

Compliance Assessment Report CAR_NRW0041336

Permit being assessed: KP3594VE, **Deployment reference:** PAN-019672.

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, 2.1.4

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
A1 - Specified by permit	C2 Significant	2.1.4
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
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
A1	Ensure operations do not commence until a deployment has been agreed in writing by Natural Resources Wales.	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_NRW0041336 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 registered deployment PAN-019672 and previous deployment also under PAN-015164 (Hugmore House).

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 showed the following totals of incorrectly coded and/or described waste was accepted at this deployment location from Rowan Foods during the period 17/01/22 - 17/01/23.

02 03 04 - Food Waste - Total 253,500kg & 6,000gallons

02 03 04 - Sludge - Total 57,000kg

A further two loads were coded 02 02 04 totalling 24,000kgs

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 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 228,600kgs of waste has been accepted at Hugmore House from the producer Kelloggs (Wrexham) between the dates 17/01/22 – 17/01/23.

02 03 04 – Waste flavouring – total 25,460kg

02 03 04 – Glucose water – total 114,780kg

02 03 04 – Sludge – total 13,260kg (description on weighbridge ticket oil water)

02 03 04 – Description missing – total 10,100kg (description on weighbridge ticket flavour waste)

02 03 05 – Flavour waste – total 12,620kg

02 03 05 – Sludge – total 48,260kg (weighbridge tickets have varying descriptions including fat trap waste, glucose and effluent plant sludge).

02 03 05 – Sump water – 4,120kg (weighbridge ticket description – dirty water)

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

It has also been identified that waste was accepted by Trade Effluent Services at Hugmore House between the dates 05/10/2022 and 30/12/2022. There was no active deployment at the location between these dates and waste has therefore been accepted illegally without a registered deployment in place.

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. 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.

Included in the above wastes which were accepted under the deployment were 'fat trap' wastes. TGN 8.01 How to comply with your landspreading permit, states the following in relation to the potential negative effects of spreading oil and fat trap wastes.

- wastes with about 4% fat or oil content or more, detrimental effects on plant growth have been demonstrated in bioassays and in the field

- oils and fats applied to standing crops including grass may coat leaves affecting respiration and photosynthesis

- oil or fat at high application rates may coat the soil particles, effectively producing a

waterproof barrier. This means plant roots cannot extract water causing stunting or die-back. Adding water does not improve the situation because the water runs over the soil particles and the plants absorb very little

- high applications may cause the formation of a layer of fat in or on the soil causing anoxia in the soil

- oils and fats can cause nitrogen lock up because they have a high C: N ratio.

Spreading the above waste without an agreed deployment/agricultural benefit statement in place poses a significant risk to soil, crops and water due to the above potential negative impacts.

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.

Permit condition 2.1.4 states The activities detailed in a deployment shall not begin unless and until Natural Resources Wales has agreed the deployment form in writing.

The previous deployment for Hugmore House PAN-015164 expired on 05/10/2022. A new application was submitted on 24/10/2022, however this was not granted until 30/12/2022. Waste Transfer notes from producers and spreading records provided by TES, show waste was accepted during the time a deployment was not active. Submitting an application is not a guarantee that a deployment will be agreed. Waste should only be accepted under an agreed deployment, accepting waste without an agreed deployment in place is an illegal waste activity. Accepting waste without a permit in place poses a significant environmental risk as aspects such the location or waste have not been assessed for their risk to the environment.

A category 2 non-compliance score has been issued for the above 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_NRW0041336 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.