

Compliance Assessment Report CAR_NRW0041332

Permit being assessed: KP3594VE, **Deployment reference:** PAN-015812.

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

NRW Lead Officer: Amy Henderson.

Report sent to: Richard Street, Permitting and Compliance Manager on 09/03/2023.

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, 2.2.2
C3 - General Management - Materials acceptance	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
1	31

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
C3	Provide confirmation of the location where the waste sample for 'Kelloggs' was taken.	15/03/2023

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

Due to further non-compliances being identified, this CAR form has been re-issued and supersedes CAR form CAR_NRW0041332 issued on the 06/03/2023. Deadlines for actions remain the same as detailed in the CAR form dated 06/03/2023.

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 previous registered deployment PAN-015812 and current deployment 019669(Waterloo 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 provided by Rowan Foods show this incorrect waste code/description has been accepted under the previous deployment at this location. It is therefore unclear the nutrients which have previously been spread within the last 12month period.

Waste transfer notes provided show the following quantities have been accepted at the deployment location from Rowan Foods between 02/01/22 - 24/02/23 under the incorrect codes and/or descriptions;

02 03 04 - Food waste - Total 180,500kg. A further 3 WTNs were missing quantities.

02 03 04 - sludge - Total 31,000kg

02 03 04 - missing description - Total 14,000kg

02 02 04 - sludge - Total 18,000kg

The application form submitted for the deployment included a waste stream and analysis from Kelloggs, however this did not state a site address. The waste applied for was 02 03 05 Sludges from on-site Effluent Treatment. The permit defines a waste stream as "a single waste generated from a single site". Natural Resources Wales are aware that contracts are in place between Trade Effluent Services and Kelloggs Manchester, for the removal of their waste. Waste cannot be accepted under the same waste stream from different sites, even if the producer is the same named company. Investigations have identified that wastes from both Kelloggs Manchester and Kelloggs Wrexham have been accepted at deployments registered to TES under the same analysis. An action has been given to confirm the location where the waste sample submitted under the analysis in the application, was taken.

Waste transfer notes show that a total of 58,920kgs of waste has been accepted at Waterloo Farm from the producer Kelloggs (Wrexham) between the dates 17/01/22 – 17/01/23 under the following waste code/description.

02 03 04 – waste flavouring – 58,920kg

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 high environmental risk. Each deployment is carefully determined to ensure that the waste is suitable to be spread and will provide an agricultural benefit. The waste 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.

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, 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. (This deadline remains as 7days from the CAR form CAR_NRW0041332 issued on 06/03/2023)

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.