

Compliance Assessment Report CAR_NRW0044684

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: Other.

On: 21/06/2024 between 09:00 and 17:00.

Parts of permit assessed: Drainage.

NRW Lead Officer: Brigid Armstead.

Report sent to: Megan Lewis, Environmental Coordinator, on 04/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor	2.1.2
IR2A - Installations - Operations - Permitted activities	C3 Minor	1.1.1
IR2C - Installations - Operations - Operating techniques	C3 Minor	2.3.1
IR4B - Installations - Information - Reporting	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
IR1A	Kepak have advised NRW that a regular cleaning schedule is now in place and that records are being kept to reflect this.	Already completed
IR2A	Please ensure that condition 1.1.1 is complied with and that evidence of changes put in place to achieve this are sent to	19/07/2024

Criteria	Action needed	Complete by
	NRW by 19.07.2024.	
IR2C	A permit variation is required in order to retain the use of the overflow line from PP3 to PP8. Guidance for permit variations can be found here: Natural Resources Wales / Apply to vary (change) a permit for installations	04/07/2024
IR4B	Please forward us your most recent report on potential environmental improvements by 19.07.2024.	19/07/2024

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

This CAR is to record the site visit to Dowlais Slaughterhouse by NRW officer Brigid Armstead on 21.06.2024 which included a review of the overflow line from PP3 to PP8.

PP8 is the last point of discharge before sewer and is fed by treated effluent. PP3 receives process effluent from Phase III operations as well as washings from the Dirty Lorry Wash Area, both via a screening pit. This overflow line was recently brought to the attention of NRW due to an emissions limit breach at S1, as recorded in CAR_NRW0043863.

Kepak have advised NRW that this overflow line is a safety measure intended to reduce the risk of untreated effluent overflowing to the freshwater drains.

The overflow line presents a potential for adverse environmental impact and permit non-compliances. Further investigation into the line has led us to identify the following non-compliances with Permit BK1759.

IR1A - General Management

Kepak have advised NRW that the overflow line from PP3 to PP8 is not intended for regular use. The Schedule 1 notification received on 25th January 2024 identified the reason for the use of this line, being that a high level transducer in PP3 was fouled and therefore failed to raise an alarm. The same Schedule 1 identified that the PP3 level transducer was not on a formal maintenance schedule. Kepak have advised NRW that a regular cleaning schedule is now in place and that records are being kept to reflect this.

Condition 2.1.2: All plant, equipment and technical means used in operating the Permitted

Installation shall be maintained in good operating condition.

A category 3 non-compliance is given due to management techniques and controls being outside of those specified in condition 2.1.2 of the Permit. This is a general management 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.

IR2A – Permitted Activities

Condition 1.1.1 The Operator is authorised to carry out the activities and/or the associated activities specified in Table 1.1.1:

Activity under Schedule 1 of the Regulations/ Associated Activity	Description of specified activity	Limits of specified activity
Water discharges to foul sewer	Discharge of process effluent water through the effluent treatment plant to sewer, including the discharge of foul effluent, ‘Phase 1’ effluent and effluent from the clean lorry wash area into the on site pumping pits.	From the on site pumping pits to effluent treatment plant. From the effluent treatment plant to sewer via the on site pumping pits..

Figure 1. Section of Table 1.1.1 of Permit AP3433ES

Water discharges to foul sewer have been made which bypassed the ETP, this is outside the limits of the specified activity.

A category 3 non-compliance is given due to the overflow line from PP3 to PP8 being outside of those activities specified in Table 1.1.1 as part of condition 1.1.1 of the Permit. This is a Permitted Activities 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.

Action: Please ensure that condition 1.1.1 is complied with and that evidence of changes put in place to achieve this are sent to NRW by 19.07.2024.

IR2C - Operating Techniques

Condition 2.3.1 specifies the operating techniques for the permitted installation with reference to section 3.3 of the application which includes the following:

“3.3.6. Control of Fugitive Emissions to Surface Water, Sewer and Groundwater.

The sources, direction and destination of all stormwater, process effluent and foul effluent drainage systems have been established and documented (section 2.7) and these are indicated on the drainage plans presented in Appendix 12.”

The map in Appendix 12 mentioned above does not include an overflow line from PP3 to PP8.

A category 3 non-compliance is given due to operating techniques being outside of those specified in condition 2.3.1 of the Permit. This is an operations failure and a breach under condition 2.3.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit.

The Environmental Permitting Core Guidance Section 6.33 provides the following guidance “The operator must apply to the regulator to vary the permit conditions when proposing a change that would mean that a permit condition could no longer be complied with.”^[1]

Action: A permit variation is required in order to retain the use of the overflow line from PP3 to PP8. Guidance for a permit variation can be found here: [Natural Resources Wales / Apply to vary \(change\) a permit for installations](#)

Additional Information Required

Environmental Improvement Report:

Improvement Condition 9.1 requires the following:

The Operator shall, within 36 months of the issue of this Permit, submit a report on potential environmental improvements to the Permitted Installations. For each of the subject areas identified in Section 2 of the appropriate technical guidance, the report shall assess the costs and benefits of alternative techniques that may provide environmental improvement. This shall include, but not be limited to, those techniques listed in guidance. The methodologies used should be based on those given in Agency guidance note H1 and should justify, against the BAT criteria, where potential improvements are not planned to be implemented. As part of their management system. The operator shall submit an updated report every 36 months.

Action: Please forward us your most recent report on potential environmental improvements by 19.07.2024.

^[1] Environmental Permitting: Core guidance [Environmental permitting: Core guidance \(publishing.service.gov.uk\)](#) Page 40

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.