

Compliance Assessment Report CAR_NRW0041337

Permit being assessed: KP3594VE, **Deployment reference:** PAN-018528.

For: Mobile Plant, held by Trade Effluent Services Ltd

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

Type of assessment carried out: Audit, Reason: Other.

On 24/02/2023.

Parts of permit assessed: 2.2.1, 2.2.2, 2.1.5

NRW Lead Officer: Amy Henderson.

Report sent to: Richard Street, Permitting and Compliance Manager on 06/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C2 Significant	2.2.1
C4 - General Management - Storage, handling labelling and Segregation	C2 Significant	2.1.5

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

Total number of non-compliances recorded	Total non-compliance score
2	62

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
C3	All waste accepted under a deployment must comply with condition 2.2.1. Records must be in place to demonstrate compliance with this condition	06/03/2023
C4	Ensure waste is stored in compliance with locations and methods agreed at application.	12/03/2023

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.

You are non-compliant with your permit.

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

4. Details of our assessment

As part of an audit, waste transfer notes were requested from waste producers listed within several registered deployments under the permit KP3594VE held by Trade Effluent Services. As a result of the audit the following permit breaches have been identified under the registered deployment PAN-018528 (Fron Farm).

The waste code and description for Rowan foods under this deployment is listed on the application as 02 03 05 Sludges from on-site effluent treatment. The majority of waste accepted has been coded by the site as 02 03 04 with differing descriptions including food waste & sludge. Rowan Foods confirmed that their ETP process changed in October 2022 along with the waste code. The original waste code stated by Rowan Foods was 02 03 04 but this was not applied for by Trade Effluent Services.

Waste transfer notes show that the following quantities of incorrectly coded and/or described waste has been accepted under the deployment from Rowan Foods;

02 03 04 - Food waste- Total 109,000kg

02 03 04 - Sludge - total - 54,000kg

02 03 05 - Food waste - 16,000kg

Waste alcohol was also shown as accepted at the deployment from Encirc under 02 07 04. This is not the waste code and description agreed on the deployment. A total of 26,460kg of this waste was accepted under the deployment. The waste stream stated at application for Encirc was 02 07 05 Sludges from onsite Effluent Treatment.

Waste descriptions for waste accepted from Penderyn Distillery were incorrect. The waste should be Sludges from onsite effluent treatment. Waste transfer notes stated waste was described as 'Waste Alcohol'. A total of 51,000kg of this waste description was accepted under the deployment.

Waste codes and descriptions have therefore been accepted which were not listed under the agreed deployment.

Trade Effluent Services were asked to provide all spreading records for the above deployment in November 2022. These were provided on 30/11/22. When comparing waste transfer notes provided by producers, there are numerous loads which were accepted at Fron Farm which were not disclosed at the time.

Spreading records provided by TES on 07/02/23 stated that waste was taken to the lagoon at Fron Farm. This was not listed on the application form as a storage location and was therefore being stored illegally. It was confirmed by Richard Street on 22/02/23 that waste had been stored in the lagoon as an emergency, with no further explanation as to why this was an emergency. This is not a suitable reason for storing waste not in compliance with the permit.

Permit breaches are discussed below.

Permit condition 2.2.1 states Waste shall only be accepted if:

- (a) it is of a type listed in tables 2.2A and/ or 2.2B of these standard rules;**
- (b) it conforms to the description in the documentation supplied by the producer and holder; and**
- (c) it conforms to the agreed deployment form.**

2.2.2 Records demonstrating compliance with rule 2.2.1 shall be maintained.

Accepting waste codes and descriptions not agreed on the deployment poses a significant environmental risk. Each deployment is carefully determined to ensure that the waste is suitable to be spread and will provide an agricultural benefit. Waste which has not been analysed will have an unknown nutrient value or may contain substances not suitable for spreading to land. This poses a significant risk to both land and water. Waste Transfer Notes provided by TES to the producers were inconsistent, with both codes and varying descriptions not matching what was applied for on the deployment. Spreading waste not as agreed on the permit and therefore with an unknown impact is seen as a disposal activity, which is not permitted. Spreading records provided by TES were also found to be lacking information. Spreading records should meet the criteria listed within TGN EPR 8.01 How to comply with your landspreading permit.

A category 2 non-compliance score has therefore been issued for this permit breach.

2.1.5 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.

Storage of waste was not permitted within the lagoon under the agreed deployment. Any storage of waste should have been within nurse tankers at the agreed NGRs. Contact was not made with Natural Resources Wales to request the change in storage location. Natural Resources Wales were only made aware waste had been stored at this location within the response to a notice. Each storage location is assessed at application for its suitability, including aspects such as pollution risk to the environment and risk of nuisance to local properties. The storage area was outside of the area covered by the deployment. Waste was therefore stored illegally without a permit in place. Storage of waste at a location which has not been assessed poses a significant risk to both land and water and also through emissions such as odour. Inappropriate storage could result in pollution to ground or surface water, protected sites etc. A caravan park located near to this storage location means this could pose a high risk of odour nuisance. None of these aspects had been assessed by NRW for this location.

As a result of the above permit breach a category 2 non-compliance score has been issued.

An audit of paperwork is still on-going. Should any further breaches be identified a further CAR form will be issued.

As a result of the non-compliances at the above deployment, including those detailed in CAR forms CAR_NRW0040725, CAR_NRW0040726 and

CAR_NRW0040913 Natural Resources Wales are considering withdrawing the deployment. As part of the withdrawal process you are given the opportunity to provide justification why you believe the deployment should not be withdrawn. Should you wish to provide justification please submit this in writing within 7 days of the issue of this CAR form.

Should you have any queries regarding this CAR form please contact
amy.henderson@cyfoethnaturiolcymru.gov.uk

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.