

Compliance Assessment Report

Report ID:
CAR_NRW0033663

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

Site	S R 2010 No 4		Permit Ref	HB3436AG	
Operator/Permit holder	Richard Rogers				
Regime	Waste Operations				
Date of assessment	07/06/2018	Time in	11:30	Out	12:30
Assessment type	Site Inspection				
Parts of the permit assessed	As Below				
Lead officer's name	Thomas, Rhys				
Accompanied by	Amy Henderson				
Recipient's name/position	Richard Rogers/ Permit Holder	Date issued	23/07/2018		

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	C3	2.2.1
F1 - Amenity - Odour	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.4

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	4	Total compliance score (see section 5 for scoring scheme)	12.1
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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

Routine compliance inspection of deployment PAN-002412, Llyn Rhys Farm, Llandegla, Wrexham, LL11 3AF.

An unannounced inspection of the above deployment was carried out by Environment Officers Rhys Thomas and Amy Henderson on 7th June 2018.

Upon arriving at the farm, the officers were greeted by a Lady who informed them that they should speak to her son, as he was the one who had information on land spreading activities at the farm. No one from Rogers Transport was on site at the time. The officers spoke to the farmer on the phone, and he confirmed that no land spreading activities were taking place at the time, but stated that the operator had been carrying out land spreading activities at the farm over recent weeks. He was not able to provide details of which fields. Officer asked about storage arrangements and the farmer stated that there was no storage tanker currently on site, therefore no wastes currently being stored. It was mentioned that discussions had taken place between him and the operator about using a reception pit on the yard for storing the waste material.

The Officers proceeded to carry out a walkover of the deployment fields. The weather conditions were dry and warm at the time and ground conditions in all fields checked were firm. The crop in all deployment fields was grass, which corresponds with the cropping outlined on the agreed deployment and agricultural benefit statements. Most of the fields had sheep grazing at the time. Watercourses adjacent to deployment fields were checked and no evidence of discolouration or run-off was observed. There was no evidence of any crop scorching in any of the fields and no signs of rutting from machinery. No odour was detected in the deployment area during the inspection.

No land spreading activity was taking place at the time of inspecting and no wastes were being stored at the site.

During the visit, it was noted that the reception pit on the farm yard is used to store toilet waste from the camp site that is also located at the farm. Please ensure that any such storage facilities containing other wastes (not listed on the deployment) should not be used to store wastes destined for land spreading under a deployment. Please also be aware that if you wish to deviate from the storage arrangements outlined in the deployment forms then you need to seek approval from NRW.

Following the site inspection, a request for deployment documentation was made to the operator via e-mail. Copies of waste acceptance sheets and duty of care waste transfer notes were received from the operator on 27th June and 2nd July respectively.

The documents received show the record of wastes received from the start of deployment, up to 8th June. The documents show that the land spreading activity commenced at this deployment on 21st April 2018. Natural Resources Wales were not notified of land spreading activities commencing, which is now a permit requirement. This has been noted as a breach of permit conditions, as detailed below.

The records show that wastes had been applied to Field; 6, 9, 10 & 12.

It is evident from the waste acceptance sheets that waste material from a producer not listed and agreed in the deployment forms has been applied at this location. The waste transfer notes show that a total of 13 loads of material from County Foods, Widnes, has been accepted and applied to the land. The material is classified in the transfer notes as EWC 020501 (materials unsuitable for consumption or processing – from the dairy products industry), and is described as waste whey or milk. This is not a waste that is listed in the agreed deployment. The 13 loads, received between 23/4/18 and 8/6/2018, amount to a total of 351 tonnes. This has been noted as a breach of permit conditions, as detailed below.

Five other waste materials are recorded as being received under this deployment. These other five materials are deemed to be compliant as they are listed and agreed on the deployment forms.

The following breaches of permit conditions have been recorded:

C3 – General Management – Materials Acceptance. Permit Condition 2.2.1. CCS Score C3.

Waste material from producers not listed in the agreed deployment forms have been accepted on to site by the operator. This is a breach of waste acceptance criteria, as detailed in permit condition 2.2.1, which states that wastes shall only be accepted if it conforms to the agreed deployment form. A CCS Score of C3 has been applied to this permit breach.

Action: Ensure that only wastes which have been agreed in the deployment forms are accepted under the deployment.

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

As a result of accepting non-conforming waste materials, and subsequently applying this waste to land, the activity has not been carried out in accordance with the agreed deployment. This is recorded as a breach of permit condition 2.1.5 which states that activities shall only be carried out in accordance with the requirements of the agreed deployment form. This has had an overreaching impact on the permitted activity. The waste material in question has not been technically assessed to show the encountered benefit and potential negative impacts of the waste together with information on likely properties which may restrict application rates at this particular site. No agricultural benefit statement assessment was

undertaken by Natural Resources Wales for this additional waste and the activity has undermined the specific land spreading deployment authorisation and also the deployment regulatory regime in general. A CCS Score of C3 has been applied to this permit breach.

Action: Ensure that only wastes which have been agreed in the deployment forms are applied to land under the deployment.

G4 – Reporting and notifications to Natural Resources Wales. Permit Condition 4.3.4 CCS Score C4.

Permit condition 4.3.4 states that Natural Resources Wales shall be notified at least 48 hours but no more than 7 days in advance of the intention to commence spreading operations. It has been noted that Natural Resources Wales were not notified prior to commencement of activities under this deployment. The notification to commence spreading should be submitted using the notification form that is received with the deployment issue letter. A CCS Score of C4 has been applied to this permit breach.

Action: Ensure that pre-notification requirements are fulfilled for all future deployment activities.

C2 – General Management. Management Systems and Operating Procedures. Permit condition 1.1.1. CCS Score C3.

As identified above, Natural Resources Wales were not pre-notified of the intention to commence spreading for this deployment. It is evident that there is currently not a relevant procedure in the management system to outline that the notification needs to take place. The management system needs to be updated to include this requirement, and should detail when a notification will be submitted, how it will be carried out, and by who.

In addition to this, it is evident that waste material not listed in the deployment has been accepted. This is not in accordance with the management system procedures; EMS005 (Material application procedure) and EMS011 (Waste acceptance procedure). Both these procedures state that only materials specified in the agreed deployment form will be accepted at the site.

These operating procedure issues have been identified as a root cause for the breach identified above and recorded as a breach of Management System criteria. A CCS Score of C3 has been applied to this breach.

Action: Update management system to include an adequate notification procedure and ensure management system procedures are followed and adhered to. A copy of the relevant part of the management system with an adequate notification procedure should be sent to Natural Resources Wales by 31st August 2018.

Please take note of the action points specified in the comments above and in Section 4 of this form. The acceptance and application of non-conforming waste is unacceptable, and steps should be taken to ensure that such actions do not re-occur. Enforcement action is currently being considered by Natural Resources Wales in response to this offence.

If you would like to discuss anything mentioned in this report please contact Rhys Thomas on 03000 65 3765, rhys.thomas@naturalresourceswales.gov.uk

Photographs:

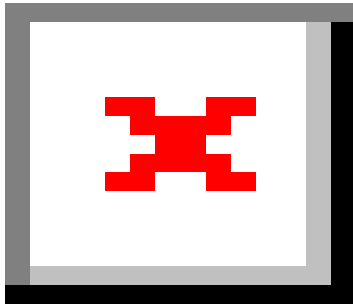


Photo 1: Showing deployment field number 9, where waste was applied a few weeks prior to the inspection.

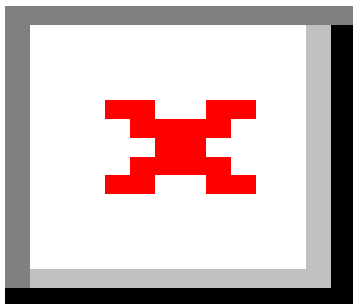


Photo 2: Showing deployment field number 12, where waste was applied in the days leading up to the inspection.

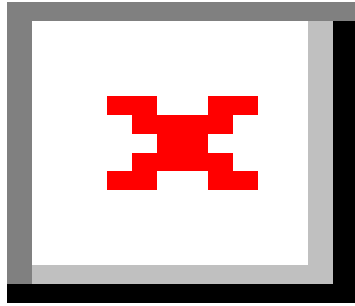


Photo 3: Watercourse in vicinity of deployment field 12.

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.

EPR Compliance Assessment Report

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Site	S R 2010 No 4	Permit Ref	HB3436AG
Operator/Permit holder	Richard Rogers	Date	07/06/2018

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.

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			
G4	C4	Ensure that pre-notification requirements are fulfilled for all future deployment activities.	27/07/2018
C3	C3	Ensure that only wastes which have been agreed in the deployment forms are accepted under the deployment.	27/07/2018
C2	C3	Update management system to include an adequate notification procedure and ensure management system procedures are followed and adhered to. A copy of the relevant part of the management system with an adequate notification procedure should be sent to Natural Resources Wales by 31st August 2018.	31/08/2018
A1	C3	Ensure that only wastes which have been agreed in the deployment forms are applied to land under the deployment.	27/07/2018

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.