deadline. Our Permitting Service will contact the Consortium in the event of queries with its response.

A copy of this report will be shared with our Permitting Officer. Further analysis and/or verification may be necessary as this permit review progresses.

Effluent Treatment Plant sludge (mixed liquor solids)

We discussed the use of 'season ticket' waste transfer notes for off-site movements of non-hazardous effluent 'sludge' (mixed liquor solids) produced at the installation.

The Consortium (the transferor) currently uses a third-party waste management contractor (the transferee) to handle off-site sludge transfers. The same contractor recovers the waste by applying it to land for agricultural benefit under a series of mobile plant (permit) deployments. It is understood the sludge may also be used as a feedstock within anaerobic digestion facilities which hold the necessary waste management authorisations.

The following statutory information requirements for waste transfer notes are defined in Part 9 of the Waste (England and Wales) Regulations 2011:

- Identification of the type(s) of waste being transferred by reference to the appropriate code(s) from the List of Wastes (England)/(Wales) Regulations;
- A description of the waste;
- The quantity of waste and whether it is contained or loose;
- If in a container, the type of container;
- The time and place of the waste transfer;
- The Standard Industrial Classification (SIC) code of the transferor;
- The name and address of who is transferring (transferor) and receiving (transferee) the waste, including signatures to confirm this;
- Confirmation of whether the transferor is the producer or the importer of the waste;
- Details of any waste authorisations held by transferor and transferee e.g. environmental permit number or waste carrier registration number;
- Confirmation that the transferor has discharged the duty specified in Regulation 12 of the Waste (England and Wales) Regulations 2011 i.e. application of the waste hierarchy.

A season ticket waste transfer note can be used to record multiple transfers of waste for a period of up to 12 months. The waste involved must be of the same description, the transfer must occur between the same two parties and the waste must be transported to and from the same places. Normally a schedule or table is added to the waste transfer note to capture the relevant information.

If a season ticket with a table or schedule is used, the appropriate mobile plant deployment

number i.e. the destination site reference for each individual waste (sludge) transfer should be captured within the note. Both parties should sign and date the table or schedule accordingly.

Consortium waste transfer note (WTN) season ticket template

The Consortium's WTN season ticket template was shown to the regulating officer. The template included fields for most of the information required by the Waste (England and Wales) Regulations 2011. Additionally, the template included a table which allowed (mobile plant permit) deployment numbers to be recorded against individual sludge transfers.

For mobile plant permit deployments where the same contractor transports and recovers the waste to land, the transferee's waste carrier licence number and mobile plant permit number must be clearly recorded on the WTN.

Action: To fully meet the requirements of the 2011 Regulations and comply with the Waste Duty of Care*, the WTN template must specify the following:

- Details of all waste authorisations held by transferor and transferee, specifically:
 - the environmental (installation) permit number for Felinfach ETP
 - the contractor's mobile plant permit number

*Waste Duty of Care as defined in Section 34 of the Environmental Protection Act 1990

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

It is noted that the Consortium's chosen contractor has multiple approved land spreading deployments associated with its mobile plant permit.

Recommendation: The Consortium and its contractor should consider using 12-month, 'site-specific' WTN season tickets i.e. *separate season tickets for each land spreading deployment*. The destination site (farm) name and deployment number should be clearly stated within each WTN, as well as the corresponding mobile plant permit number. Using deployment-specific season tickets promotes greater clarity and an audit trail clearly demonstrating the fate of each sludge load.

All WTNs (or copies of WTNs) must be kept for at least two years by both transferor and transferee and produced to an NRW officer on demand within 7 days.

Alternatively, the Consortium and its chosen contractor could register with the "edoc" service – a free national electronic duty of care system that creates, shares, signs and stores electronic waste transfer notes and season tickets online.

www.edoconline.co.uk

The edoc service is active now, however governments and regulators across the UK are already looking at developing a new digitised or 'smart' waste tracking process. Further announcements about this are expected in 2020.

Permit BP3135EB

Condition 2.3.4 of the installation permit states:

2.3.4 The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:

- (a) the nature of the process producing the waste;
- (b) the composition of the waste;
- (c) the handling requirements of the waste;
- (d) the hazardous property associated with the waste, if applicable; and
- (e) the waste code of the waste.

The Consortium's waste (sludge) should be described accurately, with the appropriate List of Waste (EWC) code, on each waste transfer note in order to satisfy the above permit condition.

Summary

The Consortium's WTN season ticket template appeared to meet most of the relevant regulatory requirements. One action is confirmed in this report.

Additionally, one recommendation is confirmed regarding use of WTN season tickets for multiple land spreading deployments associated with the same mobile plant permit.

The Consortium is reminded that NRW may choose to audit the waste management arrangements and records for Felinfach ETP, and its chosen waste contractor, at any time. We expect both parties to comply with the relevant regulatory requirements including the Duty of Care for waste.

[END OF SECTION 2]

EPR Compliance Assessment Report

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Operator/Permit holder	Sensient Flavors Ltd & Volac International Ltd	Date	09/09/2019

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.

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			

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.