

Compliance Assessment Report CAR_NRW0037523

Permit number	BU2489IT	Operator name	Sofidel UK Limited
----------------------	----------	----------------------	--------------------

Site name	Sofidel UK Limited
Site address	Brunel Way, Baglan Energy Park, Briton Ferry, Neath, United Kingdom, SA11 2HZ
Assessment type	Assessment of monitoring and reporting requirements

Date of assessment	08 February 2021	Time in	N/A	Time out	N/A
---------------------------	------------------	----------------	-----	-----------------	-----

Parts of permit assessed	See section 4
---------------------------------	---------------

NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Kerry MacKinnon Environment Manager	Date	08 February 2021

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment	C4 No environmental impact	3.3.1(a)
G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales	Assessed or assessed in part (A)	4.2.3

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

Total number of non-compliances recorded	Total non-compliance score
1	0

2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

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 prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter *NRW*) assessment against Sofidel UK Limited's (hereafter *Sofidel*) **6-monthly** [July-December 2020] and **Annual** [2020] monitoring and reporting requirements. *NRW*'s assessment of Sofidel's monitoring returns data is outside the scope of this CAR and any non-compliance arising from an exceedance of a permitted emission limit will be recorded in a separate CAR.

Condition 4.2.3 of the environmental permit states:

Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;*
- (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.3; and*
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.*

N.B. Schedule 4(b) to the environmental permit details reporting requirements of monitoring data in respect of a waste wood co-incineration plant (monitoring point reference A6 and residue quality). At the time of CAR issue this plant had yet to be constructed and therefore no monitoring is undertaken and no reporting is required.

Table S4.1 of Schedule 4(b) to the environmental permit is partially reproduced below.

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Emissions to air Parameters as required by condition 3.3.1	A2, A3	Every 6 Months	30/09/2018
Emissions to water Parameters as required by condition 3.3.1	W1	Every 12 Months	30/09/2018

Table S4.3 of Schedule 4(b) to the environmental permit is partially reproduced below.

Table S4.3 Reporting forms	
Media/parameter	Reporting format
Air	Form air 1 or other form as agreed in writing by Natural Resources Wales
Water	Form water 1 or other form as agreed in writing by Natural Resources Wales

The monitoring returns for emissions to air were submitted via email on 21 August 2020.

The monitoring returns for emissions to water were submitted via email on 28 January 2021

The monitoring returns submission was made inside the reporting window which represents **compliance** with the environmental permit.

The monitoring returns submitted include reporting of monitoring carried out in respect of the parameters and emission points specified in schedule 4 table S4.1 which represents **compliance** with the environmental permit. The monitoring returns submitted are for the reporting periods specified in schedule 4 table S4.1 which represents **compliance** with the environmental permit.

The monitoring returns have been submitted using the forms specified in schedule 4 table 4.3 which represents **compliance** with the environmental permit.

The monitoring returns submitted include results and assessments as required by the forms specified in schedule 4 table 4.3 which represents **compliance** with the environmental permit.

Condition 3.3.1(a) of the environmental permit states:

The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

(a) point source emissions specified in tables S3.1 and S3.2

Table S3.2 of Schedule 3(b) to the environmental permit is partially reproduced below.

Table S3.2 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements						
Emission point ref. & location	Parameter	Source	Limit (incl. unit)	Reference period	Monitoring Frequency	Monitoring standard or method
W1 [SS 72540 91890]	Priority Hazardous Substances Screen	On-site biological effluent treatment plant	No limit set	24-hour flow proportional composite sample	Annually	GC/MS analysis to be carried out by UKAS accredited laboratory

On 02 November 2020, Sofidel contacted NRW via email advising that the UKAS accredited laboratory historically used to undertake GC/MS analysis for its Priority Hazardous Substances Screen is no longer UKAS accredited for the trade effluent sample matrix. Sofidel further advised that they had been unable to identify another UKAS accredited lab to undertake the analysis.

We recognise that the coronavirus pandemic and the restrictions imposed to control its spread has had far reaching effects, including on laboratory accreditation and analytical throughput. This recognition extends to our approach to permit breaches which arise from an operator's inability to meet certain monitoring standards because of these restrictions. This approach has been formalised via the application of the Regulatory Decision ref. RBB C19 001. Details of Regulatory Decision ref. RBB C19 001 may be found on our website here:

<https://naturalresources.wales/about-us/news-and-events/statements/regulatory-decisions-for-monitoring-and-reporting/?lang=en#>

As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria (G)(1).

HOWEVER, the above CCS Score is suspended as per Regulatory Decision ref. RBB C19 001.

Condition 4.3.1 (b)(i) of the environmental permit states:

(b) in the event of a breach of any permit condition the operator must immediately-

(i) inform Natural Resources Wales

The operator notified the regulator of the breach of permit condition 3.3.1(a) via email on 02 November 2020. Notification of the breach of permit condition occurred prior to the sample being taken and sent for analysis (i.e. prior to the breach of the permit condition) which represents compliance with the environmental permit.

On reviewing the submissions, I have identified some irregularities with the NRW issued reporting forms. I believe that they are not fit for purpose and prevent you from fully reporting against some of the parameters at their respective monitoring frequencies described in table S3.2 of schedule 3(b) to the environmental permit.

I will contact you before the end of the next reporting window with a view to agreeing revised reporting forms.

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

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.