

Compliance Assessment Report CAR_NRW0040214

Permit being assessed: KP3594VE, **Deployment reference:** PAN-015919.

For: Mobile Plant, held by Trade Effluent Services Ltd

At: Hugmore Lane, Llanypwll, Wrexham, LL13 9YE.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2205218).

On 20/07/2022 between 14:00 and 14:45.

Parts of permit assessed: 1.1, 3.3, 4.1

NRW Lead Officer: Amy Henderson, accompanied by Eleanor Pierce.

Report sent to: Richard Street, TCM on 26/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	1.1.1
F1 - Amenity - Odour	Action only (X)	
F1 - Amenity - Odour	C3 Minor	3.3
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
A1	Storage to be compliant with the permit or changes to be requested in writing.	Already completed
F1	Odour management plan to include contingency measures for extreme heat conditions.	Already completed
F1	Odour management plan to be updated, including measures for extreme temperatures. Ensure spreading is carried out in accordance with odour management plan.	Already completed
G2	Ensure spreading records are completed accurately. Waste descriptions on Transfer notes to be as applied for at application.	02/09/2022

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This was a site inspection carried out in response to odour complaints received for deployment PAN-015919 registered at Bryn y Cosyn Farm under Trade Effluent Services EPR-KP3594VE. The initial odour complaint had been received by the Local Authority Environmental Health Team on 18/07/2022.

No spreading activity was currently taking place at the time of the visit.

On arrival at site it was found that the storage tanks were in a different location to those shown on the risk map submitted at application. This is a breach of permit conditions and is discussed in further detail below.



Photo of storage tanks at the location.

Officers drove around the road surrounding the fields to check for odour blowing offsite. No excessive odour was identified, although the reports had been from two days prior. Spreading had taken place during heatwave conditions, which is likely to have contributed to odour issues. An action was given to update the odour management plan for the location to include extreme temperatures. An updated Odour Management plan was received on 28/07/2022.

Further details were requested as to the method of spreading which had taken place. It was confirmed that wastes had been surface spread. The application states that;

"Typically wastes will be applied by deep leg injector however a shallow injector may be used dependant on soil/weather conditions at the time of application. In drought conditions, wastes with low odour potential and low risk of smothering crop leaf may be surface applied and will provide additional benefit through irrigation"

The wastes applied for in the application would not be considered low risk of odour and therefore should not be surface applied under this deployment. This is therefore a breach of permit conditions and is detailed below.

Spreading records and waste transfer notes for the waste spread at the deployment were requested so an audit could be carried out. These were received in full on 17/08/22. Following a review of these an action has been given to ensure that all waste descriptions match those on the application. For example some waste transfer notes give 'food waste' as the description. The waste from this producer should be sludges from on site ETP. Some of the waste codes listed on the spreading records were incorrect for the producers specified. However when comparing these with the waste transfer notes, this appears to be an error with the recording of the information. Wastes accepted on the transfer notes were deemed compliant with the permit.

1.1 General management

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.

As part of the management system a risk map must be submitted showing the location of the storage tanks. During the inspection it was found that the storage tanks were at a different location to that stated at application. As per how to comply with your Landspreading Permit, changes such as this should be requested in writing to the area team. This had not been done at the time of the inspection and has therefore been issued a Category 3 non-compliance score for operating not in compliance with the written management system.

3.3 Odour

3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.

3.3.2 The operator shall: (a) maintain and implement an odour management plan; (b) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to odour, submit to Natural Resources Wales for approval within the specified period, a revised odour management plan;

Wastes were applied by surface spreading at the deployment. The wastes listed on the spreading record for the time surface spreading was taking place were wastes with a high risk of odour and therefore not suitable for surface spreading under the deployment. Although no odour offsite was substantiated during the site inspection, the method of spreading is thought to have contributed to the odour complaints in the days prior, along with spreading during the forecast high temperatures. The spreading records also show spreading took place over the weekend during this time. It has therefore been deemed that spreading activity took place not in compliance with the odour management plan. A category 3 non compliance score has therefore been issued for this permit breach under condition 3.3.2 of the permit.

Thank you for your time during the site inspection/audit. Should you have any queries

regarding this CAR form please contact Amy.Henderson@cyfoethnaturiolcymru.gov.uk.

There has been a delay in the sending of this CAR form due to further information being requested from the operator.

Kind regards

Amy Henderson

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

Swyddfa Bwcle / Buckley Office

"In this document 'Natural Resources Wales' means the Natural Resources 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.