

This form will report compliance with your permit as determined by an NRW officer

Site	Llansantffraid Mill	Permit Ref	WP3938SH	
Operator/Permit holder	Wynnstay Group PLC			
Regime	Installations			
Date of assessment	23/05/2017	Time in	10:00	Out 15:30
Assessment type	Audit			
Parts of the permit assessed	EMS Procedures			
Lead officer's name	Frost, Julia			
Accompanied by	McClymont, James			
Recipient's name/position	Sally Davies/ QC and Compliance Manager	Date issued	13/06/2017	

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.3.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This audit was carried out to assess compliance with the Improvement Plan that was agreed following our audit in October 2016.

The main areas covered were

- EMS
- Maintenance
- Training
- Storage of Liquids

The deadline for completion of the improvement plan was the end of March 2017 (apart from the installation of the molasses tank which was required by end of June 2017).

EMS

The Improvement Plan stated that by the end of February 2017 EMS Procedures would be updated to improve reference to the permit and ensure all aspects of the permit were covered.

The Operator stated that they would roll out the revised procedures by the middle of March 2017 and assess continued compliance in March - May 2017.

In response to the Improvement Plan, NRW were sent copies of 15 procedures which we were advised had been updated to satisfy the Improvement Plan.

These procedures were still very generic, not site specific and did not appear significantly different to those commented upon in the audit in October 2016.

During the audit in May 2017 it became clear that a number of Standard Operating Procedures (SOPs) had been developed which, to a degree, included the information missing from the environmental procedures. A number of these SOPs were reviewed further following the audit.

Whilst improvements have been made to the EMS procedures it is considered that the current EMS is not robust enough or site specific enough to secure compliance with the Permit and is therefore in breach of permit condition 1.3.1. **Category 3 breach.**

During our discussions it appeared that much of the required information is present, however:

- The structure of the EMS is not clear
- In many cases the "environmental procedures" are not procedures
- There is duplication and inconsistencies in a number of the documents within the EMS
- Roles and responsibilities are not very clear
- There is very little site specific information within the EMS documents
- The documents are not very easy to follow - the use of flowcharts and photographs, as appropriate is recommended.
- It is recommended that all documentation should be given a unique reference number so that changes and review dates can be effectively controlled from a central register
- Generic information should be removed from the SOPs making them clearer and able to be used effectively

and efficiently

As highlighted during the audit, further improvements are required to the site's EMS by the end of July 2017. It is recommended that the EMS is redesigned and that the Operator considers using an Environmental Consultant to deliver this. NRW document "How to Comply with your Environmental Permit" covers the requirements of an EMS and it is recommended that this is further reviewed.

Maintenance

The Improvement Plan stated that a list of environmentally critical equipment would be produced by the end of December 2016, an electronic maintenance scheduler would be in use from end January 2017 and electronic maintenance records kept by the end of February 2017.

A PPM schedule is now in place for site equipment and is documented.

NRW received a copy of the environmentally critical equipment list.

None of the infrastructure (eg bunds, tanks, penstocks, drains, underground storage, pipework, impermeable surfaces, interceptor) were included within the environmentally critical assessment or on the PPM schedule.

The site should update both of these to ensure that everything relevant has been considered. For the environmentally critical equipment assessment it is recommended that the scoring system be reviewed to ensure it is appropriate. For the equipment that is highlighted as being environmentally critical the control measure / recommended actions should be completed to show how the risk is being managed.

An updated Environmentally Critical List shall be provided to NRW by the end of July 2017.

Confirmation that infrastructure has been added to the PPM shall be provided to NRW by end of July 2017.

Training

The improvement plan required a training needs analysis to be carried out by the end of December 2016 and for training of relevant staff to be carried out by the end of March 2017.

A training needs analysis had been carried out and submitted to NRW. Every role on site was highlighted as needing training on all environmental issues.

A presentation has been delivered to all staff which includes an overview of site environmental issues and the site permit.

Documented evidence of training was provided during the audit.

By the end of July 2017 the Operator shall ensure that environmental training of contractors and drivers is produced and carried out as required.

Storage of Liquids

The improvement plan required improvements to be made to the secondary containment around the IBCs on site, in line with permit condition 2.2.5.1.

A new bund has been built for the Bredol ibcs. Regular checks are made of the bund and the presence of rainwater (covered in the EMS) which are documented. A spill kit is located in this area.

AOB

Molasses tank - the new molasses tank was in place during the visit (but not linked up). There is what appears to be a surface water drain very close to the site. The Operator said they believed that this drain was blocked and were asked to investigate and confirm its status to NRW. The EMS should be updated to cover the loading of the above ground tank and ensure that appropriate spill kit is readily available if required, prior to the tank being used.

Since the audit the Operator has indicated that the pipework from the new above ground tank will go underground to feed into the process. The Operator shall ensure that this pipework is included within the PPM and environmentally critical equipment assessment and that procedures are in place to ensure that any leakage from these underground pipes is detected. The Operator should consider installing these pipes above ground which will enable any issues to

be more easily detected.

The Operator was asked to provide details of the proposal for the decommissioning of the underground tank (these have now been received and NRW have sent comments back).

Discussions were held regarding proposed Improvements to yard area (which is currently outside the permit boundary). This area is currently used to store shop stock. The Operator should ensure that any material (solid or liquid) in this area is stored appropriately so that contamination of the controlled waters or land does not occur.

Improvements to the drains in this area are being considered and there is also the potential for a roofed area to be installed to allow for the storage of raw materials for the Mill Process. The Operator should be mindful of the potential requirement for a permit variation to extend the site boundary.

Summary of Actions to be completed by the end of July 2017

Review and update the EMS to ensure it is robust / site specific enough to secure compliance with the permit

An updated Environmentally Critical List shall be provided to NRW.

Confirmation that infrastructure has been added to the PPM shall be provided to NRW.

The Operator shall ensure that environmental training of contractors and drivers is produced and carried out as required.

The Operator shall update NRW on the investigation into the drains in the area of the new molasses tank.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0031742**

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Site	Llansantffraid Mill	Permit Ref	WP3938SH
Operator/Permit holder	Wynnstay Group PLC	Date	23/05/2017

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C3	See text in CAR form	31/07/2017

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.