

This form will report compliance with your permit as determined by an NRW officer

Site	Llay Feed Mill	Permit Ref	AP3337HF		
Operator/Permit holder	2 Agriculture Ltd				
Regime	Installations				
Date of assessment	31/12/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Monitoring of emissions to air and EMS				
Lead officer's name	Kelk, Matthew				
Accompanied by					
Recipient's name/position	Ian Urmson/ Health and Safety Officer	Date issued	10/02/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	4.2.3
	C3	3.5.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	12
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Review of monitoring data submitted to satisfy requirements of environmental permit AP3337HF.

Condition 3.5.1 the operator shall, unless otherwise agreed in writing by Natural Resources Wales undertake the monitoring specified in the following tables in schedule 3 to this permit:

(a) point source emissions specified in tables S3.1, S3.2 and S3.3;

Monitoring data for 2019 for emissions points A14, A15, A16, Table S3.1 specifies that monitoring should be carried out over a minimum 1 hour period.

Points A14,A15 and A16 have not been monitored for a full hour period.

Breach of condition 3.5.1, scored one category three score.

Action

Environmental management system procedures need to be reviewed to ensure that correct monitoring period is undertaken. This should include a review of the site specific monitoring protocol compiled by your emissions monitoring contractor. Submit review to NRW by 10 March 2020.

Condition 4.2.3 Within 28 days of the end of the reporting period the operator shall , unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

(a) in respect of the parameters and emission points specified in schedule 4 table S4.1.

(b) for the reporting period specified in schedule 4 table S4.1 and using the forms specified in schedule 4 S4.4; and

(c) giving the information from such results and assessments as may be required by the forms specified in those table.

Monitoring data submitted to NRW 10 May 2019, form A1 indicates that emission point A12 was monitored 14 August 2019, this must be a typo as this date postcedes the date the monitoring data was submitted to NRW in May 2019. In addition to this the report by Excovia Catalyst attached to the email is for extractive monitoring from emission point A12 on the 14 August 2018.

As you will be aware your permit requires you to carry out annual monitoring from Stack A12, NRW have not recieved monitoring data from emission point A12 for the calendar year 2019.

No monitoring data received for emission point A12 for year 2019, breach of condition 4.2.3, scored one category 3 score.

Action

Submit monitoring data for emission point A12 for the calendar year 2019 immediately.

Condition 1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identified and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non conformances, closure and those drawn to the attention of the operator as a result of complaints; and

(b) Using sufficient competent persons and resources.

2 Agriculture Llay, should have sufficient environmental management system (EMS) procedures in place to ensure that stack emissions monitoring is undertaken at the correct annual frequency as required by your environmental permit

Action

To carry out review of EMS procedure for monitoring and reporting to NRW, submit review by 10/03/2020.

Insufficient EMS procedure for monitoring and reporting, Breach of condition 1.1.1, scored one category three score.

Annual returns 2019 reviewed for energy and water usage, waste disposal and recovery, no issues with submitted data.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036310**

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G1	C3	See text for details.	10/02/2020
G1	C3	See text for details.	10/03/2020
C2	C3	See text for details.	10/03/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.