

Compliance Assessment Report

Report ID:
CAR_NRW0033154

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

Site	Mobile Plant	Permit Ref	KP3594VE		
Operator/Permit holder	Trade Effluent Services Ltd				
Regime	Waste Operations				
Date of assessment	06/04/2018	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	As below				
Lead officer's name	Thomas, Rhys				
Accompanied by					
Recipient's name/position	Robert Netzband-Piggott/ Director	Date issued	18/04/2018		

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
A1 - Specified by permit	C3	2.1.5
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	2	Total compliance score (see section 5 for scoring scheme)	8
------------------------------------	----------	---	----------

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

Audit of Deployment PAN-000743 – Beeches Farm, Saltney Ferry, CH4 0BW

Audit of records relating to Mobile Plant deployment PAN-000743, Beeches Farm, Flint Road, Saltney Ferry, Chester, CH4 0BW. This deployment was approved by Natural Resources Wales on 02/12/2016, and the deployment expired on 01/12/2017.

A request was submitted to the operator for documents to be sent to Natural Resources Wales to carry out a routine audit of the above deployment. The documents were received on 08/02/2018, and the audit was carried out by Environment Officer Rhys Thomas.

The landspreading deployment relates to the application of commercial wastes for agricultural benefit onto land at Beeches Farm. The information approved in the deployment and supporting agricultural benefit statement noted that the land to be treated comprised of 4 fields, with a total area of 48.8 hectares.

The deployment listed 10 separate waste streams, to be spread at various application rates dependant on the waste stream applied.

The documents received from the operator and used to carry out the audit were:

- Copies of Waste Transfer Notes for all loads received.
- Two nutrient addition sheets, for December 2016 (field B10) and Oct/Nov 2017 (fields B3, B5).
- Summary sheet of loads received/applied (commercial waste).
- Site plan

The data shows that materials were applied to three fields in total, B3, B5 & B10. The records indicate that no waste was applied to field B4 under this deployment. A combination of four waste streams, totalling 321.1 tonnes, were applied to field B10 between 3/12/2016 and 9/12/2016. One waste stream, totalling 335.4 tonnes, was applied to field B3 in November 2017. Also, one waste stream, totalling 194.5 tonnes, was applied to field B5 in October 2017. A total of 851 tonnes of material was applied under this deployment.

With regards to the materials applied to field B10, the summary sheet of loads received show a

combination of four waste streams applied to the field (totalling 321.1 tonnes). This data, along with the waste transfer notes supplied, show that a total of 100.08 tonnes of this material comprised of EWC 020204 derived from Secanim. The agreed deployment form indicates that this material is to be applied at 20 tonnes/ha. At 100.08 tonnes, the actual application rate for this material for field B10 (3.7ha) would be 27 t/ha. It is therefore deemed that this material has been over applied. This is recorded as a non-compliance and detailed below.

Furthermore, the agreed agricultural benefit statement which forms part of the deployment forms state that *'When applied as a mix, waste will be applied at the lowest application rate.'* This should be at 20t/ha as this is the lowest application rate of the four wastes applied (as noted in table 5 of the agricultural benefit statement). However, the actual combined application rate for field B10 is calculated at 87 t/ha, as is noted in the Nutrient Advice Sheet. Further guidance on application rates and mixed waste streams can be found in section 6.7 and 6.8 of Technical Guidance Note 8.01; 'How to Comply with your Landspreading Permit'.

The records indicate that the tonnages and application rates for the materials applied in field B3 and B5 are compliant with what was agreed in the deployment forms.

The data submitted indicates that all activities took place within the 12 month deployment period of 2/12/2016 - 1/12/2017.

A review of the waste transfer notes submitted demonstrates compliance with waste acceptance criteria, as the waste streams applied were compliant with the agreed deployment form.

The following non-compliance with permit conditions has been noted:

A1 – Specified by permit. Permit condition 2.1.5. CCS Score C3.

Permit condition 2.1.5 states that 'The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.' During the review of documents and records it was noted that one of the waste materials applied to field B10 (020204, Secanim) has exceeded the quantity agreed in the deployment forms. The agreed agricultural benefit statement states that *'Sludge will be applied up to its individual application rate as shown in table 5'*. Table 5 notes an application rate of 20t/ha for Secanim material. At this rate a maximum of 74 tonnes should have been applied to field B10 (3.7ha). The records show a total of 100.08 tonnes of Secanim material was applied to field B10. Given the size of the field, this works out at a rate of 27t/ha.

A CCS Score of C3 has been applied for this breach.

Action: Ensure that agreed total tonnages / application rates are adhered to and that field spreading limit sheets are accurate and are used by field operatives.

C2 - General Management - Management System and Operating Procedures. Permit Condition 1.1.1. CCS Score C3.

Activities should be managed and operated in accordance with a written management system. It

is evident that procedures currently in place are not adequate or are not being followed. Non compliances relating to agreed application rates and total tonnages are not in accordance with the Technical Method Statement - 'Application of Liquid Sludges to Agricultural Land', as set out in the Management System. Poor management procedures have been identified as the root cause of the non-compliance mentioned above. A CCS Score of C3 has been applied to this breach.

Action: Ensure management system procedures are adequate and are followed by all staff and operatives involved in the mobile plant activity

Duty of care waste transfer notes:

Duty of care waste transfer notes for all loads received under this deployment were reviewed as part of the audit. The information within the transfer notes were complete and were generally in good order. A discrepancy was noted between the EWC Code and waste description in some transfer notes from one of the producers. This was explained as a recording error by the drivers when collecting the waste. It is the responsibility of the waste producer to accurately describe and code the waste, this should be agreed by the drivers, but it shouldn't be the drivers assigning the EWC codes.

Nutrient additions:

During the audit, discussions took place surrounding the nutrient additions noted on the nutrient advice sheet for field B10. The nutrients applied are calculated using figures from typical applications of commercial waste. This does not take into account the actual wastes applied therefore brings into question the accuracy of the nutrient calculations quoted. To ensure that materials are not over applied, and that future nutrient additions are correctly calculated, the nutrient additions from the waste actually applied need to be used. Failure to appropriately account for the nutrient applied could lead to diffuse pollution of the surrounding environment.

Thank you for your co-operation during the audit. The document audit demonstrates that procedural improvements are needed to ensure that materials are applied to the agreed tonnages and application rates. Applications in excess to what has been agreed may not meet the principles of waste recovery. If you would like to discuss anything mentioned in this report please contact Rhys Thomas on 03000 65 3765, rhys.thomas@cyfoethnaturiolcymru.gov.uk

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033154**

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

Site	Mobile Plant	Permit Ref	KP3594VE
Operator/Permit holder	Trade Effluent Services Ltd	Date	06/04/2018

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C2	C3	Ensure management system procedures are adequate and are followed by all staff and operatives involved in the mobile plant activity.	04/05/2018
A1	C3	Ensure that agreed total tonnages / application rates are adhered to and that field spreading limit sheets are accurate and are used by field operatives.	04/05/2018

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.