

Compliance Assessment Report

Report ID:
CAR_NRW0031371

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

Site	Distribution Way EPR/DP3832EF	Permit Ref	DP3832EF
Operator/Permit holder	Biotage GB Limited		
Regime	Installations		
Date of assessment	10/03/2017	Time in	13:30
Assessment type	Report/Data Review		
Parts of the permit assessed	Annual monitoring data and IC1 response		
Lead officer's name	Kemp, Andi		
Accompanied by			
Recipient's name/position	Dr Nick Jenkins/ Chemistry Production Manager	Date issued	13/03/2017

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
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	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

- Note IC1 extended - 3/8/17

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

Purpose of Compliance Assessment

In 2016, NRW received the first annual round of monitoring data for the year 2015 - the permit having been recently determined. The results were in exceedance of the limits for 3 of the parameters - this was reported in CAR1 of Aug 2015. At that time there appeared to be some anomalies in the permit and the ELVs set and in addition, the operator had supplied NRW with calculations on estimated emissions, which turned out to be incorrect, especially with regard to the actual flow rate of waste gases emitted.

This led to discussion about a permit variation and ultimately this variation, with more detail from the operator about the substances emitted from each batch process and when, was issued in Aug 2016. This variation set different ELVs for the same four processes and a different basis, i.e. mass released over time instead of a spot concentration - it was felt this would better represent the emissions released during batch processes and allow NRW to set a protective limit that the operator should be able to comply with.

The former ELVs against the new ELVs are listed below along with the results from the two sets of monitoring, 2015 and 2016 - the latter being supplied as part of IC1 in the permit variation - to assess emissions for validation against new limits over reaction batch and proposals required if limits not met.

<u>Emission Point</u>	<u>Old ELV</u>	<u>2015 Result</u>	<u>New ELV</u>	<u>2016 Result Max</u>	<u>Av over Batch</u>
<u>A1</u>					
HCl	10 mg/m3	106.08 mg/m3	15.12 g/hr	68.05 g/hr	56.93 g/hr
VOC (CH3OH)	2700 mg/m3	<1.78 mg/m3	4.08 g/hr	27.7 g/hr	
<u>A2</u>					
HCl	29 mg/m3	33.40 mg/m3	49.07 g/hr	39.97 g/hr	17.90 g/hr
VOC (CH3OH)	27 mg/m3	<1.81 mg/m3	45.684 g/hr	38.0 g/hr	
<u>A3</u>					
NOx	35.7 mg/m3	56.71 mg/m3	48.84 g/hr	12.55 g/hr	
VOC (CH3OH)	260 mg/m3	10.69 mg/m3	355.68 g/hr	70.0 g/hr	
<u>A4</u>					
HBr	0.2 mg/m3	57.63 mg/m3	0.624 g/hr	112.63 g/hr	15.54 g/hr

At a meeting on Fri 10th Mar 2017, Dr Nick Jenkins supplied the report from the monitoring contractor. AK is to assess this with a view, along with assessing the permit application information and determination process, of reaching a conclusion about non compliances, the impact of these emissions and the categorisation of the non compliance.

Biotage are to accept this CAR1 as a holding response acknowledging potential permit breaches, which may be significant. The overall enforcement position will be decided once AK has completed the assessment of these results, but Biotage are notified that these results are likely to be deemed non compliant and as this is the second time NRW has set limits, based on information submitted by the operator, which appear to have been breached, a warning letter could be sent - if the assessment is the simple conclusion that these limits are sound in basis and the operator simply hasn't complied. In addition, post the conclusions of the assessment, the operator may well have to consider a range of potential options for reducing their emissions: carry out further detailed emissions monitoring; use the results in air dispersion modelling; work out the duration and number of batches of each process and the likely annual release of each parameter; alter process reagents and reactants and process conditions.

Biotage are requested to consider these aspects now, in readiness to progress after the conclusion of this further assessment work.

END



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EPR Compliance Assessment Report

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Operator/Permit holder	Biotage GB Limited	Date	10/03/2017

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			

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.

