

Compliance Assessment Report CAR_NRW0037827

Permit being assessed: BX7282IS.

For: Magor Brewery EPR/BX7282IS, held by AB InBev UK Ltd

At: The Brewery Wilcrick, Caldicot, Monmouthshire, NP26 3RA.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/03/2021.

Parts of permit assessed: Annual report

NRW Lead Officer: Ian James.

Report sent to: Carl Rogers, Environment and Safety Manager on 31/03/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Multiple submissions with inaccurate data reported
C2 - General Management - Management system and operating procedures	C4 No impact	Root cause - management system failure (or alternatively (C1 - training) leading to the submission of inaccurate/incomplete annual reporting information

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

Total number of non-compliances recorded	Total non-compliance score
2	0.2

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
G4	Submit completed reporting forms correctly for 2020 data and also re-submit prior year forms after checking/correcting errors	30/04/2021
C2	Review processes, training or resource requirements.	30/06/2021

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

2020 Annual returns

The following returns have been received with associated comments:

W1

2020 - Q1, Q2, Q3 and Q4

Initial submissions identified some unusual values for metals which were explained as errors and corrected for resubmission. Resubmission values within permitted values.

Dates of sampling for metals not complete. Ref W1 form "[3] For non-continuous measurements the date and time of the sample that produced the result is given. For continuous measurements, or flow/time proportional samples, the percentage of the process operating time covered by the monitoring is given."

ACTION: Operator to complete dates and re-submit.

Due: 30th June 2021.

A1

2020 – January to June and July to December

All within permitted values.

A5 and A6 remain not in operation.

A2

2020 – Q1, Q2, Q3 and Q4.

All within permitted values.

GAS1

2020 – January to June and July to December

H2S at entry to the gas engine was high at 651ppm and required the gas scrubbing media replacement.

ACTION: Operator to investigate route cause and implement corrective actions.

Due: 30th June 2021

E2 – Annual

Consistent values recorded

R1 – Annual

Consistent values recorded

WU1 – Annual

Initial submission returned due to typographical errors. No environmental impact.

E1 – Annual

Initial submission returned due to errors. Resubmission shows consistent values.

PI1 – Annual

The values and calculations relating to 2020 data were incorrect at first and subsequent submissions.

BREACH – Cat 4 – Late submission of accurate data.

ACTION: Operator to review and improve the processes being used to generate this information, review prior year submissions for accuracy from 2016-2019 and re-submit these individually.

Due: 30th June 2021

MR1 - 2020

No ammonia releases in 2020 reported.

2020 EMS annual submission

EMS has been received and will be reviewed by NRW at a later date.

Summary;

The submission for emissions data contained multiple errors and anomalies, requiring multiple re-submissions and NRW input. The route cause of this needs to be understood and corrective actions implemented. Whilst it's not believed the errors could contribute directly to adverse environmental events the underlying systems issues are a cause for concern. NRW will consider this area for further detailed inspection in the future.

BREACH – Cat 4 – Root cause. Failure of management systems (or training/resources) relating to accurate reporting.

ACTION: Operator to review processes and training/resources.

Due: 30th June 2021

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.