

Compliance Assessment Report CAR_NRW0043863

Permit being assessed: AP3433ES.

For: Dowlais Slaughterhouse EPR/AP3433ES, **held by:** Kepak Group Limited

At: Pengarnddu Industrial Estate Dowlais Top , Merthyr Tydfil, South Wales, CF48 2TA.

Type of assessment: Site Inspection,

Reason: Routine.

On: 11/03/2024 between 13:00 and 15:00.

Parts of permit assessed: Handover visit.

NRW Lead Officer: Brigid Armstead, accompanied by Mostyn Wall.

Report sent to: Megan Lewis, Environmental Coordinator, on 26/03/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	6.4.2
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	C3 Minor	2.1.2
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	C3 Minor	1.1.1
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
3	12

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
IR3A	provide a description of the ETP and plan of action	22/04/2024
IR1A	Provide a plan of the ETP to include any overflow pipes.	22/04/2024
IR1A	Provide a plan of secondary containment for the equilisation tanks	22/04/2024
IR1A	Provide NRW with details of your containment system and inspection regime as well as a copy of your in date Petroleum Storage Certificate and Standard Operating Procedure for spillages in this area.	22/04/2024
IR1A	Ensure that the cracks and seals in the concrete of the hard standing are repaired	22/04/2024
IR1A	Provide a plan of action to maintain the hard standing around the site	22/04/2024
IR1A	ensure that pipe line to emergency tank is suitably repaired	22/04/2024
IR1A	Provide NRW with a record of the quantity and frequency of effluent removal using the back up tank.	22/04/2024
IR1A	Ensure that all effluent is contained within the ETP and provide a containment plan for the screen waste area	22/04/2024
IR1A	Ensure that storage areas are clearly labelled	22/04/2024
IR1A	Ensure that chemicals are suitably stored	22/04/2024
IR1A	provide evidence of the use of trained technicians for the maintenance of plant containing F-gases.	22/04/2024
IR1A	Provide a root cause analysis of the 30kg release of F gases	22/04/2024

Compliance criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

NRW Officers Brigid Armstead and Mostyn Wall met with Tom Caswell and Megan Lewis from Kepak on 11th March 2024 at the Kepak Site in Merthyr Tydfil. TC provided a company overview presentation and discussions were had on the recent Schedule 1 notification and Annual Report CAR actions. A site tour was then undertaken.

Discussion regarding Schedule 1 notification of abnormal emissions taking place on the 8th January 2024.

Untreated effluent from tank PP3 was diverted to PP8 and discharged to sewer on 8th January 2024. This discharge resulted in a breach of suspended solids, Chemical Oxygen Demand, pH and Fats and Oils consent levels when sampled by DCWW on 8th March 2023. Kepak investigated the root cause of the discharge and found that the incident occurred due to a high level alarm for PP3 not being raised as the tanks pressure transducer was fouled. BA questioned whether this would be picked up if DCWW did not sample that day. TC assured that the incident would also be apparent in effluent flow rate change. We discussed potential control measures such as alternative level sensor in PP3, flow meter on diversion line or redirecting the diversion line to another tank.

Action 1: Please provide a detailed description of the Effluent Treatment Plant (ETP) and plan of action to ensure untreated effluent is not discharged to sewer by 22nd April 2024. Please provide details of the current level alarm and consider alternative level alarms as well as a process to ensure that if there is a diversion to PP8 other than through the prescribed treatment process, this will need to be quantified and contained with the effluent redirected and not discharged until properly treated.

A category 3 non-compliance is given due to the emissions to sewer being above the limits set in Permit condition 6.4.2. This is system failure and a breach under condition 6.4.2. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

Action 2: Please provide a current plan of the ETP flow directions and mechanisms to include any overflow pipes.

Discussion regarding ongoing concern over lack of bunds around balance tanks.

TC advised that Risk Assessments had been undertaken and the risk of major rupture was considered to be very low. Mitigation factors include; regular tank inspections, no forklift traffic, tanks on a platform, tanks not subject to traffic. Kepak are looking into cost of double skinning tanks as cost of bunding is high. Tom is currently speaking to an engineering consultant to ensure BAT achieved.

Action 3: Please provide a plan of secondary containment for these tanks by 22th April 2024.

Site Tour

Site tour undertaken to familiarise BA with site. The following observations were made during this tour.

Refuelling station

A diesel refuelling station is present on site, which includes two underground tanks and a filling station. This facility is managed by a third party. The filling station area is on concrete which has cracks and does not appear to drain to a suitable separation facility or secondary

containment.

Action 4: Please ensure that there is no risk to groundwater or surface water posed by this facility and provide NRW with details of your containment system and inspection regime by 22th April 2024. Please also provide a copy of your in date Petroleum Storage Certificate and Standard Operating Procedure for spillages in this area.

Action 5: Ensure that the cracks and seals in the concrete of the hard standing are repaired to ensure that groundwater in this area is protected.

Action 6: Please provide a plan of action to ensure that cracks in the hard standing around the site are repaired and maintained in a satisfactory condition to ensure that risk to groundwater is minimised.

Back up tank to Equilisation tanks

A back-up tank was seen to be attached to the Equilisation tanks. NRW was informed that this is a long term arrangement with the tank being rarely used but maintained in case of requirement. The hose connecting this back-up tank to the Eq tanks appeared to be in poor condition with evidence of a small leak.

Action 7: please ensure that this pipe line is suitably repaired and regularly inspected to ensure that no leaks can occur.

Action 8: Please provide NRW with a record of the quantity and frequency of effluent removal using the back up tank.

Screen waste tank

The ETP screen waste tank was seen to have a drainage pipe attached which diverted liquid waste back into the ETP via a concrete drainage channel. This drainage channel was seen to be eroded and backed up with sand bags which were not adequately containing the effluent.

Action 9: Please ensure that all effluent is suitably contained within the ETP and provide NRW with a containment plan for the screen waste area by 20th April 2024.

A category 3 non-compliance is given due to the ETP not being maintained in good operating condition. This is plant failure and a breach under condition 2.1.2. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

Salt storage bay

The Salt storage bay had pallets of potentially polluting substances including a pallet of Caustic Soda and an IBC marked Hydrogen Peroxide which was not bunded. This facility is open to air and not contained.

Action 10: Ensure that storage areas are clearly labelled so that only appropriate items are stored in these areas.

Action 11: Ensure that any potentially polluting chemicals are suitably stored. Please see [HSE guidance](#) for further information.

A category 3 non-compliance is given due to the caustic soda being stored in an unsuitable manner. This is management failure and a breach under condition 1.1.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

Previous Actions:

CAR_NRW0043533 Action 1: There appears to have been a data entry error in the final 2 lines of S1 results. Please can this be confirmed and re submitted.

Updated report submitted, Action closed.

CAR_NRW0043533 Action 2: Results are not accredited. This is a category 3 non-compliance. Please provide information on why this has happened, and actions taken to ensure that it does not happen again.

Response: Reason for non compliance submitted in Kepaks response document. Non compliance categorisation amended to C4 as deemed to be an administrative error. Action Closed

CAR_NRW0043533 Action 3: Please provide us with a copy of your ESOS phase 3 Audit report.

Response: phase 3 report due March/ April 2024, to be submitted to NRW when available.

CAR_NRW0043533 Action 4: There was a dramatic drop in total waste from 79,000 Tonnes to 42,000 Tonnes. In 2022 46,000 tonnes of cardboard and paper was reported. In 2023 58 Tonnes of cardboard was reported but no paper. Please provide further information on where paper is going.

Response: It was found that during the course of 2022, the wrong units were being used to report cardboard weights i.e. tonnes instead of kilograms. We recycled 46 tonnes of cardboard in 2022 as opposed to 46,000 tonnes. In 2023, our paper was being collected as part of our dry mixed recycling service. Cardboard is collected separately as bales.

Action closed.

CAR_NRW0043533 Action 5: Two accidental releases of refrigerant gas (R448) recorded, please provide further information on the amounts of gases released and the circumstances around these releases.

Response: There were 2 accidental releases of refrigerant gas in 2023, both of which were not reportable. In March, 12kg of R448 gas was lost due to a faulty ball valve on a blast freezer. The automatic leak detection system and rapid response in replacing the faulty equipment prevented a large release. In October, an evaporator was knocked by a stack of pallets in the area leading to a release of 30kg. The evaporator was shut down immediately, and repairs were quickly carried out by Refrigeration South West. Pallets are no longer being stacked in the vicinity of the evaporator as a preventative measure.

Action 12: Please provide details and evidence of the use of trained technicians for the

maintenance of plant containing F-gases.

Action 13: Please provide a root cause analysis of the 30kg release of F-gases.

END.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.