Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0039061

Permit being assessed: BX7282IS. For: Magor Brewery EPR/BX7282IS, held by AB InBev UK Ltd At: The Brewery Wilcrick , Caldicot, Monmouthshire, NP26 3RA. **Type of assessment carried out:** Site Inspection, Reason: Routine. On 09/12/2021 between 09:45 and 14:00. Parts of permit assessed: C1 **NRW Lead Officer:** Ian James. **Report sent to**: Kyle Morgan, Environment, Health and Safety Manager on 29/12/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C4 No impact	Ensure sufficient competent staff and resources are available to manage the environmental risks on site

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
C1	Ensure staff are competent to carry out the tasks required of their role. Review training needs and improve where necessary.	10/02/2022

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.

<u>You are non-compliant with your permit.</u>

<u>We are currently considering taking enforcement action against you for the non-compliance recorded above.</u> We will contact you in due course.

4. Details of our assessment

Compliance Assessment Report – AB InBev – BX7281IS

Compliance: 1 x Category 4 level breach identified during the visit.

Introduction

On the 9th December 2021 your site was inspected by officer Ian JAMES (IJ). This was arranged as a routine compliance visit but also to meet the new Environment Management team at the site.

The site holds the following permit;

BX7282IS Version V007. The V007 variation covers several changes to operations on site and also consolidates previous versions to the 'new' format.

The permit regulates Section 1.1 B(a)(i), Section 5.4 A(1)(a)(i) and Section 6.8 A(1)(d)(ii) activities plus Directly Associated Activities under the Environmental Permitting Regulations.

The visit was hosted by Kyle MORGAN (Environment, Health and Safety Manager) (KM) with Harriet VICTORIA (Environment, Health and Safety Co-ordinator) (HV) also present for a period during the initial tabletop discussions.

An agenda was provided in advance and the visit consisted of office discussions, site inspection and conclusions on return to the office.

Discussion

After introductions KM gave an overview of the circumstances surrounding the change in Environment Management staff on site. The circumstances have been challenging following the departure of the long-standing Environment Manager, long term illness of the assistant and a short tenure of an appointed replacement. This has led to an intense period of familiarisation for the staff now in role.

It was pleasing to note the wide and varied roles that KM has held throughout their time at AB InBev. These have included providing the monitoring data for the previous Environment Manager as well as Project Management of significant Environmental improvement projects.

IJ (for NRW) commented at this point that there has been a period where the requirement of the site's Environmental Permit and the monitoring/reporting schedules have not been clear to the staff responsible for this. During subsequent discussions it was also clear that the current version of the Permit, issued on 23rd August 2021, wasn't readily available to those staff.

A review of correspondence after the visit indicates that V007 was emailed (23/8/21) to consultants acting for the Operator and receipt acknowledged (01/9/21), it was also copied to the Operator's Technical Services Manager (DJ).

IJ explained that V007 is available online and that the Decision Document that supports the Permit is also a matter of public record and available. These can be found in the 'Public Records' section of the NRW website. It was also explained that reporting requirements may have changed or be required under different sections of the new Permit.

IJ supplied by return email the details of previously submitted end of year reports as sent to NRW from the previous Environment Manager. This along with the Permit version 007 (as the primary reference document) should allow KM and HF to understand the requirements.

Please contact IJ if this isn't clear or further clarification is required.

Overall systems and/or change management processes have not been robust enough to manage the staff changes adequately in the area of Environmental Management during middle of 2021. This does however appear to be limited to the 'calendar'/schedule of reporting requirements, with EM otherwise demonstrating a good knowledge of the day to day working risks at the time of the visit, although not all areas were covered. This being the case the Breach recorded here will be at C4 level.

Breach: C4 – Insufficient competent staff or resources

Action 1: Ensure sufficient competent staff and resources are available to manage the environmental risks on site.

Due: 10th Feb 2022.

Recommendation 1: The Operator utilises a 'Consultant' for Permit variation applications and other items. They may wish to review training needs in relation to ensuring Permit compliance.

Further discussion around site expansion plans and ongoing works were had. 'Perfect Draught' and upgrades to the off-site effluent pipe were high priority. In addition, KM explained the high profile announcement of the 'Green Hydrogen' facility was a partnership and the operation of the facility would be managed outside of the current site boundary and by the partner organisation.

It was also suggested that current plans are to prioritise transport, both HGV and FLVs, ahead of conversion of site boilers when utilising the 'Green Hydrogen'.

IJ highlighted that the Operator should consider the lead-time required for any Permit variation associated with planned works. They should ensure these applications are timely whilst also of good quality such that delays are minimized and works not held up unnecessarily.

KM initiated discussion relating to the reporting and Schedule 5 requirements for temperature exceedances for effluent. It was identified that there were three exceedances in September that have not been reported. Discussion was had regarding transient peaks in temperature and their environmental impact. IJ to follow up on this.

Action 2: KM to provide detailed data on effluent outlet temperatures for review by NRW.

Due: 10th Jan 2022.

<u>Site inspection</u>

Areas reviewed included the new bottling Line 4, primary effluent treatment and new fermentation vessel installation.

No issues were identified of concern although there was a strong smell of fuel which was identified as being used by pressure washers being refuelled.

Recommendation 2: Consider whether the mobile refilling of pressure washers outside of bunded areas is best practice or whether this can be improved. Also is there a viable alternative to fossil fuel pressure washers, electric?

Round-up

KM and IJ agreed and acknowledged the breach identified and several actions required to provide further information.

KM would provide further data for effluent outlet temperatures and IJ would review the sampling frequency in terms of understanding if brief peaks should be reported or whether an average over a set time period is more appropriate.

IJ gave an overview of NRW's approach to regulation and enforcement along with the compliance scoring system and how this affects the subsistence fees. It was also explained that all documentation produced by NRW or supplied to NRW by the Operator was in the public domain.

If anything was considered confidential by the Permit holder a request should be made to NRW to withhold this access and would be considered.

It was also pleasing to see evidence of investment and continued improvement at the site which would improve environmental performance.

It would be useful for the Regulator to understand the outcome of the recent internal VDO audit in terms of environmental performance when this is available.

The open and frank discussion was appreciated and there was a willingness of the Operator to engage with the Regulator.

With thanks.

If you have any questions regarding this Compliance Assessment Report (CAR) form, please contact Ian James on 03000 654203 or via email on ian.james@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

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.