

Compliance Assessment Report

Report ID:
CAR_NRW0034612

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	11/02/2019	Time in	N/A	Out	N/A	
Assessment type	Report/Data Review					
Parts of the permit assessed	All					
Lead officer's name	Taylor, Richard					
Accompanied by						
Recipient's name/position	Matt Dight/ Environmental Manager	Date issued	12/02/2019			

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C3	2.1.2
E1 - Emissions - Air	C3	6.1.1
E3 - Emissions - Surface water	C4	5.1.1.c
	C4	6.3.3
E4 - Emissions - Sewer	C3	6.4.2
	C3	6.4.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	5.1.2
	C4	5.1.1.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	8	Total compliance score (see section 5 for scoring scheme)	16.4
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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, Dowlais Top.

Round up of Annual and Q4 2018 reports.

NRW have reviewed and processed the Q4 reports plus the annual returns required as part of EPR permit AP3433ES. The finding below require site to review and amend some reports already submitted. other entries concern the application of permit breach scores.

1) **Annual returns R1**

The conversion used for electricity to CO₂ is 0.28307kg. This would give a result in kg, (12280.36kg) when the result needs to be reported in tonnes. This would give 12.2 tonnes only. The site needs to review how this figure was calculated - and resubmit the R1 report as necessary.

The 'How to comply' guidance cites M2 guidance on energy efficiency which is in turn linked to DEFRA's guidance for the climate change levy. Specifically, the equation to use for electricity conversion to CO₂ is;

Delivered Electricity in MWh x 2.6 (to get primary electricity x 0.166 = tonnes CO₂)

Reported figures this equates to less CO₂ than you reported at 7201.58 tonnes.

Therefore, please review and amend the R1 form and resubmit as necessary.

2) **Q4 - daily flow schedule 1's**

There were several permit limit exceedances reported by site in the Q4 report for daily flow (840m³ max and 809.9 as the 95th percentile). A Schedule 1 form on 31st Jan 19 to report these together with a list of daily and hourly breaches between 1st Nov 18 to 8th Jan 2019.

The 3 exceedances during 2019 have been discounted until the end of the Quarter 1 2019 when they will be taken into account with any other breaches which may occur in the interim. The other breaches which occurred during Q4 2018 have been given a single breach score of Cat 3 following our ccs guidance on consolidation of scores. The permit condition breached is condition 6.4.2.

3) **pH limit breach and non – reporting**

There was also a pH minimum breach (5.9). during quarter 4 which was not reported to us. Please send confirmation if you believe we have overlooked this. However, we do not have a record of these being reported to us separately by schedule 1 from. As such, this is also a breach of permit condition 6.4.2.

concerning specified limits, and a breach of condition 5.1.1.a for failing to report to us via schedule 1 form 'without delay'. A Cat 3 and a Cat 4 breach have been awarded respectively.

4) Q4 2018 report

There was no monitoring reported to us for the surface water monitoring of W1 & W2 in October 2018. The Quarterly report stated 'error with sampling technique'. The non-recording/reporting of the October data needed to have been reported to us as soon as practicably possible via a schedule 1 report. No results for October represents a breach of permit conditions. In this case permit conditions 6.3.3 relating to the monthly period between monitoring periods, 5.1.1.c relating to failure of techniques, and subsequently 5.1.2 requiring a Schedule 1-part A to be sent.

There was no pollution or breach of the permit limit recorded for the October emissions due to the sampling not being completed. Therefore, we will apply a minor permit breach for each condition above. This will be 3x cat 4 breaches amounting 0.3 points.

We acknowledge that third party training is being delivered to effluent treatment staff as an improvement to the situation. This represents an improvement, but the breaches will be applied within the minimum interpretation of our CCS guidance.

5) F Gas releases Dec 18. –

Site reported x2 releases of F Gas via a schedule 1 notification on 11 Jan 2019 concerning gas losses during Dec 2018.

The CO2 equivalent in tonnes was calculated using the methods set down in the F Gas regulations.

a) R448A 212kg equates to 293.8 tonnes CO2 -Consists of Dichloromethane – 26% - GWP 675. Pentafluoroprop- 26% - GWP 3500, 1.1.1.2.Tetrafluoroethane – 21% - GWP 1430, 2.3.3.3.Tetrafluoroprop 1.ene – 20% (no entry in F Gas regs – so discounted) Trans 1.3.3.3 Tetrafluoroprop 1.ene – 7% (also discounted).

b) R404A – 196kg equates to 768.63 tonnes CO2, consisting of 1,1,1 Trifluoroethane – 52%; GWP 4470. Pentafluoroethane – 44% - GWP 3500. 1,1,1,2, Tetrafluoroethane – 4% - GWP 1430.

The 2 releases total 1062 tonnes of CO2 equivalence. We score the root cause of the emissions. In this case we believe the root cause to be management of the refrigeration system. Whilst we acknowledge that the losses were highlighted because of detection and corrective works, we must score unauthorised fugitive emissions on their merits. In this case we apply a Cat 3 breach for the management of the infrastructure under permit condition 2.1.2, plus a Cat 3 for the combined release of the 2 fugitive emissions under pc 6.1.1.

6) Fugitive emissions report.

This was sent on 21st Dec 2018. It states at there were 3 fugitive emissions of FGAS to air during 2018. Subsequently, the 2 further emissions (above) were then reported to us on 11th Jan 2019 for releases during December 2018. Therefore, the report needs to be amended and re-sent to NRW.

7) **NRW received the following reports on time.**

- i) Fugitive Emissions
- ii) Site Closure Plan
- iii) EMS Improvement report (pc4.1.3)
- iv) Annual Sampling Results
- v) Annual Reports (A2, A3, A4, A5, S2, R1, R2) A query regarding R1 has been raised above which needs to be addressed.

8) **Summary of Actions and Scores**

1. Review R1 report	Query over calculated electricity/CO2 figure	R1 annual report	Review and resubmit as necessary
2. Hourly and Daily flow limit	Nov 1st 2018 – 35m3 hour - 840m3 day Nov 2nd 2018 – 802.55 day Nov 7th 2018 – 34.4m3 hour - 825.6m3 day Dec 4th 2018 – 811m3 day Dec 5th 2018 – 809m3 day Dec 14th 2018 – 34m3 hour - 816.35 day Dec 19th 2018 – 34.1 m3 hour 819.53m3 day Dec 22nd 2018 – 801.1m3 day	Pc 6.4.2	Consolidated quarterly score – Cat 3 – 4 points
3. Q4 2018 pH	pH breach of 5.9 outside the parameters of permitted limits (6-11). Breach and non-reporting within permit guidelines.	Pc 6.4.2 Pc 5.1.1.a.	Cat 3 - 4 points Cat 4 – 0.1 point
4. Q4 Oct 2018 surface water monitoring results	Surface water monitoring of W1 & W2 not recorded, and subsequently not reported to NRW	Pc 6.3.3 Pc 5.1.1.c Pc 5.1.2	Cat 4 – 0.1 points Cat 4 – 0.1 points Cat 4 – 0.1 points
5. F Gas releases x 2	R488A – Dec 18 – 293.8 tCO2e R404A - Dec 18 –768.62 tCO2e	PC 2.1.2 Pc 6.1.1	Cat 3 – 4 points Cat 3 – 4 points
6. Fugitive emissions report	Please amend Fugitives report	Fugitives report	Please amend report and resubmit in light of subsequent F Gas emissions in Dec 18.
		Total breaches in this CAR form 8	Total Points – 16.4 points.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034612**

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Operator/Permit holder	Kepak Group Limited	Date	11/02/2019

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.

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			
E1	C3	Conform to permit conditions regarding fugitive releases	01/04/2019
B1	C3	Improve site containment and management of F Gas.	01/04/2019
G4	C4	Ensure reporting conditions are met	01/04/2019
E3	C4	conform to permit conditions, provide contingency plans and report to NRW ASAP	01/04/2019
E3	C4	Review monitoring procedure and notify NRW of deficiencies ASAP	01/04/2019
G4	C4	Improve reporting procedure	01/04/2019
E4	C3	Conform to permit conditions	01/04/2019
E4	C3	Conform to permit conditions	31/03/2019

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.