

## Compliance Assessment Report CAR\_NRW0039361

**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:** Report/Data Review, Reason: Routine.

On 30/12/2021.

Parts of permit assessed: Annual monitoring returns for 2021

**NRW Lead Officer:** Jamie Blythin.

**Report sent to:** Simon Wickens, QHSE Co-ordinator on 18/02/2022.

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

| Part of permitted activity assessed (criteria)   | Assessment result | Permit condition |
|--|-------------------|------------------|
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.2 and 4.2.3  |
| G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment               | C3 Minor          | 3.5.1            |
| E1 - Emissions - Air   | C3 Minor          | 3.1.2            |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 3  | 8.1                        |

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 |
|----------|-------------------------|-------------|
| G4       | See Action 1 in report. | 31/01/2023  |
| G1       | See Action 2 in report. | 23/05/2022  |
| E1       | See Action 3 in report  | 18/03/2022  |

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.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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 is a review of the 2021 monitoring and annual returns data to satisfy reporting conditions of Permit AP3337HF.

Permit condition 4.2.2 states that 'A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year.'

Permit condition 4.2.3 states '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.'

The 2021 monitoring and annual returns data was received by NRW 04.02.21. As this data was submitted late, NRW considers this a breach of permit conditions 4.2.2 and 4.2.3 (G4-CCS4).

Action 1: Ensure 2022 monitoring and annual returns data is submitted to NRW by the dates specified in the permit.

The permit requires the operator to carry out annual emissions testing (particulates) for the following emission points: A12 (Scrubber), 14 (Grinder), A15 (Extruder) and A16 (Cooler). Annual emission testing should be carried out within the 12 month reporting period. The Reporting period begins 1st January.

The annual emissions monitoring for 2021 was carried out by an independent MCERTS accredited test house on 11.01.22 (A14 & A16) and 12.01.22 (A12 & A15).

The emission monitoring was completed outside of the 12 month reporting period and NRW considers this a breach of permit condition 3.5.1 (Table S3.1) (G1-CCS3).

Action 2: Update the site Environmental Management System (EMS) with an appropriate procedure to ensure annual emissions testing is completed within the 12 month reporting period and monitoring returns are submitted to NRW by the dates specified in the permit. Provide an update to NRW by the date specified.

The results from the annual emissions testing were included on the A1 reporting form submitted by the operator. These results show that emission point A15 (Extruder) had a value of 27.57 mg/m<sup>3</sup> which is in breach of the Emission Limit Value (ELV) of 20mg/m<sup>3</sup>. All other emission points (A12, A14 and A16) were in compliance with the ELVs.

NRW considers the breach of ELV at emission point A15 a breach of permit condition 3.1.2 (E1-CCS3).

Action 3: Carry out a root cause analysis investigation to determine why point A15 breached the ELV and what measures have been put in place to resolve the issue. Provide an update to NRW by the date specified.

The operator submitted a schedule 5 notification (parts A and B) to NRW on 26.01.22 in relation to the ELV breach at emission point A15.

With reference to form E1, energy use in 2021 (18179.2 MWh) was lower than 2020 (32981.35 MWh). There was also a reduction in CO2 produced in 2021 (3855.96 tonnes) compared to 2020 (4275.96 tonnes).

With reference to form WU1, total water usage increased during 2021 (22974m3) compared to 2020 (21619m3).

With reference to form R1, there was an increase in total waste produced during 2021 (213.1 tonnes) compared to 2020 (190.7 tonnes).

With reference to form PI1, there was a reduction in total animal feed production during 2021 (320,734 tonnes) compared to 2020 (352,411 tonnes).

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](mailto: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](mailto: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.