

## Compliance Assessment Report CAR\_NRW0043367

**Permit being assessed:** VP3235HS.

**For:** Farmers Boy (Deeside) Ltd, **held by:** Farmers Boy (Deeside) Ltd

**At:** Unit 105/106 Tenth Avenue , Deeside Industrial Park, DEESIDE, Clwyd, CH5 2UA.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 31/12/2023.

**Parts of permit assessed:** SEE NOTES (Section 4).

**NRW Lead Officer:** Victoria Griffin.

**Report sent to:** Greg Lewandowski, Services Manager, on 20/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

### 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****Annual monitoring returns for 2023****Requirements.**

Permit Condition 4.2.2 requires that a report on the performance of activities over the previous year shall be submitted by 31st January each year.

**Annual Performance Reporting.**

Reporting forms for water, energy usage, and raw materials were received on 30 January 2024 in accordance with Permit requirements.

- The production volume of 14,891 tonnes for 2023 was down compared to 2022 (16,427 tonnes).
- Raw material usage for 2023 was 18,299 tonnes, down on the 19,727 tonnes used for 2022 reflecting reduced production.
- Water usage of 9.35 m<sup>3</sup>/t in 2023 is slightly reduced compared to 9.5 m<sup>3</sup>/t in 2022 demonstrating a continued trend of reduced resource efficiency from 2021 (6.55m<sup>3</sup>/t).
- Energy usage for 2023 of 2.79 MWh/t was very similar to 2022 (2.56 MWh/t).

**Emissions to Air.**

Condition 3.1 and Schedule 4(b) of the Permit require Emissions to Air parameters to be reported on an annual basis from the 4 December 2023. The Operator provided the monitoring data on the 31 January 2024. The Total Volatile Organic Compounds (TVOC) emission load was reported to be below 500g/h.

None of the parameters monitored exceeded the limits set by the Permit. The Operator is proposing to repeat monitoring in 2024 to demonstrate TVOC load remains below 500g/h.

**Emissions to Sewer.**

Condition 3.1 and Schedule 4(b) of the Permit require Emissions to Sewer parameters to be reported on a bi-annual basis from the 4 December 2023. The Operator provided the monitoring data on the 31 January 2024.

No limits are set by the Permit.

**Improvement Conditions (IC):**

**IC7:** The Operator submitted a Waste Gas Inventory and associated procedures to NRW on 1 June 2023 in accordance with Condition 2.4.1 of the Permit and in accordance with the requirements of Best Available Technology (BAT) Conclusion 2. BAT Conclusion 2 requires the Operator to *Establish a waste gas inventory as part of the Environment Management System*. The information submitted concludes IC7.

**IC8:** The Operator submitted information to NRW on 2 June 2023 as required by 2.4.1 of the Permit. IC8 addresses BAT Conclusion 9 which requires the Operator to provide an assessment that *includes but is not limited to;*

- *a review of the use of the current refrigerant as to whether it meets the BAT requirements*  
..... *and;*

- *a feasibility study and implementation plan (if appropriate) regarding the replacement of the current refrigerant with one with a lower global warming potential and no ozone depletion potential. Suitable alternatives include but not limited to ammonia, water and carbon dioxide.*

**IC8 has yet to be concluded as the information provided is currently being reviewed by NRW**

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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 compliance criteria** (used in section 1 and 2):

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.