

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

Site	Farmers Boy (Deeside) Ltd			Permit Ref	VP3235HS		
Operator/ Permit holder	Farmers Boy (Deeside) Ltd						
Date	03/06/2014			Time in	09:30	Out	16:00
What parts of the permit were assessed	EMS, waste management, effluent treatment plant						
Assessment	Audit	EPR Activity:	Installation: X	Waste Op:	Water Discharge:		
Recipient's name/position	Mario Jacobs, General Manager						
Officer's name	Beth Voice, Lara Cubley, Paul Wright			Date issued	10/07/2014		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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

Condition(s) breached

a) Permitted activities	1. Specified by permit	A	
i) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	C3	1.1.1 (b)
	2. Management system & operating procedures	C3	1.1.1 (a)
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	C3	1.1.1 (a)
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	C3	1.1.1 (a), 3.2.3
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	C3	1.1.2, 3.5.2
	3. Maintenance records	C3	1.1.2, 3.5.2
	4. Reporting & notification	C4	4.2.1, 4.2.2, 4.2.3
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded

7

Total compliance score
(see section 5 for scoring scheme)

24.1

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This compliance assessment report follows an audit of the site by Beth Voice, Lara Cubley and Paul Wright on 03/06/14. The scope of the audit was to review the environmental management systems, waste management and the operation of the effluent treatment plant. We saw evidence that several projects were in place to reduce environmental impact which was good to see, that there have been improvements in waste management and the operation of the effluent treatment plant since the last site visit, and that the EMS is being worked on. In addition the trade effluent consent has been varied which will give the site more flexibility and the ability to meet these discharge limits.

The breaches of the site permit are detailed below.

Requirement

Permit Section 1.1.1 (a) The Operator shall manage and operate the activities in accordance with a written management system that identifies and minimizes risk of pollution, including those arising from maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as the result of complaints.

Environmental Policy

Finding

The site Environmental Policy dated 24/01/14 states that the company is committed to complying with applicable legal requirements. However, the site has not met several as detailed in the audit report below.

The policy states that a written environmental management system (EMS) will provide a framework for setting and reviewing objectives and targets. The operator does have several environmental projects on site but these are not linked into the environmental management system.

The policy states that the company's EMS shall continue to conform with BS EN ISO 14001:2004. The present EMS does not comply to this Standard.

Compliance/Action

C2 CCS3 Review the site Environmental Policy to ensure it reflects what is happening on site.

Environmental Management System

Finding

The site has two environmental management systems; an original which is based on the requirements of ISO14001 and a second version based on the environmental management toolkit. These are 'work in progress' and need to be reviewed/combined to allow the site to conform with its legal requirements.

Note that the Food and Drink Manufacturing Industry Environmental Management Toolkit is not intended to meet all of the requirements of an Environmental Management System but can be used to form part of an EMS.

The site environmental management system is crucial to ensure that the site stays in compliance.

Compliance/Action

C2 CCS3 Implement an Environmental Management System as required by your Permit.

Objectives and Targets

Finding

The site has several environmental projects in place, some of which are driven by Morrisons corporate targets (e.g. 100% diverse from landfill by 01/01/18) and some of which are site specific. Each project has a lead. Targets are set and these are reviewed in weekly management meetings. It is not clear how these projects tie in with the Environmental Management System.

Compliance/Action

C2 CCS3 Demonstrate that the site objectives and targets tie in to the significant aspects register and the EMS.

Incident Prevention

Finding

The site is in the process of adding updated drainage plans to the emergency information. Spills /fire water from the waste yard have the potential to run to the drain which leads to controlled waters.

Compliance/Action

D2 CCS3 The site requires systems in place which allow run-off to be contained if required. Drain blockers are required to allow fire water to be recirculated and to prevent its discharge to controlled waters. Submit simplified version of drainage plan to NRW. The drainage plan should be added to the emergency procedure documents.

Permit Condition 3.2.3

All liquids in containers, whose emissions to land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

Containment

Finding

A partially full drum was stored adjacent to the waste oil storage area without a cap and without containment.

Compliance/Action

C4 CCS3 Ensure drums are stored with caps in place and with suitable containment. Add procedures to the EMS and ensure appropriate training is provided.

Requirement

Permit Section 4.2.1 The operator shall send all reports and notifications as required by the permit to NRW.

4.2.2 A report(s) on the performance of the activities over the previous year shall be submitted by 31 January each year. The report(s) shall include as a minimum:

- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data
- (b) the annual production/treatment data as set out in schedule 4 table S4.2
- (c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.

4.2.3 Within 28 days of the end of the reporting period the operator shall submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) schedule 4 table S4.1
- (b) using the forms specified in schedule 4 table S4.4

Reporting Requirements

Finding

The following reports are outstanding: Report S1 July – December 2013 (due 28/01/14); W1, E1, P1 for 2013 (due 30/01/14).

Compliance/Action

G4 CCS 4 Add reporting requirements to the EMS to ensure deadlines are met. Submit outstanding reports.

Waste Management

Requirement

1.4.1 The operator shall take appropriate measures to ensure that:

(a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; (b) any waste generated is treated in accordance with the waste hierarchy; (c) where disposal is necessary, this is undertaken in a manner which minimises impact on environment.

1.1.1 (b) The operator shall manage and operate the activities using sufficient competent persons and resources.

2.3.3 The waste operator shall ensure that where waste is produced is sent to a waste operation, the operation is provided with the following information, prior to the receipt of waste;

(a) the nature of the process producing the waste

(b) the composition of the waste

(c) the handling requirements of the waste

(d) the hazardous property associated with the waste, if applicable

(e) the waste code of the waste

2.3.4 The operator shall ensure that where the waste is sent to landfill site, it meets the waste acceptance hierarchy.

Directly Applicable Legislation – Duty of Care

Finding

The operator needs to demonstrate that 1.4.1 (a), (b) and (c) have been considered and this needs to be documented. E.g. during design stage of process there can be several options of wastes produced and the operator needs to demonstrate that the waste generated allows for reuse and recycling rather than disposal. There was no comprehensive documentation to demonstrate that this happens. However there are several projects on site which cover some of the requirements, for example the packaging waste project resulting in waste minimisation at source.

The operator needs to demonstrate that Permit Section 2.3.3 and 2.3.4 have been followed and this needs to be documented.

Table 3 (General Waste Management) of the Toolkit lists the majority of the waste streams. The Effluent Treatment sludge and meat waste is not included. Waste plastic is listed as being recycled, however this is the case for clean plastic only as the contaminated plastic is unable to be recycled at present, although there is a project in place to review this e.g. use as a fuel alternative for incineration, washing plastics to allow recycling.

Compliance/Action

E5 CCS3 Provide evidence that (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; (b) any waste generated is treated in accordance with the waste hierarchy; (c) where disposal is necessary, this is undertaken in a manner which minimises impact on environment. This should be within the EMS.

Demonstrate that requirements of Section 2.3.3 and 2.3.4 are carried out, and record this within the EMS.

Update the waste list to include all wastes streams.

Finding

The SIC code is used to classify business establishments by the type of economic activities they are engaged in. You are required to record the appropriate SIC code on all controlled waste transfer notes. Different Standard Industrial Classification (SIC) codes were used or in some cases were omitted altogether. The following SIC codes were used:

- a) DS Smith SIC 47110
- b) Cathedral Leasing Ltd SIC 70100
- c) Initial Medical Supplies SIC 28990
- d) Safetykleen UK SIC 4941
- e) Spencer Industrial no SIC code.

Compliance/Action

E5 CCS3 There should be one SIC code for the site. Review the SIC code and ensure it is used on all waste transfer notes.

Finding

A high proportion of the waste transfer notes were incomplete and/or incorrect.

- a) DS Smith consignment on 15/05/14 was not signed by the customer/producer.
- b) Cathedral Leasing Ltd has a season ticket for 24/05/13 – 23/05/14. This was used for a load on the 30/05/14 when the ticket had expired.
- c) Spenser Industrial dated 12/05/14 did not have an EWC code for the waste.
- d) JH Willis transfer notes use two different EWC codes: EWC 20 03 04 (septic tank sludge) and 02 02 01 (Sludges from washing and cleaning – Food preparation and processing). EWC 20 03 04 is incorrect, and the Effluent Treatment Plant sludge needs to have an EWC. This EWC needs to be reviewed.

Table 3 (General Waste Management) of the Toolkit states that all Duty of Care requirements are being met. This is not the case.

Compliance/Action

E5 CCS3 Review the waste documentation to ensure it is correct and fulfils legal requirements to include Duty of Care. Include waste documentation procedures in the EMS and provide appropriate training.

Finding

Several operatives are signing waste documentation, much of which is incorrect or incomplete. Operatives have not been trained to know the requirement and regulations relating to waste. Personnel setting up waste contracts have not been trained regarding environmental legal requirements to include Article 4 of the Waste Framework Directive and Permit requirements.

The Toolkit Training Checklist does not include Waste management.

Compliance/Action

C2 CCS3 Provide waste management training for the relevant site operatives and those with waste responsibilities (eg. Buying and procurement, waste handlers, waste manager). Waste training to be added to the site Training Programme for key personnel.

Finding

The landspread waste is a historic contract which has not been reviewed to ensure it meets legal requirements.

Compliance/Action

E5 CCS3 Review the landspread waste to ensure that this is the best environmental option for this waste stream. Agricultural benefit must be demonstrated. The operator needs to ensure it has contingency plans for landspread waste which cannot be spread due to adverse weather conditions. The Food and Drink Sector need to aim for contingency plans which allow the site to deal with this waste for 4-6 weeks.

Effluent Treatment Plant

Requirement

1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and**
- (b) using sufficient competent persons and resources.**

Finding

Procedures and check sheets for the ETP operation have not been updated to the varied trade effluent consent limits. The limit for COD is now <3800mg/l and not <4,500mg/l.

Compliance/Action

C2 CCS3 Procedures and check sheets should be updated to ensure compliance with trade effluent consent limits. Change management procedures should be reviewed to ensure such changes with potential impact automatically lead to review and update of current practices, together with communication.

Finding

The daily check sheet required certain parameters such as visual checks on effluent quality and sludge quality to be recorded with a score of 0-3 given. No guidance was available on such scoring criteria but the Operative was able to say that 3 was good and 0 bad. All sheets checked give a score of 3. The weir height is also recorded as H, M, or L with no guidance available for this system. The Operative explained this to be high, medium, or low. This was recorded to be M on sheets reviewed but weirs appeared to be low on plant inspection. Stock of treatment chemicals is also recorded on this daily sheet.

Compliance/Action

C2 CCS3 Procedures require strengthening to include guidance to keys/classifications, and actions to be undertaken on obtaining certain results. For example if effluent quality is poor on inspection, should treatment stock fall below a set limit etc, action to be taken as per consent limits and balance/sludge tank 80% full. Training to all Operatives should be given to ensure they are conversant and understand the meaning, importance and thresholds for actions, plus actions to be taken.

Finding

The daily check sheets are not undertaken at the weekends.

Compliance/Action

C1 CCS3 The importance of checks on a daily basis have been overlooked by management and operative for weekend checks need to be trained to ensure they are conducted. (Also link to keeping records as per non-compliance below).

Finding

The main Effluent Treatment Plant sump which receives all effluent from the manufacturing process had lots of plastics and protective hygiene wear in it such as gloves, sleeves hair nets. Apart from the fact that it should be contrary to best practice procedures to allow such items to enter the effluent stream, there is a real danger of pipe blockages, disabling of float switches and effluent overflow problems. The Operative is attempting to alleviate this problem by clearing of the sump of such items on a regular basis. This is done by sucking out and sending with sludge for landspreading. It is not appropriate to spread such items to land.

Compliance/Action

C1 CCS3 The Operator is to ensure appropriate procedures and training in place to prevent such waste streams entering effluent.

Requirement

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

3.5.2 The operator shall maintain records of all monitoring required by this permit including records of the taking and analysis of samples, instrument measurements (periodic and continual), calibrations, examinations, tests and surveys and any assessment or evaluation made on the basis of such data.

Finding

Records are not kept for all checks, some of which are important such as weekly cleaning of the autosampler, daily screen checks, and calibration of pH metres etc. However, many other regular maintenance/checks are recorded on the effluent plant check list or daily check sheet.

Compliance/Action

G2/3 CCS3 The Operator is to ensure all records of maintenance and checks together with calibrations are made and kept particularly where the consequences could impact on the environment. It may be advisable to review check sheets and lists to include those mentioned and any others necessary such as DAF cleaning.

Advice and Guidance

1. The design philosophy of effluent treatment plant (ETP) should be revisited to ensure it is capable of dealing with effluent volumes and strength.
2. Further process automation of the ETP is required to reflect BAT, with manual checks as back up.
3. Investigate further prevention of product lost to drain.
4. Investigate removal of FOG prior to effluent treatment.
5. The following documents will be of use for the implementation of an environmental management system.
 - Food and Drink Sector (EPR 6.10) guidance document
 - 'How to comply with your environmental permit'
 - Food and Drink Manufacturing Industry Environmental Management Toolkit
 - The Food and Drink Sector BREF.
6. Waste responsibilities need to be clearly defined, and it may be useful to assign a waste manager to ensure that all waste issues are covered.

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Site	Farmers Boy (Deeside) Ltd	Permit	VP3235HS
Operator/ Permit	Farmers Boy (Deeside) Ltd	Date	03/06/2014

Section 3- Enforcement Response

Only one of the boxes below should be ticked

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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

X

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
C1	C3	Refer to actions in details section	31/12/14
C2	C3	Refer to actions in details section	31/12/14
C4	C3	Refer to actions in details section	31/12/14
D2	C3	Refer to actions in details section	31/12/14
G2	C3	Refer to actions in details section	31/12/14
G3	C3	Refer to actions in details section	31/12/14
G4	C4	Refer to actions in details section	31/12/14

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 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 the officer's line managers. 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.

