

Compliance Assessment Report

Report ID:
CAR_NRW0036620

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	19/05/2020	Time in	N/A
Assessment type	Report/Data Review		
Parts of the permit assessed	Q1 returns and submissions		
Lead officer's name	Taylor, Richard		
Accompanied by			
Recipient's name/position	Sharon Corcoran/ Group Environmental Officer	Date issued	20/05/2020

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
B5 - Infrastructure - Plant and equipment	C3	2.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	6.3.2

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Permit Number AP3433ES

Quarter 1 2020 (Jan -March) report round-up

Site sent their Quarter 1 report through before the permitted deadline on 21st April 2020. This has now been reviewed by us. Site reported exceedances in their permitted limits.

- 2/01/2020 – COD exceedance to Sewer of 3,850 mg/l against the permit limit of 3,600 mg/l.
- 2/01/2020 – Suspended solids exceedance of 732 mg/l against a permit limit of 600 mg/l.
- 2/01/2020 – Oil and grease exceedance of 324 mg/l against a permit limit.

These permit breaches are non-scored but shown here for completeness. NRW have taken the view to not score effluent breaches where an effluent discharge consent is in place with Dwr Cymru which includes the same limits as the site permit. In this case a site discharge is held with the trade effluent passing to the Dwr Cymru treatment plant at Cilfynedd. The output from this plant is regulated by NRW so scoring the effluent breaches for Kepak in this case would represent double regulation. This approach is being taken consistently in regulated sites throughout Wales.

NRW internal guidance note 'How NRW will set emissions to sewer to comply with BAT AEL's' states 'In past permit reviews ELVs to sewer were removed from the permits. This was because operators have to comply with identical limits set by the sewerage undertaker in the trade effluent discharge consent for the site. Therefore, the view was that setting ELVs in the permits would duplicate limits and reporting requirements already in the trade effluent consent, which should be avoided. This was also justified because we set limits on the effluent from waste water treatment works (including hazardous substances). Therefore, we do not need to control the inputs to the WWTW, as that is the responsibility of the sewage undertaker'.

This approach runs hand in hand with BAT EAL's set for the sector. We expect improvements in future limits to be adhered to within the statutory 4 years after publishing. However, the permit limit exceedances will continue to be listed in CAR forms but carry no score.

January 2020 samples.

Site sent a schedule 1 notification to NRW on 1st May which stated that the January monthly monitoring had not taken place. This is a permit requirement under 6.3.3 where

'The Operator shall carry out monitoring of the parameters listed in Table 6.3.2 from the emission points and at least at the frequencies specified in that table'.

Missing scheduled samples was explained in the schedule 1 form which was accepted by NRW. Site now has a procedure in place to prevent this happening again. However, in this case we issue a permit breach for missing the sampling in Jan 2020.

- **Cat 3 breach of permit condition of permit condition 6.3.2 which is seen by us as carrying the risk of minor environmental harm.**

F Gas leaks.

Site reported 3 detected leaks of Fgas during the quarter. These have been evaluated as a single Cat 3 permit condition breach for carrying the risk of minor environmental harm.

- 2/01/2020 FGAS 404A – 196kg (CO2 equivalence 3,922) = 768.7 tCO2 equivalence
- 15/03/2020 FGAS 448A – 265kg (CO2 equivalence 1,387) = 367.6 tCO2 equivalence
- 22/03/2020 FGAS 404A – 147kg (CO2 equivalence 3922) = 576.5 t CO2 equivalence

NRW scores the root cause of the emission. The FGAS regulations are in place to adhere to with actual emissions. In this case the root score is the losses through venting in joints and pipes controlled through permit condition 2.1.2 which states;

'All plant, equipment and technical means used in operating the permitted installation shall be maintained in good operating condition'.

- **NRW awards a combined Cat 3 breach for FGAS releases from site activities during Q1.**

Site need to be aware of the upcoming bans on both refrigerant types and make provision for the use of alternate types.

Summary of permit exceedances and scores applied.

2/01/2020 – COD exceedance to Sewer of 3,850 mg/l against the permit limit of 3,600 mg/l. 2/01/2020 – Suspended solids exceedance of 732 mg/l against a permit limit of 600 mg/l. 2/01/2020 – Oil and grease exceedance of 324 mg/l against a permit limit.	Permit breaches to effluent not scored under NRW internal guidance for double regulation explained above.
Jan 2020 missed samples	Cat 3 breach of permit condition 6.3.2.
2/01/2020 FGAS 404A – 196kg (CO₂ equivalence 3,922) = 768.7 tCO₂ equivalence 15/03/2020 FGAS 448A – 265kg (CO₂ equivalence 1,387) = 367.6 tCO₂ equivalence 22/03/2020 FGAS 404A – 147kg (CO₂ equivalence 3922) = 576.5 t CO₂ equivalence	Cat 3 breach of permit condition 2.1.2.
OPRA points applied in Q1	8 points

End of Q1 report (Jan-March 2020 inclusive).

EPR Compliance Assessment Report

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Operator/Permit holder	Kepak Group Limited	Date	19/05/2020

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
B5	C3	Improve Operations and comply with FGAS regs as parallel legislation regarding FGAS bans.	31/05/2020
G1	C3	Ensure monthly samples taken as per permit conditions	31/05/2020

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. 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.