Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID:
CAR_NRW0026450

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	06/10/2016	Time in	10:00	Out	16:10
Assessment type	Audit				
Parts of the permit assessed	Environmental Management System, Training, Maintenance, Waste, Storage liquids				
Lead officer's name	Frost, Julia				
Accompanied by	Ellis, Rhys				
Recipient's name/position	Sally Davies/ QC and Compliance	Date issued	17/10/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
B4 - Infrastructure - Containment of stored materials	C3	2.2.5
B5 - Infrastructure - Plant and equipment	C3	2.3.5, 2.3.6
C1 - General Management - Staff competency/training	C3	2.3.2 - 2.3.4
C2 - General Management - Management system and operating procedures	C3	1.4.1
E5 - Emissions - Waste	A	

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	**4**	**Total compliance score** (see section 5 for scoring scheme)	16

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

In February 2016 Natural Resources Wales were advised that the EMS was in the process of being rewritten, and that the review, role out and implementation would be complete within 6 months. This audit was to assess the implementation and ensure compliance with the relevant permit conditions.

Overarching Management Condition

Permit condition 1.3.1 requires the Operator to "*implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this Permit*".

Prior to the audit we were provided with 13 procedures that make up the sites Environmental Management System.

EAP01 – Identification of Environmental Aspects and Impacts

EAP02 – Procedure for Environmental Objectives, Targets and Programme

EAP03 – Structure and Responsibility Procedure

EAP04 – Operational Control and Maintenance Procedure

EAP05 – Environmental Incident Procedure

EAP06 – Environmental Monitoring and Measurement Procedure

EAP07 – Management Records Procedure

EAP08 – Training, Awareness and Competence Procedure

EAP09 – Non- conformance and Corrective and Preventative Action

EAP10 – Environmental Management System Audit Procedure

EAP11 – Management Review

EAP12 – Communication and Document Control Procedure

EAP13 – Purchasing Procedure

These procedures and the related appendices were reviewed as part of the audit.

The Operator advised that these procedures have yet to be rolled out and implemented on site.

The previous version of the EMS Procedures are not site specific and had not been rolled out or implemented on site.

The EMS Procedures, as they are written at the moment, make very little reference to the Environmental Permit. Key aspects of the permit, for example notification and reporting, are not covered by the EMS Procedures. A number of recommendations of changes to the Procedures prior to rolling them out, were made during the audit.

There is no change management procedure as part of the EMS.

The answers to a number of the Operator Performance questions in the site's EP OPRA profile do not appear to reflect the situation on site. The Operator should review this section and resubmit the profile to Natural Resources Wales, based on the current situation on site wrt EMS, by end December 2016. This is likely to impact on the site's subsistence fee.

A number of suggested improvements were highlighted to the draft procedures during the audit. It was recommended that these changes are made to the Procedures prior to rolling them out.

It is recommended that the Operator refers to Natural Resources Wales guidance "How to Comply with your Environmental Permit", which is available on our website. This document includes guidance on what to include within an EMS.

https://naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf

The Operator does not currently have an EMS that is robust enough to secure compliance with the Environmental Permit. Breach of condition 1.3.1, category 3.

Management – Training

Conditions 2.3.2 – 2.3.4 require the Operator to ensure that the installation is "*supervised by staff who are suitably trained and fully conversant with the requirements of this Permit. All staff shall be fully conversant with those aspects of the Permit conditions which are relevant to their duties and shall be provided with adequate professional technical development and training and written operating instructions to enable them to carry out their duties. The Operator shall maintain a record of the skills and training requirements for all staff whose tasks in relation to the Permitted Installation may have an impact on the environment and shall keep records of all relevant training.*"

To date the Operator has carried out limited environmental training related to compliance with the environmental permit. The training carried out has not been documented. A training needs analysis has not been carried out. Breach of permit conditions 2.3.2, 2.3.3 and 2.3.4, category 3.

Management – Maintenance

Conditions 2.3.5 and 2.3.6 require the Operator to ensure "*all plant and equipment used in operating the Permitted Installation, the failure of which could lead to an adverse impact on the environment, shall be maintained on good operating condition. The Operator shall maintain a record of relevant plant and equipment covered by condition 2.3.5 and for such equipment a written or electronic maintenance programme and records of its maintenance*".

Maintenance is carried out by the same companies each year who contact the Operator when it is due.

The Operator does not have a Planned Preventative Maintenance Programme. Breach

permit condition 2.3.5, category 3.

Waste

Conditions 2.5.1 and 2.6.1 – 2.6.3 require the Operator to "*design, maintain and operate all facilities for the storage and handling of waste such that there are no releases to water or land. The Operator shall maintain the waste recovery and disposal table or description submitted with the Application. The Operator shall maintain and implement a system that ensures that a record is made of the quantity, composition, origin, destination of any waste produced.*"

The waste streams produced on site are general mixed waste, paper / cardboard and plastic. These waste streams are stored in skips on site on hardstanding.

Duty of care notes were audited during the visit. Annual tickets are produced for the waste. The Operator was requested to provide a copy of the duty of care note covering the paper / cardboard and plastic for the year ending September 2016 to Natural Resources Wales.

The annual notes reviewed contained the information required by the Regulations.

In order to fulfil their Duty of Care Obligations, it was recommended that the Operator carry out regular "cradle to grave" audits on the waste removed from their sites.

Site Walkaround

Spill kits are located in key areas around site. One of these (near to bagging plant) was viewed during the audit. There was no indication on the bin as to the intended contents or the last time it had been checked. The only items that were visible were booms and absorbent pads. We had been advised that other items, such as gloves and goggles, should also be present.

It is recommended that a contents list should be attached to the lid of the bin, as well as a sheet to mark off when it was last checked. They should also be clearly labelled to avoid being used as a bin for waste.

As we walked past unloading area 2 a high pitched alarm could be heard coming from the Mill. This alarm was linked to the mill press and has to be manually switched off. On this occasion the alarm was switched off by the Maintenance Manager who was accompanying us on the visit. The Operator should ensure that adequate works instructions / procedures / training are in place to ensure that the Operatives are aware of what action to take if this (or any other) alarm goes off.

Within the Mill there were a number of areas where solid material had built up - on the floor and on the equipment. This was also evident on the equipment that had been recently removed during the recent maintenance shutdown. The Operator advised that the Mill was regularly swept to remove debris. The Operator should ensure that the EMS includes procedures relating to this and other housekeeping, to avoid attracting pests.

Three ibcs of emulsifier were observed stored on a hard standing near to the bagging plant. There was no secondary containment around these IBCs.

Permit condition 2.2.5 requires the Operator to use BAT so as to prevent or reduce fugitive emissions of substances to water and sewer in relation to bunding and storage areas.

The Operator should assess the required improvements to the storage of this liquid (and any others on site not currently within a bunded area) and ensure compliance with the permit condition by the end November 2016.

In the short term the Operator is recommended to locate a spill kit near to the IBCs and increase the frequency of inspections of the area.

The Operator is recommended to refer to Pollution Prevention Guidance PPG 26 for potential containment options. Please note this guidance has now been withdrawn and not updated since the end 2015 but the secondary containment references are still valid.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485204/pmho0511btpg-e-e.pdf

Breach condition 2.2.5.1, category 3.

Proposed 5 Year Plan

During the audit the Operator provided us with a copy of their 5 year improvement plan for the site.

It contains a commitment to relocate the molasses tank above ground by June 2017. Once the design and location have been finalised the Operator is recommended to provide details of the proposal to Natural Resources Wales for review. The Operator should also refer to CIRIA guidance 736, as per previous CAR form.

The Plan also includes reference to the Environment and Compliance Management Committee which will meet every two months. The first meeting was held on 4/10/16 and covers both sites with Environmental Permits (Llansantffraid and Carmarthen).

The Operator is currently carrying out a feasibility study into the potential for a CHP plant on site. The implications on the permit were discussed.

General Pollution Prevention

The Operator is requested to investigate a number of issues observed near to the site's workshop which falls outside of the permit boundary.

IBCs containing liquid (some may have been waste oil) were stored on unmade ground and with no secondary containment.

In a fenced off area believed to be used for fertiliser storage, several areas were observed where green water was ponding. The Operator should investigate the source of this and ensure that measures are put in place to remove the potential of contamination of the land and groundwater.

Whilst these issues do not fall under the conditions of the Environmental Permit, they are subject to other legislation. You should be mindful of Section 85 of Water Resources Act 1991 which makes it an offence *to cause or knowingly permit any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters.*

Actions

The audit highlighted a concerning number of breaches of permit conditions which would appear to have not been complied with since the permit was issued over 10 years ago.

The Operator is required to put a number of improvements in place and to ensure that Natural Resources Wales are regularly updated with progress of these.

By the end of December 2016 the Operator shall ensure that all liquids stored on site are compliant with permit condition 2.2.5.1.

By the end of December 2016 the Operator shall correct the inconsistencies in the EP OPRA profile and resubmit it to Natural Resources Wales.

By the end of March 2017 the Operator shall:
1. Review the EMS and make sure the necessary improvements are made to ensure it is robust enough to secure compliance with all aspects of the Environmental Permit. Natural Resources Wales recommends that the Operator considers using an environmental consultant to write the EMS on their behalf. A number of companies offer free advice on producing EMS.

2. Implement the EMS and role the procedures out to relevant personnel. All training should be documented and a training needs analysis should be prepared for each role.

3. A planned preventative maintenance system shall be put in place, with written records of maintenance carried out.

Cyfoeth Naturiol Cymru Natural Resources Wales	EPR Compliance Assessment Report	Report ID: CAR_NRW0026450

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Operator/Permit holder	Wynnstay Group PLC	Date	06/10/2016

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	Refer to text in CAR form	31/03/2017
B5	C3	See text in CAR form	31/03/2017
C1	C3	See text in CAR form	31/03/2017
B4	C3	Install adequate secondary containment around all liquid storage	31/12/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.