

Compliance Assessment Report CAR_NRW0038763

Permit being assessed: BL5644IK.

For: Sensient Flavors Ltd, held by Sensient Flavors Ltd

At: Sensient Flavours, Felinfach, Lampeter, Ceredigion, SA48 8AG.

Type of assessment carried out: Audit, Reason: Routine.

On 01/10/2021.

Parts of permit assessed: Management Plan - OMP

NRW Lead Officer: Ieuan Davies.

Report sent to: Tim Pink, EHS Manager on 04/10/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

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
C2	Review current Odour Management Plan and submit updated reviewed plan for approval. Review to comprise topics outlined in comment section below including analysis to ensure systems are in place to conduct prompt investigation of odour reports and subsequent response of findings is provided to NRW/complainant. As part of this review Sensient also need to consider employing systems and strategy as a means of dealing with out of hours reports of odour.	31/01/2022

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Sensient Odour Management Plan Review

This is a part review of Sensient Odour Management Plan (Hereafter referred to as OMP).

Document No.: EHS-PCY-502

Issue Date: 16/7/2020

Issue No: 3

Background

An Odour Management Plan is directly linked to an Operators environmental permit and is a way of showing the regulator that appropriate measures are in place to prevent odour pollution or minimise it when prevention is not practicable. It should demonstrate commitment to avoiding odour impact on local sensitive receptors and it's content should clearly detail/refer to the measures and procedures within your management system. The OMP will detail methods to assess, reduce and prevent potentially odorous emissions from the Sensient facility during normal operation and during potential abnormal events.

The environmental permit issued for the site includes a condition to regulate odour, as follows:

3.3 Odour

3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

3.3.2 The operator shall:

(a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to odour, submit to Natural Resources Wales for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;

(b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

Sensient must therefore employ the appropriate measures necessary to prevent odour pollution or minimise it where prevention is not practicable. The measures that are appropriate depend on the activities undertaken, the site-specific circumstances of the facility and the costs and benefits associated with different methods for odour control. We expect any standards of industry good practice to be met along with any recommendations in our guidance. If there is an odour problem at your site, and you have already implemented some measures, there may be a case to justify further measures or restriction of the activity, depending on the severity of the problem and the cost. Even if

you are following normal standards and guidance but the impact is unreasonable, then you will have put in place further measures and we will judge with you what is reasonable and to what extent further measures are possible, required or justified.

Sensient OMP

There are a number of key areas of Sensient's current OMP dated 16/7/20 that need improvement based on the principles set out in EA guidance H4 and Natural Resources Wales Guidance: How to Comply with your Environmental Permit.

Horizontal Guidance H4: Odour Management:

[How to comply \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Natural Resources Wales Guidance: How to Comply with your Environmental Permit:

[How to comply with your environmental permit \(cyfoethnaturiol.cymru\)](https://cyfoethnaturiol.cymru)

The following are example points that became apparent during the part review of Sensient's Odour Management Plan. It remains Sensient's responsibility to ensure that all relevant guidance/regulatory notes are adhered within management plans to ensure that the facility employ appropriate methods, including monitoring and contingencies, to control and minimise odour pollution. Any significant risks must be identified and demonstrated that the risk of pollution or harm will be acceptable by taking the appropriate measures to manage these risks.

General updates

Sensient's OMP dated 16/7/20 states:

The facility holds an permit to operate EPR/BL5644IK/V003 dated 9th September 2010

The facility currently holds permit no EPR/BL5644IK/V005 dated 24th May 2016.

The contact number stated within Sensient's OMP for Natural Resources Wales is the Environment agency pollution hotline. The number should be updated to reflect NRW's pollution hotline on 0300 065 3000. All relevant Sensient Management plans should be updated to reflect the above.

Sensient's OMP dated 16/7/20 states:

This Odour Management Plan (OMP) will form part of the facility's Operating Procedures. Odour Management Plans are dynamic documents and should be formally reviewed and updated as required. Instances where an immediate review would take place are a change in operational practice or lessons learnt from complaints received about an avoidable event on site.

Recommendation

Following the above points we would recommend the Operator to include the need for a periodic / annual review of its OMP to ensure information is current. We note a commitment to undertake an immediate review following lessons learned from complaint investigation and this should be demonstrated by a clear audit trail / version control of the OMP to ensure it remains environmentally protective.

Objectives of OMP

Appendix 4 of H4 – Odour Management states:

OMPs should be designed to:

- employ appropriate methods, including monitoring and contingencies, to control and minimise odour pollution;*

- *prevent unacceptable odour pollution at all times;*
- *reduce the risk of odour releasing incidents or accidents by anticipating them and planning accordingly.*

The facility has potential for odour pollution and as such Sensient' OMP needs to be detailed and robust. The objectives/purpose of the OMP should be clearly defined and include all elements considered essential within H4.

Olfactory Assessment Route

The inclusion of an olfactory assessment route is necessary. It should include site boundary and off-site locations to ensure all relevant guidance is adhered whilst sniff testing is conducted.

Site Plan

The site plan referenced 2.2 *Site Plan - Appendix 1* within Sensient' OMP should be elaborated to include labelled locations of potentially odorous activity, odour abatement & odorous material.

Primary odour control measures

The following headings and extracts in italics can be found in H4 Odour Management.

Source materials

The OMP must include an inventory, with descriptions and quantities, of all potentially odorous solid, liquid and gaseous materials held on site across the full range of operating conditions. These should not be confused with emissions to atmosphere, which are considered under the Releases heading. Understanding the nature and extent of the stock of odorous materials held on site is key to recognising and exploiting control opportunities. Management of these materials may involve total quantity limits or holding conditions designed to reduce the material's odour potential. Holding times or conditions for feedstock materials before they arrive at the site are frequently very important for waste management activities.

Recommendation

Review of all potentially odorous materials at the facility and subsequent update of *Appendix 3 Inventory of odorous materials*. Sensient to consider and include in their OMP all fugitive emission points/locations at the regulated facility to ensure that appropriate measures are applied to minimise pollution beyond the permit boundary.

Releases

Management of releases includes reducing evaporation and, if needed, containment and abatement. Where odorous gasses are finally released, controlling the height of release through a stack or the timing of releases through management of activities can influence dispersion before there is an impact on people.

Recommendation

Following previous discussion, releases of emissions are not limited to the *Appendix 2 Odour Abatement Equipment* of your OMP. Your OMP should include details of management of all potential odorous emissions from the facility. This review should be based on a combination of BREFs, relevant sections of H4, sector guidance notes & techniques employed from a range of sectors such as industry guidance/best practice. The requirement for an appropriate measures analysis of all possible emission points to include but not limited to all stages within section 2.3 *Process Flow Diagram e.g Blending* and Directly Associated Activities in 2.1.2 *Permitted Activity*.

Dispersion

Meteorological monitoring can identify when dispersion conditions are poor, or help to interpret exposure or impact monitoring data. Particular attention should be paid to the location of instruments. Knowing when dispersion conditions are poor can also inform decisions to implement additional short-term odour control

contingency measures. The OMP should demonstrate that poor dispersion conditions can be identified and dealt with.

Recommendation

Monitoring of real-time and forecasted meteorological data can be an effective tool in the management of odorous emissions from industrial facilities. Certain meteorological conditions, such as temperature inversions, can result in poor dispersion of odorous point source emissions and can potentially lead to an increased risk of odour annoyance at sensitive receptors. Sensient' state that "The facility will monitor meteorological conditions using an onsite data logger". We would welcome an elaboration of the capabilities of the onsite data logger and how the technology could assist Sensient to manage potentially odorous activities. This elaboration could include the procedures to demonstrate data analysis and any subsequent short and long term actions.

Exposure / impact

While complaints are never a substitute for comprehensive process and emissions monitoring, they are a valuable indicator of offsite odour impact. Procedures should be in place to receive comments from the community and act upon them. The receipt of a complaint may be an appropriate trigger for an internal investigation into the efficacy of current control measures.

Undertaking additional odour observations in the community may be useful, but this must be well planned and its limitations need to be recognised. People who work on odorous sites may be uniquely unqualified to undertake this assessment, either because of adaptation or personal assessments of offensiveness. Also, odours can be highly local and transient. They may have passed by the time an investigator arrives so the mere failure to confirm the observation would not alone justify a decision to take no further action.

For sites with ongoing odour problems, it may be beneficial to recruit individuals in the community to undertake periodic offsite odour surveys or to keep odour diaries. This can be done either on a voluntary or paid basis.

It is not possible to use instruments to measure odour in ambient air directly. However, very occasionally it may be possible to undertake surrogate measurements which are indicative of odours. This may be through direct measurement of chemicals which are themselves odorous, such as hydrogen sulphide. In other cases, odourless chemicals such as methane may be associated with odorous emissions of landfill gas.

In addendum to the above the following is an extract from How to comply with your environmental permit:

You must have a line of communication between you, your neighbours and any complainants who may be affected by your activities. Providing feedback once the problem has been resolved will help complainants feel they can report problems directly to you as the operator and get them resolved rather than reporting it to us. Following the theme of continual improvement you must reflect the outcome of any investigation in your management system and improved operations.

Recommendation

Section 5.1 of Sensient' OMP states "Local residents will be encouraged to ring the facility to report if they are noticing an odour believed to be coming from the facility." Current methods of encouraging the community to directly report instances of odour should be clearly stated within Sensient' OMP along with the facilities community engagement plan. Community engagement relaying information regarding the process, what they are smelling, dispersion factors, efforts undertaken to control odour and what is being done in response to complaints could reduce the number of complaints received. You may find section 4.6 and Impacts on page 35 of H4 useful to inform and develop this key section of Sensient' OMP.

Incidents and emergencies

Operators must consider what incidents or emergencies might adversely affect the control of odour

pollution. With this knowledge, they must then plan and take appropriate steps to reduce the likelihood of the incident occurring, minimise any impacts if the incident were to occur, and recover control of the process as quickly as possible. This analysis and approach must all be documented in the OMP.

Recommendation

Section 4.1.7 of Sensient' OMP states "...an Emergency or incident of sufficient severity the Emergency Response Plan (ERP) will be initiated." Sensient' ERP does not account for an odour incident. Trigger levels/sufficient severity should be clearly demonstrated within all management documents to ensure swift response.

Sensient' timeline for investigation of reported odour incidents has not been prompt as stated within the Operators OMP on numerous occasions. Complaint forms have been directed to a number of Sensient employees to ensure a prompt response.

This delayed response is considered a breach of management plan and will carry a compliance assessment score of CCS3.

I expect Sensient to undertake a review to ensure systems are in place to conduct prompt investigation of odour reports and subsequent response of findings is provided to NRW/complainant. Considering Sensient are a 24/7 operation, as part of this review Sensient also need to consider employing systems and strategy as a means of dealing with out of hours reports of odour. This review will feed into and enact an update to Sensient' OMP with changes including but not limited to the issuing of clear timescales for investigations of reported incidents.

Contingency control measures

Where trigger values have been exceeded or observations indicate odour pollution an operator will be required to take appropriate contingency measures. These measures may be aimed at:

- *investigating the pollution incident and its cause(s);*
- *bringing the process back under control;*
- *temporary or permanent establishment or reinstatement of emissions controls; and/or*
- *minimising exposure or annoyance effects.*

There are several key factors in preparing for effective contingency management

- *anticipate what might go wrong;*
- *consider how problems might be revealed in monitoring;*
- *decide how incidents should be managed; and*
- *make appropriate preparations in advance.*

Recommendation

Effective contingency management is anticipating what might go wrong and making appropriate preparations in advance. Sensient must consider what incidents or emergencies might adversely affect the control of odour pollution. They will need to build on your understanding of the process and will include additional short-term measures that could be used to control odour. The plan must consider how odorous emissions will be handled during emergencies or accidents e.g fire, staff illness, mechanical breakdowns. It should also include an escalation of contingency measures should the problem worsen. As mentioned above the OMP objective is to reduce the risk of odour releasing incidents or accidents by anticipating them and planning accordingly.

Conclusion

In conclusion, all OMPs will need to consider sources, releases and impacts, and use these to identify cost effective opportunities for odour management. These include but are not limited to the following:

- An assessment of potential odour risks
- Appropriate measures in abatement and management to manage those risks
- Suitable monitoring
- Contingency control measures
- Regular review of effectiveness of odour control measures

Following review of Sensient' OMP it does not appear to meet the full requirements of H4 – Odour Management / How to Comply with your Environmental Permit. Activities at Sensient have the potential to give rise to odour pollution beyond the permitted boundary and a robust OMP is essential to Sensient' environmental permit compliance.

Considering the scale and scope of the proposed OMP review the following section recommendations should be prioritised:

- Primary odour control measures – Releases
- Primary odour control measures – Source materials
- Primary odour control measures – Incidents and Emergencies

On submission of your updated OMP we can evaluate the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains your responsibility.

An agreed timeframe for prioritised review should be arranged with subsequent submissions to be assessed for approval.

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.