

Compliance Assessment Report CAR_NRW0038346

Permit being assessed: BV8016ID.

For: Kelloggs EPR/BV8016ID, held by Kellogg Company of Great Britain Ltd

At: Kelloggs Bryn Lane , Wrexham Industrial Estate, Wrexham, Clwyd, LL13 9UT.

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

On 21/05/2021.

Parts of permit assessed: Quarterly and annual monitoring reports to Q1 2021

NRW Lead Officer: Sian McGregor-Andrew.

Report sent to: Nia Jones, Environmental Practitioner on 08/06/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	Action only (X)	
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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

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

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
E3	update balancing pond sampling procedures to ensure the BOD sample for laboratory analysis has a duplicate in-house COD result.	25/06/2021
G4	Resubmit reporting for emissions to water for Q1 2021 (Jan-March) to reflect the results on 13/01 and 10/03	11/06/2021

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.

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**Routine emissions monitoring and reporting**

Conditions 2.10.1 & 2.10.2 require the operator to maintain an emissions monitoring programme to the frequency detailed in table 2.10.1. The results of this monitoring shall be submitted for review as detailed in condition 4.1.2 and Schedule 2 of the permit.

Reporting of emissions to water and sewer Q3 2020 (01/07/2020 to 30/09/2020)

Monitoring of emissions to surface water and sewer were received for the period 1st July – 30th

September 2020 on 19/10/2020. Monitoring returns were submitted within the timescales required by the permit and all parameters were compliant with the permit emission limit values.

Reporting of emissions to water and sewer Q4 2020 (01/10/2020 to 31/12/2020)

Monitoring of emissions to surface water and sewer were received for the period 1st Oct to 1st Dec 2020 on 26/01/2021. Monitoring returns were submitted within the timescales required by the permit and all parameters were compliant with the permit emission limit values.

A number of weekly BOD sample test results were not provided in December and January due to failures by the sample courier and laboratory, therefore these missing results have not been scored as a breach of the permit. The operator took appropriate measures to investigate with the contractor and improvements have been made to systems to minimise the risk of a recurrence.

Reporting of emissions to water and sewer Q1 2021 (01/01/2021 to 31/03/2021)

Monitoring for emissions to water were received on 28/04/2021 within the timescales required by the permit. Following review of the report with the operator a revised form Water 1 will be submitted **by 11/06/2021** to include COD results reported via Schedule 1 Part A and B notifications as detailed below.

Part A/B notifications

13/01/2021 - Part A notification received on 14/01/21. East balancing pond COD 122mg/l, above the specification of 70mg/l, however laboratory analysis for BOD of a sample taken after the pond was closed was compliant with the emission limit of 30mg/l, reported result 22.3mg/l. COD 3mg/l was recorded the previous day and 43mg/l the day following. The discharge was recommenced following a compliant COD test result later the same day. The very high initial COD result does not seem to represent the water quality of the pond discharge and no potential causes were identified on site.

10/03/2021 - Part A and B notifications received. East balancing pond COD 90mg/l, above

the specification of 70mg/l. BOD 62.45mg/l, (limit 30mg/l) was reported for a sample collected a few hours after the initial high COD result after the pond was shut. A retest of the pond later that day showed a COD of 45mg/l, below the specification on 70mg/l before the pond discharge was reinstated.

24/03/2021 - Part A and B notifications received. East balancing pond COD 57mg/l, however the pond discharge was closed as a precaution as the ponds are operated with an 'approach to limit' action trigger of 60mg/l COD. A sample collected later that morning has a reported result of BOD 43.92mg/l (limit 30mg/l), however the pond had been closed some hours earlier.

Due to timing of sample collection for courier to the lab the initial COD samples that determine if the ponds are closed are taken early in the morning, while the weekly samples for BOD are taken mid-morning due to sample transport requirements for BOD testing therefore no discharge was occurring at the time of the BOD samples on these dates and so these results aren't included in the Q1 reporting.

Action: in order to provide a comparable result for BOD and COD to inform both the internal action trigger limits and assessment of compliance of the pond discharge against the emission limit values, a sample for both COD (in-house analysis) and BOD (laboratory analysis) should be taken at the same time, preferably at the time the pond is discharging, however if storage requirements to ensure sample integrity require a later BOD sample, then a duplicate COD sample analysis should occur alongside the BOD sample. Please confirm the operating procedures for sampling of the balancing ponds has been updated **by 25/06/2021**

Annual reporting

- Emissions to air monitoring report received on 27/01/21, monitored parameters were compliant with the relevant emission limits.
- Accident management plan, Fugitive emissions report and progress against annual targets reports received on 27/01/21 within the timescales required by the permit.

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.