

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

Site	Solway Foods Limited	Permit Ref	UP3237CP		
Operator/Permit holder	Solway Foods Limited				
Regime	Installations				
Date of assessment	02/03/2020	Time in	10:00	Out	12:45
Assessment type	Unknown				
Parts of the permit assessed	B4, C2				
Lead officer's name	James, Ian				
Accompanied by	Taylor, Richard				
Recipient's name/position	William Elworthy/ SHE Lead	Date issued	04/03/2020		

### 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
B4 - Infrastructure - Containment of stored materials	C3	Permit – 2.5.1 Waste Storage and Handling
C2 - General Management - Management system and operating procedures	C3	Permit – 2.3 Management

**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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
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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

### Compliance Assessment Report – RF Brooks/Solway – UP3237CP

#### **Compliance: 2x Cat 3 breaches were observed and reported during the visit.**

#### **Introduction**

On the 2<sup>nd</sup> March 2020 your site was inspected by officers Ian JAMES and Richard TAYLOR. The visit was arranged to also allow familiarisation and handover of regulation to Ian JAMES.

The site holds the following permit;

**UP3237CP Version V005.**

**Section 6.8 Part A(1)(d)(i), Section 5.4 Part A(1)(a)(ii) plus MCP Schedule 25A and Schedule 25B. With Directly Associated Activities.**

The visit was hosted by William ELWORTHY (Divisional SHE Lead) and Kara BENNETT (Environmental Manager) with Emma FISHER (Safety), Phil LEWIS (Site Services) and Boyd PREECE (Hygiene) also in attendance in parts.

After introductions WE gave an overview of the site including the numbers of staff employed and the direction of the business. He indicated that new product lines were being trialled and additional staff recruitment was ongoing.

At a divisional level there had been a senior appointment to a sustainability role under which the Food and Drink BREF / BAT conclusions would be reviewed.

WE mentioned that the organisation would like to utilise the heat from the recently installed and commissioned combined heat and power solution, this would require agreed capital expenditure.

WE commented that there had been a move away from black plastic within the product design and improve box designs to reduce plastic usage and aid recycling.

WE and KB explained the frequency of customer audits/visits was high and that there was a BSI audit every 6 months as well as a Group Environmental Audit scheduled for the following day. Internally there was an audit schedule for SHE and waste audits were to be introduced and a focus on Environmental areas. structured schedule for internal SHE audits

Officer TAYLOR outlined the following areas for review;

The values reported for CO<sub>2</sub> and NO<sub>x</sub> at the new CHP facility were high and the operator is encouraged to review this.

Encourage review of water discharges to river and to review and submit COD/Suspended Solids and Flow consent analysis to NRW.

To be aware and mindful of the BREF update and timeframe for responding.

Complaints – these are usually low in number but to continue to be pro-active in informing NRW of any planned maintenance or other events that may impact this area.

The operator to confirm that the capacity of the Thermal Oxidisers for odour abatement are in line with production requirements. Checking the manufacturers guidelines.

RT highlighted that the situation with the permitted AD plant previously held by InSource and adjacent to the operator's permitted area was complicated. No surrender had been received and the status was very much 'on-hold'.

RT highlighted the requirement for compliance with Oil Storage Regulations for existing facilities due in March 2020.

The operator was asked about any use of R404 refrigerant and responded by stating their main refrigerant was Ammonia and having previously reviewed R404 use they were satisfied it wasn't on site.

An inspection of the external areas of the site was then carried out with findings listed below;

### **Areas of the permit assessed, findings and actions**

Compliance

B4 – Containment of stored materials

Permit – 2.5.1 Waste Storage and Handling

#### **Finding/Observation – CAT 3 Breach**

During the site inspection it was observed that the bunding of the large blue ex-DERV tank was part filled with food waste and water, it was also open to the rain. This was creating a significant odour within 2m of the location and with the potential to attract pests. There was evidence of a spill at the rear of the tank and this material had seeped into the soil as well as flowing onto the impermeable surface. Following the path of the leak it appeared there was potential for a significant leak to over-top the kerb and create the opportunity for a further pollution event.

Site staff immediately acknowledged this and initiated plans to remediate.

As an observation related to this area of permit control there were several shipping pallet sized containers with waste food/packaging stored in this area. Two of the containers had inadequate covering and were open to the weather and predators. This was explained as a non-standard process but needs better containment.

Action – Complete remediation as a priority and identify a long-term solution.

C2 – Management Systems

Permit – 2.3 Management

Finding/Observation – **CAT 3 Breach**

Root cause for the containment breach.

The containment breach had occurred some time previously and current management systems for maintenance and/or inspections had not identified the spill and the requirement to remediate.

Action – Review management systems to ensure spills/leaks are prevented or if not possible then remediated as soon as possible.

Observations;

Please review housekeeping/hygiene of the floor in the water treatment building. This was contaminated with some food waste and open to pests/odour in warmer weather.

Several bunds were provided with only marginal protection from the weather, review these and whether improvements need to be made.

Odour was observed twice on site by officer JAMES, it was not assessed off-site. Please keep this under review.

Following the site inspection staff and regulators met for further discussion.

KB would be reviewing oil storage capacity and options with Amber Foods. The Rape Seed Oil is being recycled but storage may need improving.

Additional spill kits had been placed at vulnerable areas.

KB mentioned the procedures for severe weather were being reviewed and whether a Severe Flood Warning advised against driving. IJ reviewed and confirms that flood guidance doesn't specifically advise

against driving but that severe disruption to travel networks is possible and there's a risk of motorists becoming stranded. Met Office warnings should be reviewed independently of Flood Warnings for further guidance.

KB and WE queried the options open to the operator to utilise the space currently occupied by the 'InSource AD Plant'. IJ to supply Permit information and look at options.

WE described how 2-day IEMA Environmental training was being rolled out across the site, initially for Managers and Supervisors. A significant commitment to have 4-50 people trained by July 2020 and another 100+ in the next financial year.

WE gave a tour of the admin areas, including significant lecture room used for training events.

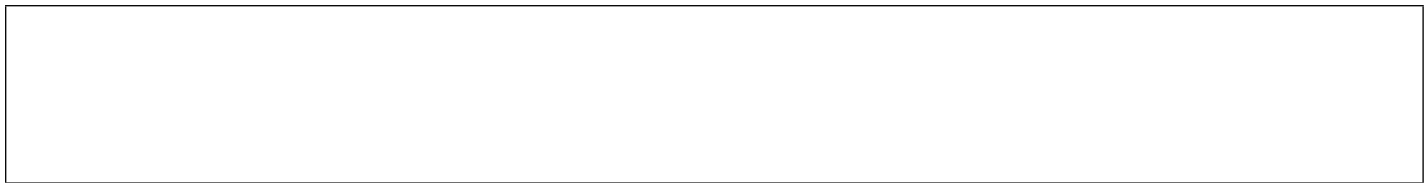
Lunch was provided – with thanks.

Officer TAYLOR concluded the meeting by confirming the observed breaches of the permit and the impact on the operator as well as reiterating the observations and areas for review.

With thanks.

**If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Ian James on 03000 654203 or via email on [ian.james@naturalresourceswales.gov.uk](mailto:ian.james@naturalresourceswales.gov.uk)**

**In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.**



## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0036414**

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

Site	Solway Foods Limited	Permit Ref	UP3237CP
Operator/Permit holder	Solway Foods Limited	Date	02/03/2020

### 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			
C2	C3	Review management systems to ensure spills/leaks are prevented or if not possible then remediated as soon as possible	02/04/2020
B4	C3	Remediate and prevent reoccurrence	02/04/2020

## 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](mailto: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.