

Compliance Assessment Report CAR_NRW0043508

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: Site Inspection,

Reason: Routine.

On: 14/03/2024 between 10:00 and 12:30.

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

NRW Lead Officer: Victoria Griffin.

Report sent to: Greg Lewandowski, Services Manager, on 03/04/2024.

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)	
IR3C - Emissions and monitoring - Odour	Assessed (A)	
IR3D - Emissions and monitoring - Noise and vibration	Assessed (A)	
IR3F - Emissions and monitoring - Pests	Assessed (A)	
IR4A - Information - Records	Action only (X)	

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?

Criteria	Action needed	Complete by
IR4A	See Action 1 below, regarding effluent management procedure	28/06/2024

Compliance 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 pre-arranged Facility familiarisation visit by the Natural Resources Wales (NRW) Regulatory Officer. The purpose was also to review and discuss the recommendations identified during the last visit by the previous Regulatory Officer on 27 April 2023.

A short introductory meeting was held with Greg Lewandowski (Service Manager), Stuart Clegg (Engineering Team Manager), Jamie Lutas (Site Engineering Manager) and Stephen McFarlane (external consultant). The findings of the previous site visit (CAR Reference NRW0041791) were discussed and this was followed by a site walkover of external (non-production) areas.

The salient points following the Facility visit are as follows:

- The external areas of the Facility were clean, tidy and appeared well managed. Individuals with responsibilities were well informed and aware of their roles and responsibilities.
- There was no apparent odour, dust, noise or vibration which could affect off-site receptors at the time of visit.
- The Category 3 animal by-products waste trailer was covered and there was no evidence of vermin /pests in the area.
- Vegetation has been cut back along the north-west boundary and all windsocks are clearly visible.
- The Service Manager advised that there is a proposal in place to upgrade the effluent treatment plant. It is understood that the upgrade will incorporate an auto switch over between balancing tanks in the event of component failure. The works are scheduled to commence in April 2024. The regulating officer discussed with the parties present the contingency they have in place for managing effluent and the need to document the procedure for managing excess effluent should the need arise.
- There is an area of permeable (gravelled) ground at the eastern boundary of the site, segregated from the adjacent site by a shallow curb and a chain link fence. The area serves as an access area from 10th Avenue and is used for maintenance access only; the Operator does not undertake any activities in this area. It was noted at the time of the visit there was forklift activity and skip /bulk storage on the adjacent site. Any spillages of stored liquids from the adjacent site could potentially extend over on to the more permeable ground within the boundary of the Facility. It would be prudent for the Operator to assess the potential risk, if any, from the adjacent site.

Improvement Conditions

IC8: The Operator provided an inventory summarising the use of current refrigerants at the Facility on 2 June 2023. A Feasibility Study and Implementation Plan and associated Refrigeration Management Procedure were also provided to NRW to support the requirements of BAT Conclusion 9.

The Feasibility Assessment provides an overview of all refrigerants used at the Facility and their Global Warming Potential (GWP).

Components with an Ozone Depletion Potential (ODP) are limited to two small air conditioning (AC) units. The AC units are not associated with production and options will be assessed for replacement at end of life.

The Facility utilises Ammonia for the majority of its 'critical' refrigeration/cooling requirements. Ammonia is zero ODP and GWP, therefore achieving BAT. In terms of production areas, the use of GWP components is relatively small. The majority of GWP component use is associated with individual items of equipment, such as AC units and domestic /canteen style fridges and freezers.

The current planned service /maintenance and leak detection frequency of units with GWP components has been provided; those units with automatic leak detection are also provided. The units with the greatest GWP are inspected and maintained on a fortnightly basis.

A hierarchy for upgrades and /or replacement of systems /units with GWP components is provided and is included in the Refrigeration Management Procedure (V1) to ensure that the Facility's proposal to move away from high GWP gases is transparent and well documented.

NRW agrees that the information and proposals provided satisfies compliance with the requirements of IC8.

Actions & Recommendations

The ongoing actions are as follows:

ACTION 1. Devise and implement a procedure for the management of effluent which considers contingency for scenarios when discharge to sewer cannot occur and /or when critical capacity of effluent storage is reached. Submit to NRW for review by **28 June 2024**.

ACTION 2. When replacement of cooling equipment/refrigerants used on site is being planned, it is expected that all new refrigeration systems will use refrigerants with the lowest practical GWP. As with end-of-life system replacements, ultra-low GWP refrigerants should be used wherever possible.

ACTION 3. Refrigeration systems should continue to be regularly reviewed and checked to help with identifying any issues and repairs needed.

Recommendation. Where appropriate liaise with the neighbouring site operator to establish if any liquids are likely to be stored at the site boundary, and if so develop a

contingency to avoid the Facility being impacted in the event of a spill.

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 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.