

Compliance Assessment Report CAR_NRW0038479

Permit being assessed: AP3337HF.

For: Llay Feed Mill, held by 2 Agriculture Ltd

At: Cymru Country Feeds Miners Road , Llay, Wrexham, LL12 0PJ.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/06/2021 between 10:30 and 12:00.

Parts of permit assessed: Site inspection

NRW Lead Officer: Jamie Blythin, accompanied by Julia Frost.

Report sent to: Brian Parcesepe, Operations Manager on 07/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	1.1.1
D2 - Incident Management - Accidents, emergency and incident planning	Action only (X)	
F2 - Amenity - Noise	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
C4	ACTION 2: Review Site Operating Procedures (SOPs), Environmental Management System (EMS) and staff training records and take appropriate action e.g. toolbox talks/ refresher training to ensure staff place waste in the correct skip and follow the spill clean -up procedures. Provide NRW with an update on what actions have been carried out by 06.08.21.	06/08/2021
D2	ACTION 1: Ensure signage and site operating procedures e.g. Environmental Management System (EMS) are updated with the current emergency contact details for Natural Resources Wales - 0300 0653000 by 06.08.21.	06/08/2021
F2	ACTION 3: Provide NRW with an update on what actions	06/08/2021

Criteria	Action needed	Complete by
	<p>have been completed/ future proposals in relation to recommendations from the Noise Assessment Report by 06.08.21.</p> <p>Action 3: Provide NRW with an update on what actions have been completed/ future proposals in relation to recommendations from the Noise Assessment Report by 06.08.21.</p>	
C2	<p>ACTION 4: Provide NRW with a copy of the updated EMS by 07.09.21. Ensure that the updated EMS considers 2Agriculture's response to the Regulation 61 notice and demonstrates how you will comply with the BRef for Food, drink and Milk industries and associated BAT conclusions document. The suitability of the EMS will be assessed in a future audit.</p>	07/09/2021

Action 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

Officers were accompanied by the Operations Manager during the site inspection.

Signage for emergency contact details for Natural Resources Wales (NRW) (observed on the bunded area adjacent to the feed mill) was displaying the old emergency contact number.

ACTION 1: Ensure signage and site operating procedures e.g. Environmental Management System (EMS) are updated with the current emergency contact details for Natural Resources Wales - 0300 0653000 by 06.08.21.

Officers observed a spillage in the waste skip storage area. There was a puddle of dark, viscous material. This was slowly leaking from the general waste skip and there was surface staining which indicates that this had been ongoing for some time. This skip also appeared to be attracting a number of flies.

This skip is for the storage of general waste/ office waste including paper, cardboard and raw material packaging. It is clear that the root cause of the spill relates to the wrong waste being placed in this skip.

This issue had the potential to attract pests (flies) and for the spillage to be washed into the

surface water drains.

Natural Resources Wales considers this a breach of permit condition 1.1.1- C4- Storage, Handling, Labelling and Segregation-CCS3.

ACTION 2: Review Site Operating Procedures (SOPs), Environmental Management System (EMS) and staff training records. Following this, take appropriate actions e.g. toolbox talks/ refresher training to ensure staff deposit waste in the correct skip and follow the spill clean -up procedures. Provide NRW with an update on what actions have been carried out by 06.08.21.

These issues were raised with the Operations Manager during the inspection.

On 17.06.21, the Operations Manager sent NRW photographs which show that the spillage has been cleared and the staining removed.

The operator has recently completed an acoustic survey as part of their investigation into noise complaints received from local residents. A Noise Assessment Report was issued on 08.06.21 by the consultancy who carried out the acoustic survey on behalf of the operator. This report makes recommendations for further investigation/ development of the following areas:

- 1) Extrupro Machine- requires inspection into acoustic infill in attenuators for degradation, failure, or if additional attenuators required
- 2) Press 1 & 2 Machine- advised inspection of attenuators to check for any degradation
- 3) Lorry loading operation- acoustic treatment would be advised to the loading bay to attenuate and absorb acoustic energy during the loading process

Action 3: Provide NRW with an update on what actions have been completed/ future proposals in relation to recommendations from the Noise Assessment Report by 06.08.21.

In April 2020, NRW sent out Regulation 61 notices to all operators in the Food, Drink and Milk Sector (including 2Agriculture Ltd). The Regulation 61 notices required operators to submit information to NRW stating how their installation complies or will comply with the requirements of the Best Available Techniques (BAT) Reference Document (BRef) for Food, Drink and Milk industries and associated BAT conclusions document, published 04.12.19.

As part of the operator's response to the Regulation 61 notice, they stated that the EMS would be updated in January 2021 to demonstrate compliance with the BRef for Food, Drink and Milk industries and associated BAT conclusions document e.g. 'New EMS being re-written for January 2021 which incorporates a noise management plan compliant to BAT 13.'

However, the current EMS (Version 3) has not been updated since 28.04.16.

The EMS and associated SOPs need to be updated to reflect current site operations and demonstrate compliance with the BRef for Food, Drink and Milk industries and associated BAT conclusions document.

This was discussed with the operator during the site inspection who stated that they were in the process of reviewing and updating the EMS.

ACTION 4: Provide NRW with a copy of the updated EMS by 07.09.21. Ensure that the updated EMS considers 2Agriculture's response to the Regulation 61 notice and demonstrates how you will comply with the BRef for Food, drink and Milk industries and associated BAT conclusions document. The suitability of the EMS will be assessed in a future audit.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.