

Compliance Assessment Report CAR_NRW0037221

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 carried out: Report/Data Review, Reason: Routine.

On 11/12/2020.

Parts of permit assessed: Q3 returns

NRW Lead Officer: Richard Taylor.

Report sent to: Sharon Corcoran, Group Environmental Lead on 11/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E4 - Emissions - Sewer	C3 Minor	6.4.2

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
E4	Refer to new guidance in place below	Already completed

Action 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

The purpose of this CAR form is threefold.

1. To correct previous guidance given in an earlier CAR form.

2. To retrospectively apply previous permit limit exceedances

3. To report the evaluation of the Q3 results.

1.0 Correction to previous guidance given.

In CAR form CAR_NRW036620 issued on 20th May 2020, I stated that NRW would not treat permit exceedances for site effluent if there is a discharge consent in place. I justified my decision based on NRW guidance. However, my decision has been reviewed and found to be technically incorrect in this case and needs to be altered with immediate effect.

The guidance is drawn from the IED at Article 15.2 and 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 scenario applied to sites where the emission is passed to a third party for treatment and NRW sets no limits in this case because we would consider article 14 of the IED to have been met if the 3rd party is regulated under an EPR permit.

However, in this sites case, Food and drink sector slaughterhouse BREF limits apply and have been incorporated into the emission limit values in the site permit, so my previous CAR form guidance provided did not reflect the full picture. Rather than deferring the effluent quality to the sewage contractors discharge consent, the site needs to comply with BAT AEL’s where they exist, and NRW as the regulator need to set the effluent BAT AEL’s in the site permit – which we have done.

Therefore, as we have set ELV’s which are associated with BAT, further review into this case has led to the position where my decision above was based upon NRW guidance which was interpreted too simplistically. On review, and referring to NRW guidance, the following should have applied;

The operator must show they comply with the BAT AEL, this can be done [as follows];

- a. The operator can choose to analyse their effluent stream prior to passing it to a third party (the sewage undertaker) on a continuing basis. An operator may choose this option as they may be required by the sewage undertaker to sample their effluent or they may analyse their effluent as a method of process control.

In this case limits will be set in the permit at the concentration of the BAT AEL. (NRW Briefing Note: NRW position statement, J Walters 07/10/2015)

2.0 Retrospective application of previous exceedances.

This means that any permit limit exceedances during the time between the issue of the CAR form above, 20th May 2020 and the date of this CAR form have been re-evaluated also. The previous non scoring permit breaches are listed below.

- Q1 – COD exceedance to Sewer of 3,850 mg/l against the permit limit of 3,600 mg/l.
- Q1– Suspended solids exceedance of 732 mg/l against a permit limit of 600 mg/l.
- Q1 – Free or emulsified grease or oil max 324mg/, against a permit limit of 100mg/l with a 95%ile at 138mg/l
- Q1 Daily limit max 862.4m3/day against permit max 800m3/day*

- Q1 Hourly max 35.9m³/hr against permit max 34m³/hour*
- Q2 – Max daily flow recorded at 800.7m³ per day against a max 800m³ pd.*
- Q3 Daily limit max 855.3m³/day against permit max 800m³/day*
- Q3 Hourly max 35.6m³/hour against permit limit 34m³/hour*

*Within flow meter +/-8% parameter, therefore not scored as within flowmeter uncertainty range).

Site are reminded that the daily and hourly flow limits should not be exceeded and to not rely on the maximum tolerance level of the calibrated flowmeter to remain technically within limits.

In this case all permit limit exceedances above except the daily and hourly effluent flow exceedances, have been combined into a single Cat 3 breach of permit limits for release to sewer, Where previously each exceedance could have scored 4 points each (totalling 12 points), in this case it would seem too harsh given the site was operating under the previous guidance given above. Likewise, to not list the permit limit breaches and to suspend all scores would be a breach of CCS scoring guidance as well as being too lenient in that it would not convey the minor risk to the environment which could have occurred and therefore not representative.

Decision 1 x Cat3 breach of permit condition 6.4.2 for combined exceedances of effluent parameters during Q1 2020.

3.0 Q3 returns evaluation. Completed on CAR form sent to site 25/10/20

Effluent to sewer

There were no scoring exceedances for any parameters reported from Q3 – July-Sept inclusive. However, the limits for Daily effluent flow and Hourly flow were exceeded as detailed above. These are not scored as permit breaches because the flowmeter has an uncertainty of 8% meaning that the permit daily maximum given at 800m³/day could be extended to 864m³/day and remain at the outer limit of the uncertainty of the flowmeter. This was the case in Q3 with a return of 855.3m³/day. The maximum hourly limit of 33m³/hr is similarly dealt with. The max return for Q3 was given at 35.6 where an uncertainty of 33 x 8% is allowed (35.64m³/hr).

Site should not rely on meeting their permit limits through applying the maximum uncertainty from their calibrated flowmeter. Instead the site should follow BAT standards for the plant and aim to reduce water use year on year as a continuous improvement item.

Surface Water

Limits for Suspended solids and mineral oil were within permit limits.

FGAS –Recorded in previous CAR form dated 25/10/20
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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.