



Recording non-compliance using the Compliance Classification Scheme (CCS)

Operational instruction 534_10

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This document is for staff at level 2 and above of the Securing Compliance capability in the Regulatory Officer technical development framework.



Document details

What's this document about?

This document provides regulatory officers with guidance on how to record non-compliance with Environment Agency-issued permits using the Compliance Classification Scheme (CCS).

It focuses on the CCS Principles and topics where officers need specific guidance, including the consolidation of multiple breaches and suspending CCS records.

This document does not prescribe to officers how to categorise permit breaches. This should be done on a case-by-case basis using the CCS Principles set out in this guidance.

Guidance on how to use the CCS database system is given in the [CCS User Guide](#).



Related documents



Feedback

Who does this apply to?

All staff assessing CCS data and regulating permitted facilities.

Contact for queries

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How to use this guidance

All officers who regulate permitted activities must understand how to accurately record non-compliance and in particular the five CCS Principles, which are

1. record all non-compliance
2. reasonably foreseeable impact
3. scoring root cause
4. consolidating CCS scores, and
5. suspending CCS Scores

Additional guidance for specific regimes and for recording amenity breaches can be found in the annexes.

You can navigate to these annexes using the Contents table below. However, you must understand the Principles before you can categorise and record non-compliance.

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Background

We use the Compliance Classification Scheme (CCS) to record non-compliance with permit conditions. It allows us to:

1. be consistent in our regulation, regardless of location or permitting regime;
2. focus resources on activities that pose the greatest risk to the environment;
3. ensure that subsistence charges reflect the work we do with operators

By recording non-compliances onto the CCS database we can produce a compliance rating for each site that reflects an operator's performance.

We use this for reporting purposes and also to adjust the annual subsistence charge paid by operators. Less-compliant sites will pay a surcharge on their annual charge, while operators with perfect compliance records can receive a discount. This reflects the additional time we spend regulating poorly performing sites.

Which regimes does CCS apply to?

- water discharge activity & groundwater permits
- installations, including intensive farming
- waste operations
- radioactive substances permits
- abstraction & impoundment permits issued under the Water Resources Act

Every permit non-compliance under these regimes must be recorded on the CCS database.

CCS is not used to record any problems at exempt facilities or any other offences that are not a breach of a permit condition

Principle 1: Record all non-compliance

The principle To be a fair and consistent regulator we record all non-compliance regardless of regime or impact.

We group a wide range of permit conditions into 28 **sub-criteria** and categorise them using a scale. The operational instruction 526_06 explains the role of sub-criteria.

Link: [526_06 Methodology for Assessing Compliance \(MAC\) for installations and waste facilities regulated under the Environmental Permitting Regulations 2010](#)

When recording an individual non-compliance we must:

1. decide which sub-criterion (SC) best covers the relevant permit condition
2. categorise the non-compliance based on the impact it could have on the environment
3. record the information promptly and tell the operator what we have done.

Give the operator an initial assessment

When you have carried out any kind of site-based compliance assessment at a manned site then you must tell the operator when you have identified non-compliance and give him an indication of the categorisation **before you leave the site**.

If you are unsure of the categorisation at this stage then you should explain that you wish to consider the issue further before confirming the category on a CAR form. You should still make the operator aware that non-compliance has been identified.

If, on reflection, you believe that you have indicated the wrong category to the operator, then record the correct category on the CAR form and explain your reasoning in the Comments box.

Choose the compliance sub-criteria that fits best

There are 28 sub-criteria (SC) that cover the types of permit breaches that can occur. Each non-compliance must be matched (or mapped) to the most appropriate SC.

It might not always be clear which SC to use. Do not be too concerned if you cannot decide exactly which SC covers a permit condition – it is far more important to categorise the breach correctly and include the actual condition number on your CAR form.

A single breach of a condition must only be recorded once, under a single SC. If you think that a single breach could be recorded under more than one SC you should choose the one that appears to best describe the breach.

Where multiple conditions have been breached due to a single failure by the operator it may, in some circumstances, be appropriate to **consolidate** the multiple non-compliances into one record.

The scope of each SC is defined in [Annex 1](#) and consolidation of CCS scores is covered in [Principle 4: Consolidation of CCS scores](#).

The four categories of non-compliance

In CCS we differentiate between non-compliances that have no impact on the environment and those that pose a greater threat. We do this by categorising the non-compliance.

All non-compliances (except for those relating to amenity) are categorised on their **reasonably foreseeable impact** on the environment and not their actual impact.

The table below describes the four categories.

Category	Definition
1	A non-compliance at a regulated site that could foreseeably result in pollution classified as category 1 in the Common Incident Classification Scheme (CICS).
2	A non-compliance at a regulated site that could foreseeably result in pollution classified as CICS category 2.
3	A non-compliance at a regulated site that could foreseeably result in pollution classified as CICS category 3.
4	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment.

Record non-compliance promptly

All non-compliances must be recorded on the CCS database within 14 days of them being observed.

Where the non-compliance occurs in monitoring or other reported data, then you should record it on the database within 14 days of us receiving the data.

! Important

You must ensure that all records relating to the previous calendar year are finalised before the end of February. This is because we capture the data that we use for invoicing our customers on the first working day in March.

For waste and installation permits only

If you amend any records that relate to the previous year *after* the invoicing data has been captured you should advise:

- for waste sites, the [WaBS team](#)
- for installations, [a member of the OTS Compliance Services team](#)

This includes scenarios where you are re-activating previously suspended scores.

Do not use Approach to Limit (ATL)

ATL was historically applied to some water and air discharges from EPR installations (former IPC/PPC sites). We no longer do this. Since a result that was formerly considered an ATL is not a non-compliance it should not be recorded on the CCS database. Simply record the result as 'Assessed' using 'A' on the CAR form and note its uncertainty in the Comments box.

The option to record ATL remains on the database purely to allow past records to be accessed. No new ATLs should be recorded.

Principle 2: Reasonably foreseeable impact

The principle Permit conditions are written to protect the environment and to help us to fulfil our statutory duties. Breaching a condition means that an activity might have a negative impact on the environment.

For amenity conditions, which are conditions relating to odour, dust, noise, pests and litter (recorded under SCs F1 to F5), we categorise non-compliance based on the **actual** impact on the environment. See [Annex 2](#) for guidance on how to categorise amenity non-compliance.

In all other cases we categorise a non-compliance based on the level of impact it might have. We do this by deciding what level of impact is **reasonably foreseeable**, were the non-compliance to result in an environmental incident.

CCS is similar to our Common Incident Classification Scheme (CICS) in that we categorise non-compliances between 1 and 4 based on the impact on the environment. However, CICS categorises incidents based on their **actual** environmental impact.

We use our **experience** and our **common sense** to determine what impact is reasonably foreseeable.

[Link: 04_01 Incidents and their classification, the Common Incident Classification Scheme \(CICS\)](#)

Determining the reasonably foreseeable impact

We assess the reasonably foreseeable impact on a case-by-case basis. A breach that could cause a significant impact in one location may have a lesser impact elsewhere.

The proximity and nature of sensitive receptors, along with any procedures or infrastructure that the operator has in place to mitigate pollution, should be taken into account when you think about what might be reasonably foreseeable.

Be realistic when thinking about what level of pollution incident might occur. Don't be overly pessimistic or optimistic.

You should consider whether you are comfortable with your categorisation of the non-compliance. Can you justify it to the operator or to your line manager if it is challenged? If you are unsure then consult with colleagues who may have experience of a similar non-compliance.

It is good practice to record the reasoning behind your decision on the CAR form. You may also choose to record your reasoning in the comments box on the CCS database.

Do not allow yourself to be pressured into giving a lower categorisation if you believe that your reasoning can be justified. If you perceive that a significant incident could result from a breach of a permit then you must record this appropriately.

Examples

Consider the two examples below, both of which relate to poor management procedures:

Example one

- *An audit reveals that a worker has not been trained to use a key safety shut down procedure on a hazardous waste treatment installation; he/she may have to use this procedure as part of normal work. The site's environmental management system identified this training need but the training has not been carried out.*

Although the worker had not yet been called on to use this facility it is reasonably foreseeable that this training gap could be exposed and could lead to a significant accident at the site.

The CCS category of this failure might be category 1 or 2, reflecting the reasonably foreseeable impact.

Example two

- *A small end-of-life vehicle treatment site is in a remote location away from any sensitive receptors. The site is fully engineered with an impermeable concrete surface and is generally well run. We find that the site does not have any written management procedures and as such is failing to comply with its permit.*

Due to the scale and location of the activity it is unlikely that the failure to have written procedures could result in anything more than a minor pollution. The operator has installed suitable infrastructure to mitigate risk. In this circumstance the categorisation is likely to be category 3.

Summary

Each non-compliance must be considered on its own merits and its category based on the level of environmental impact that is **reasonably foreseeable** in the event that an incident results. Consider all relevant factors when making a judgement and feel comfortable in justifying your decision.

Amenity non-compliances are different because we assess them based on the **actual** impact that resulted.

This document is out of date. Withdrawn initially in January 2019.

Principle 3: Scoring root cause

The principle During compliance work we will identify non-compliances that are symptoms of underlying problems with an activity. Where we find non-compliance we must identify the root cause.

Our investigation into the root cause of non-compliance will often flag up additional conditions that are not being complied with. We will record each of these onto the CCS database.

Where to record the root cause score

Non-compliance is often a symptom of poor management by an operator. Where a management control is missing or has not been followed then we should record the non-compliance against the permit's management system condition.

On older permits without a modern management system condition you should record the root cause of non-compliance against a similar condition (for example a condition referring to a working plan or working procedures).

The root cause failure are likely to be recorded under one of the following sub-criteria on the CCS database:

- for procedures associated with materials acceptance, c3
- for procedures associated with storage, handling, labelling and segregation, c4
- for procedures associated with a failure to properly maintain key plant, b5
- for any other failings in an operator's management procedures, c2

We should categorise a root cause breach on its own merits. The root cause failure does not have to have the same CCS category as the breach you identified originally, as one of the breached conditions might have the potential for greater environmental impact than the others.

For example, we might expect an inadequate management system to have a higher foreseeable impact than a technical paperwork breach that led us to find the management failure.

Other related breaches

Your investigation into non-compliance may lead you to identify other non-compliances that are symptoms of the same root cause.

For example, an investigation into a limit breach might lead you to find a number of different non-compliances relating to poor staff training, maintenance or other management procedures.

Record each symptom on CCS and categorise it on its own merits as you would any other permit breach.

Principle 4: Consolidating CCS scores

The principle Sometimes we must **consolidate** CCS scores. Consolidation means that we gather multiple non-compliances together into just one CCS record, rather than entering an individual record for each permit breach onto the database.

We do this because:

1. otherwise, there is potential to have a unfair impact on the compliance rating of the facility
2. completing numerous CAR forms would be excessive, generating unnecessary paperwork for us and for the operator.

Types of consolidation

The three situations when we must consolidate CCS scores are:

1. at installations and waste operations that submit periodic data and monitoring reports. We consolidate ongoing non-compliance over a set period of time and date them on the last day of the reporting period in question.
2. at water discharge activities and some (point source) groundwater that limit determinands with rolling annual averages.
3. for older bespoke permits with multiple sub-conditions (mainly waste operations);

These are explained, using practical examples, in [Annex 3](#). We do not consolidate in any other circumstances.

This document is out of date. Withdrawn initially in January 2019.

Principle 5: Suspending CCS scores

The principle

Suspension means that we record non-compliances on the CCS database but do not count them towards the operator's compliance rating.

Some complex non-compliant situations take a long time to resolve. Suspending CCS scores allows us to provide an operator with an incentive to improve their performance as they are less likely to drop to a worse compliance band.

CCS scores can only be suspended for a maximum of **six** months and voluntary agreements should only be available to operators with a good compliance history.

Where you identify non-compliance on a site then you must never suspend the first CCS record. You can only agree to suspend subsequent scores incurred while an operator is working toward compliance.

The two circumstances where we 'suspend' CCS scores are:

1. where we have served an enforcement notice requiring compliance
2. when an operator has proposed a reasonable action plan to achieve compliance voluntarily and we have this in writing.

Enforcement notices

We will suspend CCS scores when we have served an enforcement notice on an operator. This is because by serving a notice then we have accepted that it will take a certain period of time to bring the activity back into compliance with permit conditions.

We must not suspend the first non-compliance that led to us taking the enforcement action, as this ensures we capture the effort involved in regulating the site within its compliance rating.

Also, we will not suspend scores for longer than six months from the date that the notice is served. Where a non-compliance is so complex that it requires longer than six months to rectify then we shall recommence active scoring after six months so as to reflect our ongoing effort at the site.

If the notice is not complied with then all suspended scores will be unsuspended and count toward the operator's compliance rating. A copy of the notice and/or any milestones showing progress toward compliance must be recorded on EDRM.

Agreed action plans

The following six steps must **always** be followed when coming to a voluntary agreement to suspend CCS scores:

1. we must have identified the correct operator and the appropriate permit non-compliance
2. we must check whether any of the [Rules on Suspending Scores](#) below prevent us from suspending CCS scores
3. the operator must submit a written action plan. A recommended template letter can be found in [Annex 4](#).
4. we must check that the proposed action plan requires all activities to be completed within six months. Any proposal must be agreed by an Environment Agency Team Leader and recorded on EDRM. If an operator cannot return to compliance within six months then we consider them unsuitable for suspending scores.
5. we must monitor the operator's progression against the agreed timescales and record all progress toward compliance/milestones on EDRM.

either

6a. we agree that the works are completed and the site is now compliant,

or

6b. we determine that the site remains non-compliant, consider our enforcement response and remove the 'suspension flag' on the CCS database (an Area Administrator can do this for you)

This document is out of date. Withdrawn initially in January 2019.

The Rules on Suspending Scores

It is vital that we apply these rules regarding suspension. Failing to follow the rules will result in inconsistency that can damage our reputation and is unfair on operators.

Incorrectly suspending scores can mean that we fail to recover the costs we incur while carrying out compliance work.

Except in the case of notices (see above), you **must not** agree to suspend scores in the following situations:

1. where the non-compliance is the first non-compliance that we have identified, prior to an agreed action plan being signed off. The first non-compliance must **always** count towards the operator's compliance rating. Only subsequent records can be suspended
2. when the non-compliance is due to the negligence of the operator failing to take reasonable steps to prevent it in the first place
3. where the non-compliance is category 1 or 2, unless the operator is taking **every possible** action to resolve and mitigate the impact. The operator should have to convince you that he/she is doing this
4. when a category 1 or 2 pollution incident is actually occurring
5. when the operator has a history of failing to address non-compliance (e.g. the site is/or has been in compliance bands D, E or F at any point during the last 24 months^[1])
6. when you are not confident that the operator will complete the actions on time
7. when you believe that timescale proposed by the operator is unreasonably long **or is longer than six months**
8. when you do not believe that the proposed works will resolve the problem
9. when the non-compliance deteriorates during the period of the action plan, for example going from category 3 to 2. You should consider this to be a new breach and re-activate the previously suspended scores on the CCS database

Our discretion

Unless there is a statutory notice in place, remember that suspension of CCS scores is a concession that we choose to make to operators taking positive action. **It is not a right** and **we are not obliged** to suspend CCS scores.

^[1] a permit transfer may occur for a site which has previously been in band D,E or F. If we have substantial evidence that the new operator has a history of compliance then an officer can put forward a business case to Operations Technical Services to suspend scoring. Each case will be reviewed nationally to ensure consistency of application of the suspension rule. All other rules and principles described above would still apply

Annex 1: Choosing a sub-criterion

We regulate sites with a wide range of permits and conditions. In CCS we use 28 sub-criteria that cover different aspects of a permit. These relate to the boxes on the CAR/RASCAR form and allow us to compare performance between different operators in different regimes.

Some of the sub-criteria may not be relevant to the permit that you are inspecting. In these cases you should enter **NA** (Not applicable) into these boxes on the CAR/RASCAR form.

Use this annex as a tool to decide which sub-criterion to record a non-compliance against.

Start by choosing the regulatory regime that you are interested in.

- [EPR water discharge and groundwater activities](#)
- [EPR installations \(including landfill sites\)](#)
- [EPR waste activities \(excluding landfill sites\)](#)
- [Radioactive substance activities](#)
- [Water resources permits](#)

This document is out of date. Withdrawn initially in January 2019.

Annex 1A: EPR water discharge and groundwater activities

The table below explains which sub-criteria (SC) may apply to water discharge and groundwater activity permits and the kind of non-compliances that fall under each heading. Where a sub-criterion is not relevant to these activities then 'NA' must be entered on the CAR form. Where an SC is relevant but has not been assessed then you must enter 'N' on the CAR form. Groundwater discharges of used sheep dip or pesticide washings will also need to be recorded on FARMS.

Additional scoring guidance for water discharge and (point source) groundwater activities can be found in [Annex 5](#). For further information relating to groundwater (land spreading) discharges of used sheep dip and pesticide washings please see [Annex 6](#).

The examples given are not the only kind of breaches that might be recorded under each SC, but are meant to give you an indication of the kind of scenario that it could cover.

Text in red highlights areas of common confusion and states where certain types of non-compliance should be recorded under a different SC

Sub-criterion	CAR heading	Description
a1	Specified by permit	This SC relates to the activities specifically authorised in the permit. In modern permits this condition is generally headed 'Permitted activities'. Carrying out an activity not specified by the permit would be recorded here. Failure to comply with an improvement condition would also be recorded here.
	Examples	<ul style="list-style-type: none"> Water/groundwater discharge taking place at a location not listed in the permit A water/groundwater discharge is taking place that does not match the description listed in the permit An improvement condition has not been complied with by the specified deadline
b1	Engineering to control emissions	<p>➤ Record non-compliance related to secondary containment for potentially-polluting liquids under b4</p> <p>Use this SC when a permit condition requires engineered infrastructure to prevent or control emissions and this is absent or physically defective. This could include pipework, storage tanks or monitoring infrastructure such as a borehole (for groundwater permits).</p>
	Examples	<ul style="list-style-type: none"> Pool maintenance results in corroding pipework that could lead to an accidental emission to land or water Monitoring is required at a specific location, but the sampling point is inaccessible due to faulty infrastructure (blocked borehole / dangerous platform etc).

b2	Closure and Decommissioning	Not usually applicable to this regime (NA)
b3	Site Drainage engineering (Clean and Foul)	Not usually applicable to this regime (NA)
b4	Containment of stored materials	<p>➤ Record managerial/procedural issues associated with poor storage practices under c4.</p> <p>This SC only includes the infrastructure aspects of storage of potentially-polluting liquids associated with the permitted activity.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Storage of liquids in containers without secondary containment • Storage of liquids within engineered secondary containment, but this is inadequate due to poor design or damage.
b5	Plant and Equipment	<p>This SC is to be used to record any physical issues associated with plant and equipment requirements. Plant and equipment is something which is either plugged in, has an independent power supply (e.g. a vehicle) or can be installed rather than built.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • An audit identifies that electronic monitoring equipment, for example a flow meter, is missing, defective or out of calibration • Rotating spray arms at a small waste water treatment works are not turning in accordance with the design specification

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c1	Staff Competency and Training	This SC covers the practical aspects of managing activities authorised by the permit. If you identify poor management or lack of training that could lead to an environmental impact then it should be recorded here.
	Examples	<ul style="list-style-type: none"> • An audit identifies that staff at a waste water treatment works are not trained how to deal with a foreseeable emergency event, e.g. power failure, a high-BOD effluent arriving at a works, flooding in a flood-risk area, etc. • Insufficient competent persons or resources are present to guarantee that a waste water treatment plant can be operated effectively (and a condition exists within the permit that requires this) • A groundwater discharge activity is being carried out by an employee who has no knowledge of the practical requirements of permit conditions
c2	Management Systems	<p>➤ Record managerial/procedural issues associated with poor storage practices under c4.</p> <p>➤ Where a management system identifies site security as being a significant control measure, then record non-compliance under d1</p> <p>➤ Record problems with accident management procedures under d2</p> <p>This SC covers procedural aspects of management and documented systems like an environmental management system.</p>
	Examples	<ul style="list-style-type: none"> • Compliance assessment determines that some or all written management procedures are inadequate to ensure full compliance with permit conditions (on a permit with an overarching management condition) • A site that has an overarching management condition does not have any written procedures in place
c3	Materials Acceptance	Not usually applicable to this regime (NA)

c4	Storage, Handling, Labelling and Segregation	This SC is for all management issues surrounding the storage and handling of potentially-polluting materials associated with the activity.
Examples	<ul style="list-style-type: none"> • An inspection finds potentially-polluting liquid stored in an area without secondary containment, due to staff failing to return the containers back to their designated area after use. • Relevant staff are not being trained how to handle containers holding potentially-polluting material due to a failure to identify this as a risk within the site's management procedures • Acids and alkalis stored in close proximity could cause an uncontrolled reaction in the event of fire or spillage 	
d1	Security	<p>Any security issues resulting from poor maintenance and management of physical infrastructure</p> <p>This is only likely to be relevant on sites with a management system condition where the management system has identified site security as a control measure to prevent pollution.</p>
Examples	<ul style="list-style-type: none"> • Evidence of security breaches or a risk of a security breach due to damaged or missing fencing at a water treatment works, where security has been identified by a management system as being a control measure. • Failure to implement maintenance of site security systems as detailed in written procedures 	
d2	Accident, Emergency and Incident Planning	<p>Any arrangements the operator may have for dealing with emergencies, accidents and incident prevention or control including the provision of equipment such as spill kits. It is not intended to record the impact of unauthorised releases or typical operational activities. It does include emergency management plans and procedures to deal with spillages and incidents.</p>
Examples	<ul style="list-style-type: none"> • Inadequate, or a lack of, documented accident management procedures that minimise risk of pollution, where such a condition exists within the permit 	
e1	Emissions – Air	Any non-compliance, from a permitted point source or otherwise, relating to an emission to air.
Examples	<ul style="list-style-type: none"> • An unplanned release of an airborne chemical from a water treatment works due to an accidental event. 	

e2	Emissions – Land	Any non-compliance, from a permitted point source or otherwise, relating to an emission to land.
	Examples	<ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to groundwater/soakaway • Discharge of an unauthorised material to the ground, from a permitted discharge point or otherwise
e3	Emissions – Water	<p>➤ Record non-compliant groundwater emissions under e2.</p> <p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to surface water.</p>
	Examples	<ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to a surface water • Discharge of an unauthorised material to a surface water, from a permitted discharge point or otherwise
e4	Emissions – Sewer	Any non-compliance, from a permitted point source or otherwise, relating to an emission to sewer.
	Examples	<ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to a sewer • Discharge of an unauthorised material to a sewer, whether from a permitted discharge point or otherwise <p><i>Consider whether we are the appropriate authority to regulate such a discharge, as the sewerage undertaker is likely to authorise point discharges under the Water Industries Act 1989.</i></p>
e5	Emissions - Waste	Not usually applicable to this regime (NA)
f1 –f5	Amenity SCs	Not usually applicable to this regime (NA)

This document is out of date. Withdrawn initially in January 2019.

g1	Monitoring of emissions & the environment	<p>➤ Record failure to submit monitoring data by a specified deadline under g4.</p> <p>➤ Record limit exceedances under the relevant 'Emissions' SC e1-e5.</p> <p>➤ Related Infrastructure and Plant or Equipment breaches associated with monitoring should also be recorded under b1 or b5 – see example below.</p> <p>This SC includes non-compliances relating to the adequacy of the monitoring system. This includes what and how an operator is monitoring as well as any analytical failings.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • The operator submits only part of the monitoring data required by the permit • Flawed methodology when collecting samples that could impact on monitoring data • Sampling is being carried out at the wrong place <i>If this is due to a failure to maintain access to the monitoring point then the record should be made under b1. If it is due to equipment being installed incorrectly then the record should be made under b5.</i>
g2	Records of activity, site diary/journal/ events	<p>All issues associated with the requirement to make and keep records should be recorded against this SC except for Maintenance Records (g3)</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Operator is not keeping records in the manner required by the permit • Records are being kept, but in a place other than that specified by the permit (e.g. off-site) • Records are found to be illegible during an inspection
g3	Maintenance records	<p>This SC should be used to record any issues associated with maintenance records required by the permit. This is only likely to be relevant on water discharge permits where maintenance is identified within an operator's management system as a control measure.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Operator has identified maintenance of a piece of key plant or equipment as a control measure in their written procedures but no records of such maintenance are available for inspection • Failure to retain calibration certificates or other documentation relating to suitability of monitoring equipment for the specified period

g4	Reporting & notifications to the EA	This SC should be used to record any issues associated with site operator reporting/notify information or events to us as set out in the permit.
	Examples	<ul style="list-style-type: none"> • Failure to submit monitoring data by the date specified in the permit • Failure to notify us of an event that could result in pollution or a limit exceedance (Schedule 1/5/6 notification) • Failure to notify us in the event of a change in corporate details as specified in the permit
h1-h2	Resource efficiency SCs	Not applicable to this regime (NA)

This document is out of date. Withdrawn initially in January 2019.

Annex 1B: EPR installations (including landfill sites regulated as installations)

All sub-criteria apply to most EPR installation permits. This table outlines the kind of non-compliances that fall under each heading. For landfills still regulated under former waste management licences refer to [Annex 1C \(EPR waste activities\)](#). Where a sub-criterion (SC) is not relevant to these activities then 'NA' must be entered on the CAR form, though generally all SCs apply to EPR installations except for ex-PPC landfills. Where a SC is relevant but has not been assessed then you must enter 'N' on the CAR form.

The examples given are not the only kind of non-compliances that might be recorded under each SC, but are meant to give you an indication of the kind of scenario that could apply.

Text in red highlights areas of common confusion and states where certain types of non-compliance should be recorded under a different SC

Sub-criterion	CAR heading	Description
a1	Specified by permit	<p>➤ Record breaches of tonnage acceptance limits under c3. Production tonnage limit breaches should be recorded here.</p> <p>➤ If an installation adds additional emission points not specified on a permit then these should be recorded under the relevant 'Emission' SC rather than here.</p> <p>This SC relates to the activities specifically authorised in the permit. In modern permits this condition is generally headed 'Permitted activities'. Carrying out any activity which is not authorised by the permit would be recorded here.</p> <p>Failure to comply with an improvement condition would also be recorded here.</p> <p>If an installation extends beyond a permit boundary then it may be recorded here but only if a specific permit condition exists regarding this (reference to a site boundary on the permit's front sheet is insufficient). However if this is because a standalone process has been established beyond the boundary then you should consider it to be a separate unauthorised activity, rather than non-compliance with the existing permit.</p>
	Examples	<ul style="list-style-type: none"> • An installation's existing process is extended across the permit boundary and a condition exists prohibiting this • An operator fails to comply with an improvement condition by the specified date • The operator carries out an activity which they are not permitted to do

b1	Engineering to control emissions	<p>Any non-compliance relating to physical infrastructure should be recorded here including deterioration due to lack of maintenance except infrastructure related to the site drainage (b3), containment of stored materials (b4) or site security (d1)</p> <p>Landfill containment systems and engineering aspects of leachate and gas extraction systems also come under this SC, though where this applies to closed sites or phases that have been completed then this should be recorded under b2.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • A scrubber designed to control odour from a process shows evidence of poor maintenance that could result in its failure • Engineering failure, e.g. pump failure, results in the by-passing of a treatment plant process leading to poor quality effluent • A landfill gas well leaks due to failure to install or maintain the system properly • Evidence of leachate escape from an engineered landfill containment system • Breach of leachate trigger, either due to a technical failure or due to operator failing to operate the system correctly (i.e. failing to remove leachate appropriately) • Failure to comply with CQA requirements for new landfill engineering prior to deposit of waste • Lack of gas management infrastructure results in passive venting for an excessive period
b2	Closure and Decommissioning	<p>This SC includes any issues associated with the closure and decommissioning of installations except for security infrastructure (d1) and ongoing monitoring (g1). This may include failure of an operator to maintain a satisfactory SPMP or closure plan during the lifespan of the installation.</p> <p>For sites that are closed, it includes non-compliances related to unsatisfactory decommissioning of equipment or residual contamination, or failure to maintain pollution control systems.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • During a SPMP or management system review you notice that the operator has failed to adequately account for the impact of an earlier pollution incident on the condition of the site • Following the decommissioning of an installation, equipment or materials are left on site that pose a risk to the environment • Evidence of leachate or landfill gas escape from a finished landfill cell due to inadequate maintenance or cracking in a cap. Breaches of a leachate trigger level in finished, capped sites are also included here

		<ul style="list-style-type: none"> • Use of non-inert or other unsuitable materials in the restoration layers of a landfill
b3	<p>Site Drainage engineering (Clean and Foul)</p> <p>Examples</p>	<p>This SC should be used to record any issues associated with site drainage engineering and its effectiveness. Failure to properly segregate contaminated and clean surface water, blocked drains that could result in localised flooding of water and the failure to properly maintain oil-water separators or silt traps would all be covered by this SC.</p> <hr/> <ul style="list-style-type: none"> • A vehicle washdown area contains a possible pathway to land or to a surface water drainage system that could impact upon a watercourse • Detergents are stored close to a drainage system containing an oil-water separator, potentially resulting in a release of oil to surface water • A silt trap has not been desludged, resulting in suspended solids entering a watercourse • Rainwater from a working landfill site is allowed to flow beyond the site boundary into adjacent premises • Due to settlement, a landfill cap is profiled in such a way that substantial ponding occurs that could compromise the condition of the cap.
b4	<p>Containment of stored materials</p> <p>Examples</p>	<p>➤ Managerial/procedural issues associated with storage need to be recorded under c4.</p> <p>Storage of contained materials should include adequate primary and secondary containment. This SC records issues associated with physical engineering and infrastructure required for storing liquids, solids, raw materials and waste. The standards in PPG 2 / Oil Storage Regulations should be applied to above ground oil storage.</p> <hr/> <ul style="list-style-type: none"> • Bunding contains rainwater reducing its capacity to below 110% of the primary container • Storage lagoons containing potentially-polluting liquids which show evidence of leakage or damage, e.g. by vegetation • Loose waste stored at the installation in a position where it could be blown off-site • Animal by-product waste stored in an open trailer could potentially cause an odour nuisance to neighbours (if this actually happens you should also score under f1) • Open storage of volatile materials with no abatement creating risk of air pollution

This document is out of date. Withdrawn initially in January 2019.

<p>b5</p>	<p>Plant and Equipment</p>	<p>➤ Inadequate records relating to maintenance should be recorded under g3.</p> <p>This SC is to be used to record any issues associated with plant and equipment requirements. Plant and equipment is something which plugged in, has a power supply or can be installed rather than built. Inadequate preventative maintenance of plant & equipment is included in this SC.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Control or abatement equipment not working, leading to risk of pollution • Reversing alarms from forklift trucks lead to overnight noise complaints from neighbours at a 24-hour food factory • Monitoring equipment, for example a flow meter, is missing from an emission point • No preventative maintenance regime for a piece of equipment or plant that is necessary to reduce the risk of pollution. • A landfill site's only compactor is not being serviced regularly, leading to the risk that waste cannot be properly compacted upon deposit • A flare fails to ignite upon failure of a landfill gas engine, resulting in an unnecessary gas emission
<p>c1</p>	<p>Staff Competency and Training</p>	<p>This SC covers the overarching management at an installation to ensure that it is being operated by staff who are appropriately trained and supervised. The operator's organisational structure should be sufficient to ensure that permit conditions can be met. This SC also covers situations where an operator has suitable staffing procedures but these are not being implemented in practice.</p> <p>During root cause analysis you may find that non-compliances under this SC are related to poor written procedures under c2.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Lack of training causes a breach of a permit condition e.g. hazardous materials being stored outside of designated area • Directors and relevant site personnel unaware of permit conditions or management system • Untrained staff delegated responsibility for a key piece of plant that could lead to an incident if operated incorrectly • Insufficient or no technically competent management at a landfill site

This document is out of date. Withdrawn initially in January 2019.

<p>c2</p>	<p>Management Systems</p>	<ul style="list-style-type: none"> ➤ Problems with procedures relating to materials acceptance should be recorded under c3 ➤ Non-compliance related to storage and handling procedures of raw materials or waste etc. should be recorded under c4 ➤ Issues relating to management of site security should be recorded under d1 ➤ Record problems with accident management / emergency procedures under d2 <p>This SC covers procedural aspects of management and documented systems like an environmental management system. It does not apply to how a management system is applied in practice.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Compliance assessment determines that some or all written management procedures are inadequate to ensure full compliance with permit conditions • An operator does not have an appropriate management system for the scale of the activity that they are undertaking, or there is evidence that the operator's management procedures are not being properly implemented. Consider our horizontal guidance note H6 when deciding if a management system is appropriate • Poor management procedures are identified as the root cause of another non-compliance observed during an inspection (see Principle 3 – Scoring Root Cause for further details)
<p>c3</p>	<p>Materials Acceptance</p>	<p>All material acceptance issues including both written procedures relating to material acceptance and any practical application. This includes non-compliances where non-permitted raw materials or wastes are accepted onto the installation. It also includes non-compliance relating to tonnage restrictions.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • an unauthorised waste stream is accepted at a permitted facility • an abattoir begins slaughtering a raw material stream not specified on the permit

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c4	Storage, Handling, Labelling and Segregation Examples	<p>➤ Record physical infrastructure non-compliances under b4</p> <p>This SC is for all management issues surrounding the storage and handling of potentially-polluting materials or wastes associated with the activity.</p> <hr/> <ul style="list-style-type: none"> • An inspection finds potentially-polluting liquid stored in an area without secondary containment, due to staff failing to return the containers back to their designated area after use • Relevant staff are not being trained how to handle containers holding potentially-polluting material due to a failure to identify this as a risk within the site's management procedures
d1	Security Examples	<p>This SC is for all non-compliances related to site security, both physical and procedural. If a permit has a site ID board requirement then non-compliance with this should be recorded here.</p> <hr/> <ul style="list-style-type: none"> • Damaged or inadequate fencing on a landfill site or other installation could allow unauthorised access to humans or animals • Records show a history of unauthorised access and the operator has no plan to reduce the risk of this continuing • Inadequate security on high risk sites
d2	Accident, Emergency and Incident Planning Examples	<p>➤ The impact of any unauthorised or accidental releases should be recorded under the relevant 'Emissions' SC (e1-5)</p> <p>This SC covers an operator's emergency procedures and any equipment they have to deal with environmental accidents or emergencies, like spill kits or drain covers. It also covers how any failures to implement these procedures in the event of an accident.</p> <hr/> <ul style="list-style-type: none"> • An operator fails to submit a review of their Accident Management Plan at the specified time • A site lacks adequate emergency plans or procedures • Equipment identified as a control measure within an emergency plan are not provided or is deficient (e.g. spill kits not replenished) • Operator's plans fail to account for off-site impacts e.g. potential amenity breaches due to failures within the installation

e1	Emissions – Air Examples	<p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to air.</p> <hr/> <ul style="list-style-type: none"> • A breach of an ELV at a point source emission to air • A non-point source emission to air that has the potential to pollute the air, e.g. an uncontrolled release of landfill gas
e2	Emissions – Land Examples	<p>Any non-compliance from a permitted point source or otherwise, relating to an emission to land. This includes any emission to groundwater.</p> <hr/> <ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to groundwater/soakaway • Discharge of an unauthorised material to the ground, from a permitted discharge point or otherwise • Landfill gas detected in perimeter gas boreholes around a landfill site
e3	Emissions – Water Examples	<p>➤ Record non-compliant groundwater emissions under e2.</p> <p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to surface water.</p> <hr/> <ul style="list-style-type: none"> • A site breaches an ELV at a point source emission to surface water • Discharge of an unauthorised material to a surface water, from a permitted discharge point or otherwise
e4	Emissions – Sewer Examples	<p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to sewer.</p> <hr/> <ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to a sewer • Discharge of an unauthorised material to a sewer, from a permitted discharge point or otherwise <p><i>Consider whether we are the appropriate authority to regulate such a discharge, as the sewerage undertaker is likely to authorise point source discharges under the Water Industries Act.</i></p>

<p>e5</p>	<p>Emissions – Waste</p>	<ul style="list-style-type: none"> ➤ Record breaches relating to waste record-keeping under g3 ➤ Record breaches relating to on-site management of waste storage & handling under c4 ➤ Record breaches relating to physical infrastructure of waste storage & handling areas under b4 ➤ Record any issues related to BAT or failure to recover waste effectively under h1 ➤ Record waste escaping beyond the permit boundary under f3 <p>This SC is not usually applicable to waste activities (NA)</p> <p>This SC catches any issue related to waste produced on the site that is not included in the other sub-criteria above. It is likely to be easier to deal with bad waste management practice as breaches of Directly Applicable Legislation (e.g. duty of care, hazardous waste) rather than as a permit breach.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Failure to maintain a waste recovery or disposal table submitted with an application • Not keeping records relating to waste removed from the installation (only where this is a permit condition) • Failing to separate waste for recycling or recovery (where this is a permit condition)
<p>f1</p>	<p>Amenity – Odour</p>	<p>This SC records a breach of permit condition where odour has caused an impact beyond the site boundary. It must not be used to record procedural or technical failures that could lead to odour. Many permits require odour to be substantiated by an Agency officer before it can be considered a breach of the odour condition.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • An uncontrolled ammonia release from a chemical installation affects neighbouring areas. This is substantiated by an officer • Storage of biodegradable waste at an anaerobic digestion plant results in odour complaints from neighbouring premises. The odour is substantiated by an officer • Complaints are received of odour from a non-hazardous landfill site. The odour is substantiated by an officer

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		<ul style="list-style-type: none"> Poor waste practices at a landfill result in excessive numbers of flies that affect nearby receptors
f5	<p>Amenity – Deposits on road</p> <hr/> <p>Examples</p>	<p>This SC covers mud on road conditions on older permits. On modern permits a site's management system should consider the procedures necessary to protect the public from deposits on the public highway.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <ul style="list-style-type: none"> Mud is tracked onto a public highway from a permitted site and appropriate measures are not in place to prevent it or, at least, clean the road
g1	<p>Monitoring of emissions & the environment</p> <hr/> <p>Examples</p>	<ul style="list-style-type: none"> Record failure to submit monitoring data by a specified deadline under g4 Record breaches of ELVs under the relevant 'Emissions' SC e1-e5 Related Infrastructure and Plant or Equipment breaches associated with monitoring should also be recorded under b1 or b5 – see example below. <p>This SC includes non-compliances relating to the adequacy of the monitoring system. That is what and how an operator is monitoring as well as any analytical failings.</p> <hr/> <ul style="list-style-type: none"> The operator submits only part of the monitoring data required by the permit Flawed methodology when collecting samples that could impact on monitoring data, e.g. failure to use MCERTS-certified equipment Sampling is being carried out at the wrong place <i>If this is due to a failure to maintain access to the monitoring point then an additional record should be made under b1. If it is due to equipment being installed incorrectly then an additional record should be made under b5.</i>
g2	<p>Records of activity, site diary/journal/ events</p> <hr/> <p>Examples</p>	<p>All issues associated with the requirement to maintain records should be recorded against this SC except for Maintenance Records (g3)</p> <hr/> <ul style="list-style-type: none"> Operator is not keeping records in the manner required by the permit Records are being kept, but in a place other than that specified by the permit (e.g. off-site) Records are found to be illegible during an inspection

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g3	Maintenance records Examples	<p>This SC should be used to record any issues associated with maintenance records required by the permit.</p> <hr/> <ul style="list-style-type: none"> • Operator has identified maintenance of a piece of key plant or equipment as a control measure in their written procedures, but no records of such maintenance are available for inspection • Failure to retain calibration certificates or other documentation relating to suitability of monitoring equipment for the specified period
g4	Reporting & notifications to the EA Examples	<p>This SC should be used to record any issues associated with the requirement of the site operator to report/notify to the Environment Agency and/or any other bodies information or events as set out in the permit including the means and methods of reporting and notification.</p> <hr/> <ul style="list-style-type: none"> • Failure to submit monitoring data by the date specified in the permit • Failure to provide timely notification of an event that could result in pollution or a breach of an ELV (e.g. Schedule 6 notification) • Failure to notify us in the event of a change in corporate details as specified in the permit
h1	Efficient use of raw materials	<p>This SC should be used to record any issues surrounding resource efficiency. The purpose of permit conditions is to reduce the environmental impact of raw materials used apart from energy which should be recorded under h2.</p> <p>Also record any non-compliance related to the waste hierarchy here. Installations failing to implement BAT in their waste minimisation, recycling or recovery would be recorded under this SC.</p>
h2	Energy efficiency	<p>➤ Record infrastructure or plant/equipment issues associated with energy efficiency under b1 or b5</p> <p>Officers should be aware that some permit holders have entered into Climate Change Agreement (CCA) with DEFRA which sets agreed targets for energy consumption. Defra have the responsibility for checking compliance with targets.</p> <p>At non-CCA installations, this SC covers the requirement to record and review energy efficiency.</p>

Annex 1C: EPR waste activities

The table below explains which sub-criteria (SC) may apply to EPR waste permits and the kind of non-compliances that fall under each heading. For landfills formerly regulated under PPC refer to Annex 1B (EPR installations). Where a SC is not relevant to these activities then 'NA' must be entered on the CAR form. Where SC is relevant but has not been assessed then you must enter 'N' on the CAR form.

The examples are not a definitive list and are meant to give an indication of the kind of breaches you may observe that can be attributed to each SC.

Sub-criterion	CAR heading	Description
a1	Specified by permit	<p>➤ Record breaches of tonnage acceptance limits under c3</p> <p>This SC relates to the activities specifically authorised in the permit. In modern permits this condition is generally headed 'Permitted activities'.</p> <p>Where a waste activity extends beyond a permit boundary then it may be recorded here if a specific condition exists regarding this. If the only reference to a site boundary is on the permit's front sheet then this is insufficient to record a breach. In these cases, or when a standalone activity has been established beyond the boundary, then you should consider it to be a separate illegal waste site, rather than non-compliance with the existing permit.</p>
	Examples	<ul style="list-style-type: none"> • A waste site carries out an activity that is not specifically authorised in its permit • Waste associated with the specified activity is stored or treated outside of the permit boundary and a condition exists that prohibits this (if a new activity is being carried on outside of the permitted area then this should be treated as an illegal site rather than as a non-compliance)
b1	Engineering to control emissions	<p>➤ Where a piece of monitoring infrastructure is defective then it should be recorded here as well as under the monitoring SC g1</p> <p>➤ Landfill containment systems and engineering on closed sites should be recorded under b2</p> <p>Any non-compliance relating to physical infrastructure should be recorded here including deterioration due to lack of maintenance except infrastructure related to the site drainage (b3), containment of stored materials (b4) or site security (d1)</p>
	Examples	<ul style="list-style-type: none"> • Damage to a waste transfer station building renders it ineffective in containing non-point source emissions. • A piece of odour management infrastructure at a composting facility is ineffective due to lack of maintenance.

b4	Containment of stored materials	<p>➤ Managerial/procedural issues associated with storage need to be recorded under c4</p> <p>Storage of contained materials should include adequate primary and secondary containment. This SC records issues associated with physical engineering and infrastructure required for storing waste and other potentially-polluting substances.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Drums/tanks containing waste oil show evidence of corrosion that could result in leakage • An oil bund is damaged or otherwise inadequate • Undepolluted ELVs stored on unsealed ground • Catch fencing around a loose-waste storage bay at a MRF is inadequate or damaged • Unfinished compost is stored on a field as it has been deemed mature too early, resulting in liquor escaping to land or water
b5	Plant and Equipment	<p>➤ Inadequate records relating to maintenance should be recorded under g3</p> <p>This SC is to be used to record any issues associated with plant and equipment requirements. Plant and equipment is defined as something which is plugged in, has a power supply or can be installed rather than built. Inadequate preventative maintenance of plant & equipment is included in this SC.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • A scrap yard fails to properly service its shear, resulting in breakdown that leads to excess waste on site • Water misting equipment necessary for a dusty activity is out of order but the activity continues without it

c1	Staff Competency and Training	<p>This SC covers the overarching management at a waste site to ensure that it is being operated by staff who are appropriately trained and supervised. The organisational structure at the activity should be sufficient to ensure that permit conditions can be met. This SC also covers situations where an operator has suitable staffing procedures but these are not being implemented in practice.</p> <p>Technical competence issues are also recorded here.</p> <p>During root cause analysis you may find that non-compliances under this SC are related to poor written procedures under c2.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Lack of training causes a breach of a permit condition e.g. hazardous materials being stored outside of designated area • Directors and relevant site personnel unaware of permit conditions or management system • Insufficient or no technically competent management • TCM does not have continuing competence certificate or fails to record attendance for the necessary number of hours
c2	Management Systems	<p>➤ Problems with procedures relating to materials acceptance should be recorded under c3</p> <p>➤ Non-compliance related to storage and handling procedures of raw materials, waste etc. should be recorded under c4</p> <p>➤ Issues relating to management of site security should be recorded under d1</p> <p>➤ Record problems with accident management / emergency procedures under d2</p> <p>This SC covers procedural aspects of management and documented systems like an environmental management system.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Compliance assessment determines that some or all written management procedures are inadequate to ensure full compliance with permit conditions • An operator does not have an appropriate management system for the scale of the activity, or there is evidence that the operator's procedures are not being properly implemented. • Poor management procedures are identified as the root cause of another non-compliance seen during an inspection (see Principle 3 – Scoring Root Cause for further details)
c3	Materials Acceptance	<p>This SC includes all material acceptance issues including both written procedures relating to material acceptance and any practical application. This includes non-compliances where non-permitted waste is accepted onto the site. It also includes</p>

	Examples	<p>non-compliance relating to tonnage restrictions.</p> <hr/> <ul style="list-style-type: none"> • A waste site accepts a waste stream not listed in their permit. • A site accepts more waste than authorised by the permit • An operator does not carry out adequate waste acceptance checks
c4	Storage, Handling, Labelling and Segregation	<p>➤ Record physical infrastructure non-compliances under b4</p> <p>This SC is for all management issues surrounding the storage and handling of potentially-polluting materials or wastes associated with the activity.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • An inspection finds potentially-polluting liquid stored in an area without secondary containment, due to staff failing to return the containers back to their designated area after use • Relevant staff are not being trained how to handle containers holding potentially-polluting material due to a failure to identify this as a risk within the site's management procedures • Containers of different waste oils are not properly labelled • A small hazardous waste transfer station is storing incompatible wastes together
d1	Security	<p>This SC is for all non-compliances related to site security, both physical and procedural. If a permit has a site ID board requirement then non-compliance with this should be recorded here.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Damaged or inadequate fencing on a waste site or could allow unauthorised access to humans or animals • Records show a history of unauthorised access and the operator has no plan to reduce the risk of this continuing • Inadequate security on high risk sites • Not having an up-to-date site identification board where this is a condition. Do not record this as a breach if the out-of-date information relates to Environment Agency contact details if you consider this to be reasonable

d2	Accident, Emergency and Incident Planning	<p>➤ The impact of any unauthorised or accidental releases should be recorded under the relevant 'Emissions' SC (e1-5)</p> <p>This SC covers operators' emergency procedures and any equipment they have to deal with environmental accidents or emergencies, like spill kits or drain covers. It also covers any failure to implement these procedures in the event of an accident.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • An operator does not have an Accident Management Plan • Equipment identified as a control measure within an emergency plan are not provided or is deficient (e.g. spill kits not replenished) • Operator's plans fail to account for off-site impacts e.g. potential amenity breaches due to failures within the site
e1	Emissions – Air	<p>➤ Odour, dust, litter or noise emissions should be recorded under the relevant 'Amenity' SC, not here</p> <p>➤ Uncontrolled release of landfill gas from a closed site should be recorded under b2</p> <p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to air. At a waste activity this relates primarily to smoke from an unauthorised fire.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • An unauthorised fire causes smoke • A breach of an ELV at a point source emission to air • A non-point source emission to air that has the potential to pollute the air
e2	Emissions – Land	<p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to land. This includes any emission to groundwater</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to groundwater/soakaway • Discharge of an unauthorised material to the ground, from a permitted discharge point or otherwise • Oil or liquid from waste storage areas soaks into the ground

e3	Emissions – Water	<p>➤ Record non-compliant groundwater emissions under e2</p> <p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to surface water.</p> <hr/> <ul style="list-style-type: none"> Contaminated water enters a watercourse Discharge of an unauthorised material to a surface water, from a permitted discharge point or otherwise
e4	Emissions – Sewer	<p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to sewer.</p> <hr/> <ul style="list-style-type: none"> A limit exceedance related to a permitted discharge to a sewer Discharge of an unauthorised material to a sewer, from a permitted discharge point or otherwise Failure to maintain an oil-water separator results in oil entering the sewer <p><i>Consider whether we are the appropriate authority to regulate such a discharge, as the sewerage undertaker is likely to authorise point source discharges under the Water Industries Act.</i></p>
e5	Emissions - Waste	Not usually applicable to this regime (NA)
f1	Amenity – Odour	<p>This SC records a breach of permit condition where odour has caused an impact beyond the site boundary. It must not be used to record procedural or technical failures that could lead to odour. Many permits require odour to be substantiated by an Agency officer before it can be considered a breach of the odour condition.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <ul style="list-style-type: none"> Odour from a waste site is detected off site and negatively affects receptors

f2	Amenity – Noise	<p>This SC records a breach of permit condition related to noise and/or vibration from a site affecting neighbours. It must not be used to record procedural or technical failures that could lead to noise or vibration. Excess noise is often due to a failure to maintain or replace equipment and may need recording under b1 or b5 too or it could be due to procedural or management failures (consider c1 and c2).</p> <p>Advice should be sought from trained Agency noise officers when considering categorisation. Older permits may not have a specific noise condition. In these cases consider directly-applicable legislation and whether an Agency-led variation to add such a condition is necessary.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Equipment or plant (e.g. a trommel, baler or fragmentiser plant) on the site causes continuous or intermittent noise that results in complaints from neighbours • Intermittent banging or clattering from vehicle loading operations out-of-hours • Annoyance to neighbours due to vibration arising on a waste site
f3	Amenity – Dust/fibres/particulates/litter	<p>This SC records a breach of permit condition related to the escape of dust, fibre, particulates or litter from a waste site. It must not be used to record procedural or technical failures that could lead to these pollutants escaping.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Dust blows from heavy traffic movements along site roads during a spell of dry weather • Dust from waste handling or treatment activities accumulate on an adjacent car park • Litter blows from a landfill tipping face and is not cleared properly from beyond the site boundary • Light recyclable waste stored under the permit becomes windblown and leaves the site boundary (check that recyclables are not stored under an associated exemption, e.g. exemption S2. Consult 003_07 Inspecting registered exempt waste sites in these cases)

f4	Amenity – Pests, birds & scavengers	<p>This SC records a breach of permit condition where pests associated with the permitted activity are affecting receptors. It must not be used to record procedural or technical failures that could lead to pests. The nature of pests will vary depending on the type of waste site.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <ul style="list-style-type: none"> • Birds attracted by a landfill site cause damage to nearby crops or property • The storage of waste for prolonged periods at a facility attracts rats or flies that affect neighbouring land
f5	Amenity – Deposits on road	<p>This SC covers mud on road conditions on older permits. On modern permits a site's management system should consider the procedures necessary to protect the public from deposits on the public highway.</p> <p>See Annex 2 – Categorising amenity non-compliance</p> <hr/> <ul style="list-style-type: none"> • Mud is tracked onto a public highway from a permitted site and appropriate measures are not in place to prevent or minimise the problem
g1	Monitoring of emissions & the environment	<ul style="list-style-type: none"> ➤ Record failure to submit monitoring data by a specified deadline under g4 ➤ Record breaches of elvs under the relevant 'Emissions' SC (e1-e5) ➤ Related <i>Infrastructure and Plant or Equipment</i> breaches associated with monitoring should also be recorded under b1 or b5 – see example below <p>This SC includes non-compliances relating to the adequacy of the monitoring system. That is what and how an operator is monitoring as well as any analytical failings. This will mainly relate to landfill sites.</p> <hr/> <ul style="list-style-type: none"> • The operator only submits part of the monitoring data required by the permit • Flawed methodology when collecting samples that could impact on monitoring data collected at a landfill • Sampling is being carried out at the wrong place <p><i>If this is due to a failure to maintain access to the monitoring point then an additional record should be made under b1.</i></p> <p><i>If it is due to equipment being installed incorrectly then an additional record should be made under b5.</i></p>

g2	Records of activity, site diary/journal/ events Examples	All issues associated with the requirement to maintain records should be recorded against this SC except for Maintenance Records (g3) <ul style="list-style-type: none"> • Operator is not keeping records in the manner required by the permit • Records are being kept, but in a place other than that specified by the permit • Records are found to be illegible during an inspection
g3	Maintenance records Examples	This SC should be used to record any issues associated with maintenance records required by the permit. <ul style="list-style-type: none"> • Operator has identified maintenance of a piece of key plant or equipment as a control measure in their written procedures, but no records of such maintenance are available for inspection • Full records of waste acceptance and despatch are not being kept
g4	Reporting & notifications to the EA Examples	This SC should be used to record any issues associated with the requirement of the site operator to report or notify us of events specified in the permit and includes the means and methods of reporting and notification. <ul style="list-style-type: none"> • Failure to submit monitoring data or waste returns by the date specified in the permit. • Failure to provide timely notification of an event that could result in pollution or a breach of an ELV (e.g. Schedule 1/5/6 notification). <i>NB: The categorisation for this kind of event is not necessarily 4, depending on the risk posed by the failure to notify us.</i> • Failure to notify us in the event of a change in corporate details as specified in the permit
h1	Efficient use of raw materials	Not usually applicable for waste sites (NA)
h2	Energy efficiency	Not usually applicable for waste sites (NA)

Annex 1D: Radioactive substances activities

The table below explains which sub-criteria (SC) may apply to radioactive substance permits and the kind of non-compliances that fall under each heading. Where a sub-criterion is not relevant to these activities then 'NA' must be entered on the RASCAR form. Where a sub-criterion is relevant but has not been assessed then you must enter 'N' on the RASCAR form.

The examples given are not the only kind of non-compliances that might be recorded under each SC, but are meant to give you an indication of the kind of scenario that could apply.

When deciding on what category to apply to a non-compliance you should consider the reasonably foreseeable impact it could have. The following descriptions outline what could be expected from within each category.

Category 1

It is reasonably foreseeable that this permit breach could result in an incident that causes significant and extensive radioactive contamination that requires major intervention and countermeasures for which a national response plan may be executed. Exposure of a member of the public to a significant dose of radiation would also be category 1.

Category 2

It is reasonably foreseeable that this permit breach could result in an incident that causes localised radioactive contamination or exposes a member of the public to a low-level dose of radiation.

Category 3

It is reasonably foreseeable that this permit breach could result in an incident that requires no or very limited intervention. The public would not be exposed to radiation.

Category 4

No environmental impact is foreseeable as a result of this permit breach.

Text in red highlights areas of common confusion and states where certain types of non-compliance should be recorded under a different SC

Text in red highlights areas of common confusion and states where certain types of non-compliance should be recorded under a different SC

Sub-criterion	CAR heading	Description
a1	Specified by permit	This SC relates to the activities specifically authorised in the permit. In modern permits this condition is generally headed 'Permitted activities'. Carrying out an activity not specified by the permit would be recorded here. Failure to comply with an improvement condition would also be recorded here.
	Examples	<ul style="list-style-type: none"> • Radionuclides used on site that are not authorised in the permit • Sources present that are of greater activity than permitted • An improvement condition has not been complied with by the specified deadline • Discharge or disposal via an unauthorised route
b1	Engineering to control emissions	<p>➤ Record non-compliance related to secondary containment for storing potentially-polluting liquids under b4</p> <p>Use this SC when a permit condition requires engineered infrastructure to prevent or control emissions and this is absent or physically defective. This includes inadequate maintenance of infrastructure designed to prevent contamination in the event of a spillage, e.g. workbenches and lab floors.</p>
	Examples	<ul style="list-style-type: none"> • Lab floors cracked, preventing proper decontamination in the event of a radioactive spill • Failure of procedures or systems that could erode the operator's 'defence in depth' approach to preventing environmental contamination • Deficiencies in ventilation systems that could lead to a release of radiation
b2	Closure and Decommissioning	This SC covers any non-compliance relating to the closure of the site, either in the future or whilst it is ongoing or complete.
	Examples	<ul style="list-style-type: none"> • Radioactive materials left on site that could pose a risk to human health or to the environment after site closure • Decommissioning takes place in such a way that there is a risk of radiation being released

b3	Site Drainage engineering (Clean and Foul) Examples	<p>This SC covers any non-compliance relating to site drainage engineering and management.</p> <hr/> <ul style="list-style-type: none"> • Evidence of unsatisfactory maintenance arrangements relating to site drainage • Unsuitable sink traps in place • Off-site contamination or generation of secondary radioactive waste due to spillage
b4	Containment of stored materials Examples	<p>➤ Record managerial/procedural issues associated with poor storage practices under c4</p> <p>This SC only includes the infrastructure aspects of storage of radioactive substances and waste associated with the permitted activity.</p> <hr/> <ul style="list-style-type: none"> • Inadequate primary or secondary containment
b5	Plant and Equipment Examples	<p>This SC is to be used to record any issues associated with plant and equipment requirements. Plant and equipment is something which is either plugged in, has an independent power supply (e.g. a vehicle) or can be installed rather than built.</p> <hr/> <ul style="list-style-type: none"> • Risk of failure due to neglect of maintenance programme for plant/equipment could lead to an incident • Control equipment not operated properly
c1	Staff Competency and Training Examples	<p>This SC covers the practical aspects of managing activities authorised by the permit. If poor management or lack of training is identified that could lead to an environmental impact then it should be recorded here.</p> <hr/> <ul style="list-style-type: none"> • Relevant staff have poor understanding of relevant permit conditions • Poor training could lead to an accident that may lead to a release to the environment • Inadequate supervision by SQEPs

c2	Management Systems	<p>➤ Record managerial/procedural issues associated with poor storage practices under c4.</p> <p>➤ Where a management system identifies site security as being a significant control measure, then record non-compliance under d1</p> <p>➤ Record problems with accident management procedures under d2</p> <p>This SC covers procedural aspects of management and documented systems like an environmental management system. It does not apply to how a management system is applied in practice.</p>
	Examples	<ul style="list-style-type: none"> • Compliance assessment determines that some or all written management procedures are inadequate to ensure full compliance with permit conditions • Procedures not being implemented could lead to an accident
c3	Materials Acceptance	<p>This SC covers non-compliance related to the acceptance of radioactive substances and waste onto the site, including any relevant monitoring and handling procedures. It also includes any issues associated with waste quantities or materials excluded by the permit.</p>
	Examples	<ul style="list-style-type: none"> • Failure to make appropriate checks of radioactive substances has potential to impact on the environment • Excessive quantities of substances accepted onto site
c4	Storage, Handling, Labelling and Segregation	<p>This SC is for all management issues surrounding the storage and handling of potentially-polluting materials associated with the activity.</p>
	Examples	<ul style="list-style-type: none"> • Radioactive substances not kept in dedicated storage containers • Poor labelling of containers could lead to mismanagement of substances or waste • Unidentified materials or waste being stored on site • Radioactive substances stored alongside flammable materials

d1	Security	All and any security issues resulting from poor maintenance and management of physical infrastructure. Security systems must be designed to prevent unauthorised access to sealed sources.
	Examples	<ul style="list-style-type: none"> • Inadequate security arrangements leads to risk of unauthorised access to radioactive substances
d2	Accident, Emergency and Incident Planning	<p>This SC covers all non-compliance with incident planning requirements. Such requirements appears explicitly in permits relating to the holding or disposal of HASS. CTSA advice on the sufficiency of these plans may be required. In addition, fixed condition registrations (under RSA93) place a requirement on an operator to have a proportionate accident management plan.</p> <p>Operators should have arrangements in place to deal with foreseeable incidents, e.g. spill kits</p>
	Examples	<ul style="list-style-type: none"> • No arrangements in place to minimise spread of contamination following a loss of containment • Accident management plan contains serious inadequacies • Pollution prevention equipment, e.g. spill kits, not replenished
e1	Emissions – Air	Any non-compliance, from a permitted point source or otherwise, relating to an emission to air.
	Examples	<ul style="list-style-type: none"> • Discharge in excess of plant (but not site) limits without BAT justification • Discharge above permitted limits
e2	Emissions – Land	Any non-compliance, from a permitted point source or otherwise, relating to an emission to land, including waste disposal via soakaways.
	Examples	<ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to groundwater/soakaway • Discharge of an unauthorised material to the ground, from a permitted discharge point or otherwise

e3	Emissions – Water	<p>➤ Record non-compliant groundwater emissions under e2.</p> <p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to surface water.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to a surface water • Discharge of an unauthorised material to a surface water, from a permitted discharge point or otherwise
e4	Emissions – Sewer	<p>Any non-compliance, from a permitted point source or otherwise, relating to an emission to sewer.</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • A limit exceedance related to a permitted discharge to a sewer • Discharge of an unauthorised material to a sewer, from a permitted discharge point or otherwise <p><i>Consider whether we are the appropriate authority to regulate such a discharge, as the sewerage undertaker is likely to authorise point discharges under the Water Industries Act. The sewerage undertaker may be able to help with categorisation of impact.</i></p>
e5	Emissions – Waste	<p>➤ Record waste/handling management issues under c4</p> <p>➤ Record waste storage infrastructure problems under b4</p> <p>➤ Record failure to achieve a specified waste recovery target use h1</p> <p>This SC covers compliance issues associated with the transfer of radioactive wastes for disposal off-site. Poor QA, characterisation, record keeping or due diligence checks would be covered here</p> <hr/> <p>Examples</p> <ul style="list-style-type: none"> • Errors in waste transfer documentation • Disposal of waste to an inappropriately permitted facility
f1 –f5	Amenity SCs	Not usually applicable to this regime (NA)

g1	Monitoring of emissions & the environment	<ul style="list-style-type: none"> ➤ Record failure to submit monitoring data by a specified deadline under g4 ➤ Record breaches of elvs under the relevant 'Emissions' SC (e1-e5) ➤ Related <i>Infrastructure and Plant or Equipment</i> breaches associated with monitoring should also be recorded under b1 or b5 – see example below <p>This SC includes non-compliances relating to the adequacy of the monitoring system of both discharges and off-site disposals. That is what and how an operator is monitoring as well as any analytical failings. Permits may specify the required standards for monitoring, sampling, frequencies and monitoring points. Monitoring systems should be inspected and maintained. Operators should provide evidence of appropriate monitoring data through QA of the system to include methodology, equipment, labs, personnel and records.</p>
	Examples	<ul style="list-style-type: none"> • Failings or errors in respect of requirements to monitor the environment or discharges
g2	Records of activity, site diary/journal/ events	<p>All issues associated with the requirement to maintain records should be recorded against this SC except for Maintenance Records (g3), Monitoring records (g1) and Materials acceptance (c3)</p>
	Examples	<ul style="list-style-type: none"> • Operator is not keeping records in the manner required by the permit • Records are being kept, but in a place other than that specified by the permit (e.g. off-site) • Records are found to be illegible during an inspection
g3	Maintenance records	<p>This SC should be used to record any issues associated with maintenance records required by the permit. Maintenance records may extend to all and every aspect of site operations and can be a main source of information when assessing the effectiveness of plant and equipment and of infrastructure. Failure to record maintenance may indicate potential deficiencies on site.</p>
	Examples	<ul style="list-style-type: none"> • Operator has identified maintenance of a piece of key plant or equipment as a control measure in their written procedures, but no records of such maintenance are available for inspection • Evidence of lack of maintenance on key plant or infrastructure
g4	Reporting & notifications to the EA	<p>This SC should be used to record any issues associated with the requirement of the site operator to report/notify to the Environment Agency and/or any other bodies information or events as set out in the permit including the means and methods of reporting and notification.</p>

	Examples	<ul style="list-style-type: none"> • Failure to submit monitoring data by the date specified in the permit • Failure to notify us of an event that could result in pollution or a limit exceedance • Failure to notify us in the event of a change in corporate details as specified in the permit
h1	Efficient use of raw material	For radioactive substances facilities this SC should be used to record any issues relating to BAT requirements as set out in the permit, except where more properly captured elsewhere.
	Examples	<ul style="list-style-type: none"> • Evidence that BAT is not being employed by site to minimise waste production • Failing to use BAT or follow procedures to minimise discharges, including control or abatement methods
h2	Energy efficiency	Not usually applicable to this regime (NA)

This document is out of date. Withdrawn initially in January 2019.

Annex 1E: Water resources permits

The table below explains which sub-criteria may apply to water resources permits issued under the Water Resources Act and the kind of non-compliances that fall under each heading. Where a sub-criterion is not relevant to these activities then 'NA' must be entered on the CAR form. Where a sub-criterion is relevant but has not been assessed then you must enter 'N' on the CAR form.

When deciding on what category to apply to a non-compliance you should consider the reasonably foreseeable impact it could have. CICS defines specific criteria for categorising water resources incidents.

Non-compliances related to reporting are not necessarily category 4. In areas where water resources are sensitive then failure to report usage to us could be more significant. Failure to calibrate metering equipment / retain calibration certificates may also have a foreseeable impact as we may not get a true impression of the volume of water abstracted.

Sub-criterion	CAR heading	Description
a1	Specified by permit	This SC relates to the activities specifically authorised in the permit. Most restrictions to an abstraction or impoundment are covered by this SC except for non-compliances related to keeping or submission of records or non-compliances related to failure to maintain equipment.
b1 -b4	Infrastructure SCs	Not usually applicable to this regime (NA)
b5	Plant and Equipment	Failures to maintain plant or equipment related to the abstraction or impoundment, including metering equipment, are recorded here. Problems with ancillary pipework and non-compliance with metering good practice would be covered by this SC.
c1-c4	Staff competency & training	Breaching a permit condition relating to understanding of permit requirements. This is likely to be a root cause breach in certain circumstances
c2-c4	Management SCs	Not usually applicable to this regime (NA)
d1-d2	Emergency planning SCs	Not usually applicable to this regime (NA)
e1 -e5	Emissions SCs	Not usually applicable to this regime (NA)

g1	Monitoring of emissions & the environment	Includes any issues regarding the adequacy of the monitoring system, that is, what and how an operator is monitoring as well as any analytical failings. Failure to take sufficient meter readings would be recorded here.
g2	Records of activity, site diary/journal/ events	This SC covers all issues associated with record-keeping except for Maintenance Records, g3.
g3	Maintenance records	This sub-criterion should be used to record any issues associated with maintenance records that are required by the permit. Failing to keep evidence of meter calibration would be recorded here.
g4	Reporting & notifications to the EA	This sub criterion should be used to record any issues associated with the requirement of the site operator to report/notify the Environment Agency and/or any other bodies of information or events as set out in the permit. Failure to submit annual returns or advise us of changes in licence holder details would be recorded here.
h1-h2	Resource efficiency SCs	Not usually applicable to this regime (NA)

This document is out of date. Withdrawn initially in January 2019.

Annex 2: Recording amenity non-compliance on CCS

What are 'amenity conditions'?

Amenity conditions control odour, dust, noise, pests and litter and are recorded under CCS sub-criteria F1 to F5. Public concerns about our regulated sites often involve an impact on amenity.

This annex relates only to these sub-criteria F1 to F5. Other related non-compliances are recorded in accordance with the five principles at the start of this guidance. The additional rules in this annex do not apply to these related non-compliances.

! Important Record actual impact

Amenity non-compliances are different from the rest of CCS as you categorise the **actual** impact that occurred, not the reasonably foreseeable impact.

You do this by categorising the amenity breach in accordance with the [Common Incident Classification Scheme \(CICS\)](#) guidance. We default certain amenity non-compliances to category 2, which will be explained later.

Requirement for officers to substantiate amenity breaches

You must consider the wording of the permit condition. Most amenity conditions use wording similar to 'as perceived by an authorised officer of the Environment Agency'. Where this is the case then we **must attend and substantiate the amenity problem ourselves**. We must also check whether the operator has been using appropriate measures.

Only then can we assess whether non-compliance has occurred. There can be no trusted third-parties in these circumstances, even if the operator self-reports.

When assessing the use of appropriate measures, you should refer to our guidance document [How to comply with your environmental permit](#).

This is different from recording and substantiating incidents on NIRS under [CICS](#), where we are able to substantiate some pollution incidents that we have not physically attended.

Therefore just because an incident has been recorded on NIRS as being substantiated from a particular permitted activity, it may not necessarily need to be recorded on the CCS database.

'Discrete' or 'Ongoing'

Breaches of amenity conditions can either be a **discrete** non-compliance or an **ongoing** non-compliance. You must first decide which kind of non-compliance you have witnessed.

Definition of a 'Discrete' amenity non-compliance

A **discrete non-compliance** is related to a specific event that the operator resolves promptly through some kind of change in process or procedures. Complaints may be received for 1-7 days, depending on the nature of the event causing the problem. This allows operators a limited period to resolve a simple issue, e.g. while they wait for contractors to arrive to repair a faulty control measure.

How we record discrete amenity non-compliances

We record each discrete amenity breach separately, in accordance with [Principle 1: Record all non-compliance](#).

Each discrete breach should be categorised based on its own actual impact, taking into account its duration and the CICS guidance. Do not take any previous similar breaches into account when categorising a discrete breach.

Examples of discrete amenity non-compliances

The following examples of non-compliance would be considered to be discrete breaches. This is not a definitive list but is intended to be indicative of the kind of scenario that may arise.

- A piece of equipment on an installation causes noise due to a technical failure that is then addressed by an engineering fix. The same equipment then causes noise once again due to another separate unforeseeable failure at a later date. These would be two different breaches.
 - An abnormal high-BOD waste knocks out an effluent treatment plant, causing odour. A power cut at the ETP then causes a similar odour at a later date. These would be two different breaches.
 - Litter blows from a landfill site on a windy day due to particularly extreme weather rendering usual litter-control systems ineffective.
 - A composting site accepts a batch of particularly odorous waste that causes complaints once, but this is then resolved quickly by the site through improved operating techniques
-

Definition of an 'Ongoing' amenity non-compliance

An **ongoing non-compliance** occurs when a permitted site creates an amenity problem over an extended period (generally longer than one week). It is likely that we will be notified of this via reports from members of the public, though this may not always be the case.

Confirm at least one permit breach per calendar month and record this on the CCS database. This involves us physically substantiating an occasion where the amenity problem is causing, or is likely to cause, a nuisance.

We must also assess whether the site is using appropriate measures. You should refer to *How to Comply with your Environmental Permit* for further advice, as well as horizontal guidance notes H4 Odour and H3 Noise where relevant.

An ongoing event does not have to happen 24 hours a day. It may be a problem that recurs frequently during routine operation where the operator has not got on top of a situation.

How we record an ongoing non-compliance

We only enter one amenity non-compliance record per type on the database per calendar month. Therefore, even if we confirm an odour non-compliance on two or more occasions during a month then we still only enter one record on CCS.

However, if we were to witness an odour non-compliance and a different kind of amenity breach, for example a dust or noise problem, then we would record these separately (but only one each per calendar month).

We aim to score the root cause each time (see [Principle 3 – Scoring Root Cause](#)), but it is irrelevant whether this root cause is different each time when we come to categorise the amenity breach.

We still only record one amenity non-compliance per month and consider the problem as a general amenity issue, regardless of what specific activity the operator was carrying out that caused the problem on that day.

Examples of ongoing breaches

The following examples of non-compliance would be considered to be ongoing breaches. This is not a definitive list but is intended to be indicative of the kind of scenario that may arise.

- A piece of equipment that is in routine use as part of a process causes unreasonable noise every night that it is in use on an installation
- An operator fails to manage birds scavenging at a landfill site over a prolonged period, causing a nuisance for local residents
- An effluent treatment plant smelt during routine operation, with complaints dependant on whether the wind blows toward sensitive receptors
- Litter regularly blows from a landfill site during moderately windy weather due to a failure of site management to maintain the correct control measures or operating techniques
- A composting site generates a continual low-level odour that generates substantial complaints due to its persistence
- An intensive poultry farm causes odour complaints due to a regular event, i.e. strong odours occur at a similar stage of the bird-rearing cycle each time (due to a failure by operator to implement appropriate control measures)

All of the above examples can be assumed to continue for longer than one week.

Presumption of Category 2 impact for ongoing amenity non-compliance

Ongoing amenity non-compliance causes a disproportionately high impact on receptors as the duration of the nuisance is an aggravating factor. Most reasonable people will accept an occasional transient odour or noise from an activity. However, when this persists for any length of time it can have a significant impact on people's lives, businesses and how they perceive their own environment. It can also lead to behaviour and fears that may appear irrational to those not directly affected.

As such, we consider that any ongoing amenity non-compliance (except litter non-compliance) should be recorded as category 2 on CCS when the monthly record is made. This can only be downgraded or escalated to a different category with justification. You must make a record of any justification in the free-text box on the CCS database.

Increasing categorisation when a Discrete non-compliance becomes Ongoing

It is likely that in the early stages of our involvement we will not be aware that a non-compliance is going to persist and become an ongoing non-compliance. You may have already recorded the initial non-compliance as category 3 based on the evidence you had available at the time.

Once the non-compliance has persisted long enough to be considered an ongoing non-compliance then you should increase your initial record to category 2 and use this as the first monthly record. An Area Administrator will do this for you. Remember to record this on a CAR form and send this to the operator so that they are aware of the change.

Scoring root cause for amenity non-compliance

You must also consider [Principle 3: Scoring Root Cause](#), so that our effort in regulating amenity breaches is properly reflected. An amenity breach will almost always be due to some other kind of non-compliance on the part of the operator.

These non-compliances, be they procedural or technical failures, will be categorised on **reasonably foreseeable impact** and may warrant a higher categorisation than the actual impact we record for the amenity breach itself. We record these in addition to the F1-F5 amenity record, capturing our extra effort in the operator's compliance rating.

You cannot consolidate these root-cause non-compliances, but you may choose to suspend them if you feel it appropriate and the relevant criteria are met. They can only be recorded if we have carried out some additional investigatory work like an audit, inspection or procedure review in response to the amenity breach (for example when checking appropriate measures).

Example of scoring root cause for amenity non-compliances

Members of the public have been complaining for several weeks of loud noise from a large scrap metal recycling facility operating under a modern bespoke permit. We substantiate a noise nuisance and determine that the site is not using appropriate measures to mitigate the risk.

We decide that an ongoing permit breach has occurred and record it on CCS as category 2 under SC f2 – *Amenity-noise*.

During investigation we found that the noise occurs during operation of a metal shear. The shear is old and operating at a louder level than found in its design specification. There are no records of recent maintenance but you are told that the shear has not been serviced in accordance with design requirements. Site staff had noticed it was noisy but had not told line managers.

In this scenario you would record the following non-compliances onto CCS in addition to f2:

- b5 Infrastructure-Plant & equipment

Failure to carry out preventative maintenance in accordance with the overarching management condition. Failing to implement an adequate written management system is the root cause of the amenity breach.

- c1 Management-Staff competency/training

Staff failure to notify line management of a problem with the equipment indicates poor training or implementation of key procedures. This is an additional breach discovered during the investigation.

- g3 Records-Maintenance records

Records demonstrating compliance with management system are not being maintained. This is an additional breach discovered during the investigation.

Annex 3: A guide to consolidating scores

When you must consolidate multiple scores

There are three circumstances where you must consolidate multiple CCS scores into a single record.

These are:

- When non-compliances are observed in self-monitoring data or other information that an installation or waste operation submits to us periodically, in accordance with deadlines specified in a permit
- When a water discharge or (point source) groundwater activity specifies a rolling annual average limit and this limit is exceeded over an extended period
- When the permit is an old-style bespoke permit and one non-compliant act by the operator breaches numerous conditions or sub-conditions

You must consolidate scores in the way set out in these Annexes 3A-3C to ensure that we treat all operators consistently.

[Annex 3A – Consolidating periodic monitoring data over time at installations and waste operations](#)

[Annex 3B – Consolidating breaches of rolling annual averages on water discharge and some point source groundwater activity permits](#)

[Annex 3C – Consolidating breaches of old-style permit conditions](#)

This document is out of date. Withdrawn initially in January 2019.

Annex 3A – Consolidating periodic monitoring data over time at installations and waste operations

The principle Many permits specify that operators submit data and reports based on self-monitoring. When an operator's data submission contains a monitoring result or results that exceed a limit in the permit then this is non-compliance and must be entered onto CCS.

Different permits have different reporting periods. Consolidation allows us to treat each operator consistently. We date the non-compliance as if it took place on the last day of a reporting period, not by the date that a breach actually occurred.

Any monitoring in excess of what is required by the permit is not recorded on CCS, though you would record your assessment on a CAR form. We will enter one non-compliance for each limit value that is breached **during a quarter**, regardless of reporting period.

On complex installations with multiple unconnected process then we will record non-compliances on each process separately. You should still include details of **every** non-compliance in the Comments box on a CAR form.

Where you are consolidating several non-compliances you use the category of the most severe, i.e. three category 3s and two category 2s in a quarter would become one category 2 record on CCS. You should take account of the duration of the non-compliance when assessing the category, as prolonged breach of a limit may increase the risk it poses to the environment.

Note: At landfill sites different cells should not be treated as separate processes. This is because they are considered as one listed activity on the permit and these sites are risk assessed as a whole.

Definition of a quarter When consolidating non-compliance we define quarters as the periods below:

January 1 – March 31
April 1 – June 30
July 1 – September 30
October 1 – December 31

Take duration into account when categorising the non-compliance

Monitoring data allows us to see trends in how an operator is complying with permit conditions. When we categorise a non-compliant result in monitoring data we cannot ignore how that result sits in the site's overall trend of environmental performance, so should take a wider view.

A single breach of a leachate limit at a landfill site might be of only minor consequence. However, should high leachate be widespread across a site for a full quarter then this may necessitate a change to site risk assessments. A more serious categorisation may be warranted as a result.

Similarly, at a waste water treatment works a one-off limit exceedance may have only minor impact. Should a single determinand remain above limit for a longer period then we may need to choose a more serious category, in a similar way to how we record Look-Up Table non-compliances.

Consolidating over a quarter Most current permit templates require operators who submit monitoring data to do so quarterly and submit their data by the end of the following month in the manner below:

Quarter	Submission deadline
Q1 - 1 Jan – 31 Mar	30 Apr
Q2 - 1 Apr – 30 Jun	31 July
Q3 - 1 Jul – 30 Sep	31 Oct
Q4 - 1 Oct – 31 Dec	31 Jan

Where a limit is breached multiple times during a quarter's monitoring then we consolidate these to one non-compliance, dated on the last day of the quarter in question.

Where two or more limits are breached on one or more occasion, then we record one breach for each limit exceeded during that period.

For example, a landfill that reports two non-compliances with leachate head trigger levels during Jan-Mar would be scored once, with a non-compliance date of 31 March. If the same site reported a breach of a landfill gas trigger level during the same quarter then this would be recorded as an additional non-compliance, also dated 31 March.

! Important

An important date is 31 December. If we receive a monitoring report at the end of January it is important that it is assessed before the end of February and non-compliances are recorded against 31 December. This is so that these are counted as part of the operator's compliance rating for that calendar year when reports are run in early March. Failure to do this will result in us invoicing the operator incorrectly.

This document is out of date. Withdrawn initially in January 2019.

Sites with different reporting periods

It can complicate matters when a permit specifies a reporting period other than quarterly. We consolidate monitoring data as though it had been submitted quarterly so that these operators are not unduly advantaged or disadvantaged.

We do this in the ways described below.

For monthly reporting

When an operator submits data monthly we record a non-compliance with a limit at the end of the monthly reporting period (using the last day of the month as the non-compliance date). We only record this particular non-compliance once in a quarter.

Breaches of the same limit later in the following months' monitoring data should be mentioned in the CAR form comments box, but should be consolidated against the previous month's record. Once a new quarter starts then the breach can be recorded again.

Worked example

A sewage treatment works must report its monitoring data monthly. The works breaches its iron limit in January, March and April. Consolidation of scores is carried out as follows:

Month	Compliant/non-compliant iron reading	Comment
January (Q1)	Not compliant	First iron breach of the quarter Record on CCS database
February (Q1)	Compliant	No action required
March (Q1)	Not compliant	Comment on CAR form but consolidate against January's record.
April (Q2)	Not compliant	First iron breach of the quarter. Record on CCS database

Where more than one limit is being breached then these should be recorded and consolidated separately. For instance, were the works in the above example to also fail on benzene in February and March, we would record a new non-compliance on February 28 against the benzene limit and then consolidate the March benzene failure with that.

We always use the most severe categorisation of the records that we have consolidated. In the example above it is possible that January's iron failure could be categorised as 3, but March's iron failure might be category 2. In this circumstance we should amend the original record (of January's failure) up to a category 2, rather than creating a new record in March.

Your local Area Administrator can do this for you.

For six-monthly and annual reporting

When data is reported over a period longer than a quarter then we break it down and treat it as though it had been submitted quarterly. For a year's monitoring data we can score up to four non-compliances against one limit, and in six-monthly data we can score up to two against one limit.

Worked example

An operator must report their monitoring monthly for total suspended solids and report this data annually. During the course of the year they record a number of non-compliant results that they submit in the following January's report. They submit results as set out below:

Month	Compliant/non-compliant TSS reading	Comment
January (Q1)	Compliant	Record one consolidated score for the two Q1 non-compliances
February (Q1)	Non-compliant	
March (Q1)	Non-compliant	Record one score for Q2
April (Q2)	Compliant	
May (Q2)	Compliant	
June (Q2)	Compliant	Record one score for the Q3 non-compliance
July (Q3)	Compliant	
Aug (Q3)	Not compliant	Record one consolidated score for the three Q4 non-compliances
Sep (Q3)	Compliant	
Oct (Q4)	Not compliant	
Nov (Q4)	Not compliant	
Dec (Q4)	Not compliant	

In the calendar year covered by the report the operator has breached their permit six times. We record three scores on CCS, all dated 31 December. If they had a quarterly reporting requirement this would have resulted in three scores, so by consolidating in this way we ensure that operators with different permits are treated in the same way.

Six-monthly reporting follows the same principle, with non-compliances recorded against the last date of the reporting period.

Where we have agreed a non-standard reporting period with an operator

Most permits use standard reporting periods, i.e. January-March, April-June, July-September, October-December. Many permits make provision for us to agree different reporting periods in writing. Larger operators often make such agreements with us in order to spread the reporting burden throughout the year.

In these circumstances we will still record all breaches as if they occurred on the final day of the reporting period. Therefore, if a site has agreed a reporting period of December-February, a breach in December would be recorded on the last date in February.

We accept that this may lead to a limited number of breaches in one calendar year not being recorded on the CCS database until the next.

This document is out of date. Withdrawn initially in January 2019.

Annex 3B – Consolidating breaches of rolling annual averages on water discharge and (point source) groundwater activity permits

The principle Some water discharge and (point source) groundwater activity permits include conditions that limit certain determinands based on a rolling annual mean concentration. Such a condition will look like this:

The annual mean concentration (in any period of twelve months) of Total Phosphorus in the Discharge shall not exceed one (1) milligram per litre (expressed as P).

It is possible for a single high measurement during the twelve month period to significantly distort the rolling annual mean concentration. One high result could lead to the condition being breached for several months.

We consolidate these successive non-compliances into a single CCS record, with the category based on its reasonably foreseeable impact over the twelve month period.

This document is out of date. Withdrawn initially in January 2019.

**Worked
example**

A sewage treatment works monitors monthly for P. The works' permit specifies a maximum annual mean concentration of Total P of 1mg/l.

Over a 12 month period the following results are recorded:

Month	P result (mg/l)	Mean conc in previous 12 mths (mg/l)	Comments	
<i>Year 1</i>				
January	0.8	-	During the first year no annual mean conc can be derived. No non-compliance is possible	
February	0.8	-		
March	0.9	-		
April	0.8	-		
May	1.0	-		
June	0.8	-		
July	0.8	-		
August	0.8	-		
September	0.9	-		
October	1.0	-		
November	0.7	-		
December	5.2	1.20		Non-compliance starts. Record on CCS
<i>Year 2</i>				
January	0.6	1.19	Jan-Sep remains in non-compliance due to the high failure in December. We consolidate all of these with the initial record from December.	
February	0.8	1.19		
March	0.9	1.19		
April	1.0	1.21		
May	0.5	1.17		
June	0.5	1.14		
July	0.5	1.12		
August	0.4	1.08		
September	0.5	1.05		
October	0.4	1.00		Site is now compliant
November	0.7	1.00		
December	0.8	0.63		

In this example one high result in December of year 1 has caused the works to breach the condition for ten successive months. To prevent this from distorting the compliance rating of the site, we **consolidate** all of the results into one record.

Categorise the record based on the reasonably foreseeable impact of the results you have seen during the preceding twelve months. In the example above, depending on the specific features of the water body, you may choose to categorise that as 3, a minor impact, because there was only one exceedance during the whole year.

There may be situations where you choose to apply a higher category because the limit is exceeded for several months.

More than one condition under the same sub-criterion The sub-criteria (SC) boxes on a CAR form allow us to compare compliance information across different regimes and different styles of permits.

It is common on older permits for more than one condition in a permit to correspond with each box. If two conditions are breached that fit the same SC it is important that you only make one CCS entry. Use the highest categorisation of the relevant breaches you have identified, e.g. if you find two c2 Management System breaches, one Category 2 and another Category 3, then make a single Category 2 record.

You should still record all the condition numbers breached in the relevant box on the CAR form.

Sub-criteria add an element of consistency to the wide range of permits we regulate and help us to interpret information.

This document is out of date. Withdrawn initially in January 2019.

Annex 3C: Consolidating breaches of old-style permit conditions

The principle We regulate a wide range of permits. Most modern permits contain just one condition related to a certain aspect of an operation. Some older permits contain multiple conditions or sub-conditions relating to the same thing (particularly waste permits).

By consolidating these multiple conditions we are being fair to the holders of old-style permits. You should still include details of every non-compliance in the comments box on the CAR form.

Although most non-compliances of this type will be the same category, it is possible that they may not be. In this case you use the highest category (i.e. one category 3 and one category 4 would be recorded as a single category 3 non-compliance)

Example of an old-style permit condition

The condition below is an example of an old style condition where a single failure, e.g. a vandalised fence that has not been repaired, could result in multiple non-compliances. These should be consolidated to one record.

2.8 Security

- (a) Existing gates, fences, hedges and tree boundaries maintained around the boundary of the site to prevent unauthorised access.
- (b) Gates adjacent to the public highway shall be securely locked shut at all times outside operational periods or when the site is unsupervised and all reasonable precautions shall be taken to prevent unauthorised access.
- (c) Fencing to impede unauthorised access and to prevent accidental access to the site shall be provided. The fencing shall be stock-proof and a minimum of 1m in height.
- (d) All damage to gates and fences which impair their effectiveness will be repaired as soon as practicable with at least temporary, but secure repair being achieved by the end of the working day.
- (e) Signs, warning of the dangers to trespassers on the site, shall be displayed at intervals on the perimeter fence.

More than one condition under the same sub-criterion

The sub-criteria (SC) boxes on a CAR form allow us to compare compliance information across different regimes and different styles of permits.

It is common on older permits for more than one condition in a permit to correspond with each box. If two conditions are breached that fit the same SC it is important that you only make one CCS entry. Use the highest categorisation of the relevant breaches you have identified, e.g. if you find two c2 Management System breaches, one Category 2 and another Category 3, then make a single Category 2 record.

You should still record all the condition numbers breached in the relevant box on the CAR form.

The only exception to this rule comes where multiple different emission limits have been breached (sub-criteria e1-e5 only). If two different emission limit values are breached then we record each of these separately (i.e. stack limit failures of NOx and SOx would be both be recorded as separate breaches of the e1 sub-criteria (*Emissions-air*)).

Annex 4: Template agreement for suspending CCS scores

Items in Red – Amend/delete as appropriate

A Name
ABC Ltd
The Street
ANYTOWN
County Somewhere
WX12 3YZ

Our ref: EPR/AB1234CD
Your ref:
Date: XX XXXX 20XX

Dear Sir/Madam/Mr/Mrs Name

Returning your site to compliance with your environmental permit

We recently identified **non-compliance(s)** with your environmental permit. Failure to comply with a permit condition is an offence and it is important that you resolve **this problem/these problems** as soon as possible. During recent discussions you proposed to take steps to return your activity to compliance that we consider reasonable.

We record all breaches of permit conditions on our Compliance Classification Scheme (CCS) database. These records contribute to an annual compliance rating that affects your annual subsistence charge (see our OPRA guidance at www.environment-agency.gov.uk/opra for full details.)

While you carry out these steps we will continue to record your site as non-compliant on our CCS database. However, we are prepared to 'suspend' these ongoing permit breaches so that they do not count toward your annual compliance rating.

Please complete and return the attached Action Plan specifying your proposed actions with appropriate completion dates. Your proposals should be clearly set out and achievable.

Once we agree with your proposals and timescales for action then we will suspend non-compliances from that point forward **for a period no longer than six months*(delete if period is going to be less than six months)**. However, we reserve the right to cancel the suspension and count all permit non-compliances toward your compliance rating should you fail to follow the actions specified or should you cause pollution to the environment.

If you have any queries or concerns please contact me on **01234 567890**.

Yours **sincerely/faithfully**

A N OFFICER
Job title here

Action plan to resolve permit non-compliance

Permit number	Operator name	Site name

Permit condition not complied with & CAR ref. no.	Actions you propose to take Include important milestones and dates	Completion dates

This document is out of date. Withdrawn initially in January 2019.

I/we* confirm that I/we* will carry out the above steps and return the activity to compliance with my/our* permit by the dates specified (*delete as appropriate)

Operator’s signature..... Date.....

I confirm that I agree to suspend CCS scores while the above operator carries out the specified steps, subject to our Rules of Suspending Scores

Environment Agency team leader’s signature..... Date.....

Annex 5: Additional scoring guidance for water discharge and some (point source) groundwater activities

What do we record on CCS?

When a water discharge or groundwater activity is regulated by an environmental permit, we record all non-compliance with permit conditions on CCS, whether descriptive or numeric.

We will record all non-compliance and are not prepared to offer temporary 'relaxations', for example due to maintenance at water treatment works. Permitted plants should be designed so that maintenance is possible whilst still meeting permit conditions.

We do not record failures at exempt discharges or failure to comply with statutory notices.

How do we record non-compliance with water discharge and groundwater permits

We assess permit non-compliance on a determinand basis, meaning that each separate determinand failure is recorded individually.

We do this regardless of whether the failure relates to a Look-up Table (LUT) limit, an upper tier (or absolute) limit, or a mean limit.

We can consolidate multiple non-compliances during a reporting period, as long as they are the same determinand, in accordance with [Principle 4: Consolidating scores](#) and the rules in [Annex 3A](#).

We must always enter details in the free text box that clearly explains the nature of the non-compliance

Identify the specific discharge point

Water discharge activity and point-source groundwater activity permits can have a number of separate identified discharges. In these cases it is crucial that the specific non-compliant discharge is identified on the CCS database.

Our non-compliance reporting to OFWAT needs us to specifically identify discharges and not just permits. If you fail to record this information accurately on CCS, we will not be able to report accurate information to OFWAT.

YOU MUST clearly indicate in the CCS database "condition" field the exact discharge that is non-compliant as well as the condition breached when entering a non-compliance against a discharge permit number that covers more than one discharge. In the relevant box you must enter the name of the discharge and permit schedule as well as the condition breached rather than just the condition number.

For example -

for Town STW - discharge permit number 1234, enter <**settled storm sewage, schedule 2, condition 3**> rather than <3> in the 'Condition breached' field.

This will allow those producing reports to recognise that this CCS score is relevant only to the settled storm discharge and not to the final effluent discharge for Town STW (permit number 1234).

! Important**Transfer of WIMS data to the CCS database**

Limit failures that are identified in WIMS are transferred into CCS for processing on a monthly basis. These must be processed within 14 days.

CCS gives each non-compliance a suggested categorisation to help you. **Do not assume that these are correct.** Your local knowledge on the nature of the receiving watercourse/groundwater body is an essential factor in categorisation that the CCS database does not take into consideration.

The reasonably foreseeable impact of identical discharges will differ depending on the size and/or quality, sensitivity and so on, of the receiving water.

Annual mean concentration limits

Some permits require the annual mean concentration of a specific determinand (often phosphorus) to be kept below a limit. One bad monitoring result has the potential to significantly distort an annual average for up to a year.

In these circumstances we consolidate the multiple non-compliances. See [Annex 3B](#) for further details.

Look-up Table (LUT) non-compliances

An exceedance is a sample result showing a value higher than the permit numeric limit. Where there have been more than the allowed number of exceedances for a determinand, the limit becomes a non-compliance and should be recorded on CCS. Record a failure for each determinand separately on CCS:

- categorise an initial LUT non-compliances as category 2 by default. Higher numbers of exceedances will increase the failure to category 1
- each rolling 12-month LUT non-compliance must be assessed by looking back at monitoring data received in 12 months prior to the latest exceedance
- each rolling 12 month LUT non-compliance should be recorded on CCS in the calendar year reporting period in which the latest exceedance occurs

Example 1

In the example below the LUT permit condition allows two exceedances in any rolling 12 month period.

These sample results were recorded following a previous exceedance of the BOD LUT permit limit in the December of the preceding year (no other BOD LUT exceedances occurring in this year).

Month	Result	Month	Result
December	- BOD exceedance	July	- pass
January	- pass	August	- BOD exceedance – CCS failure – cat 1
February	- BOD exceedance	September	- pass
March	- pass	October	- pass
April	BOD exceedance – CCS failure – cat 2	November	- pass
May	BOD exceedance – CCS failure – cat 1	December	- pass

June	- pass		
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Notes on example 1

The table of notes below shows how we process example 1 above.

We will use CCS data to produce Opra OP3 compliance attribute scores.

Note	Description
1	We use the exceedances for the preceding December and February as part of the LUT assessment but they are not classified under CCS.
2	The exceedance in April is the third exceedance in a rolling 12 month period. We categorise this as a LUT non-compliance under CCS (category 2). We record the date of this non-compliance as the date the exceedance occurred in April.
3	We take into account the extent of failure when categorising this non-compliance (for example, twice the allowed number of exceedances would lead to a CCS category 1).
4	The exceedance in May means that there is now twice the number of allowed LUT exceedances in that rolling 12 month period, we categorise this as a category 1. We record the date of this non-compliance as the date the exceedance occurred in May.
5	The exceedance in August means that there is another rolling 12 month period with more than the allowable number of exceedances, again this is more than twice the number of allowable exceedances and this is also classified as category 1. We record the date of this non-compliance as the date the exceedance occurred in August.

This document is out of date. Withdrawn initially in January 2019.

Choosing the correct category

All breaches should be categorised in accordance with [Principle 2: Reasonably foreseeable impact](#).

Generally the CCS classification for non-compliance events is the actual environmental impact classification defined under [CICS](#) for assessing incident severity. However there are some circumstances when non-compliance could give rise to a greater foreseeable impact than the actual. Such an event would be classified at a higher CCS category.

The clearest situations are where third party intervention, or fortuitous circumstances, has mitigated the effect of an incident arising from a breach of a permit condition. See examples below.

Example 1

A discharge took place and the operator took no remedial action; the pollution was reported to us by a public complainant. We attended the site and arranged for booms to be put in the river to minimise the environmental impact.

Example 2

A discharge took place and the operator took no remedial action, the discharge was diluted due to high river flows caused by heavy rainfall.

Example 3

A discharge took place causing significant impact to SSSI. The discharge was traced back to the operator. The operator failed to provide monitoring data relating to that discharge.

Example 4

A failure by the operator to return data, when analysis of recent data indicates trends of elevated discharge levels and where the environmental monitoring data are well overdue to us, with no action being taken by the operator.

Category 1 could foreseeably lead to a [CICS](#) category 1 incident (or have led to a cat 1 incident)

Class	Description
1a	Circumstances arising from permit non-compliance which cause, or have the potential to cause, exceedance of a recognised Environmental Quality Standard (such as an EU Directive standard, existing River Quality Objective (RQO), or entry of hazardous substances into groundwater.
Unless the state of the receiving water suggests that there will be a lesser foreseeable impact, use the following as indicators for the classification of non-compliances as category 1:	
For Water Services Company discharges	
Class	Description
1b	More than twice the upper tier (sanitary) limit.
OR 1c	More than four times any absolute (that is, non-sanitary) limit.
OR 1d	Twice the number of (allowed) exceedances using the LUT condition specified in the permit.
For industrial/private Sewage Treatment Works (STW) discharges	
Class	Description
1e	More than four times any absolute standard.

For Ultra Violet (UV) disinfection	
Class	Description
1f	More than 5% of measurements of UV dose are less than the permitted dose limit, after allowing for meter accuracy.
OR 1g	On two successive 24-hour periods (from midnight to midnight), 10% or more of measurements of UV dose (taken consecutively during each 24-hour period) fall below 50% of the permitted dose limit.

Category 2 could foreseeably lead to a [CICS](#) category 2 incident (or have led to a cat 2 incident)

Class	Description
2a	We may judge significant but localised damage to a SSSI or other important aquatic wildlife habitat to be a category 2 event.
Unless the state of the receiving water suggests that there will be a lesser or higher potential impact, use the following as indicators for the classification of non-compliances as category 2:	
For Water Services Company (WSC) discharges:	
Class	Description
2b	Exceedance of the upper tier (sanitary) limit.
OR 2c	More than twice any absolute (that is, non-sanitary) limit.
OR 2d	More than the number of (allowed) exceedances but less than twice the allowed number using the LUT condition specified in the permit.
OR 2e	Exceedance of the upper tier limit specified in Urban Waste Water Treatment Directive (UWWTD).
OR 2f	Exceedance of UWWTD conditions for the percentage reduction and/or 95 percentile limits (using a standard LUT for UWWTD).
For industrial/private STW discharges:	
Class	Description
2g	More than twice any absolute limit.
For UV disinfection:	
Class	Description
2h	More than 3% of measurements of UV dose are less than the permitted dose limit, after allowing for meter accuracy.
OR 2i	On any one occasion, 10% or more of measurements of UV dose, taken consecutively during any 24-hour period (from midnight to midnight), fall below 50% of the permitted dose limit.

Category 3 could foreseeably lead to a [CICS](#) category 3 incident (or have led to a cat 3 incident)

Class	Description
3a	We may judge minor impact on a fish population and/or habitat to be a category 3 event.
Unless the state of the receiving water suggests that there will be a lesser or higher potential impact, use the following as indicators for the classification of non-compliances as category 3:	
This could include:	
Class	Failure to ...

3b	achieve the conditions of a descriptive permit in accordance with the requirements of the (descriptive) permit's compliance policy (such as exceedance of the 250 population equivalent criterion).
3c	comply with any of the maintenance conditions specified in a permit (e.g. cleaning of UV lamps).
3d	comply with flow-related conditions of a permit (needs good supporting evidence in line with flow monitoring policy).
3e	All other non-compliances with numeric permit conditions not previously identified above nor in 4b below.
3f	All non-compliances with comparative permit conditions (such as fish farms).

Category 4 has no foreseeable environmental harm.

Class	Description
This could include:	
Class	Description
4b	Exceedance within 20% of a numerical limit.
4c	Failure to comply with reporting requirements. Use your judgement for categorising this reporting failure as a category 3 in instances where the information requirement could have environmental consequences.

This document is out of date. Withdrawn initially in January 2019.

Annex 6: Additional scoring guidance for (land spreading) groundwater activities

How to use this annex

Non-compliance with previously termed “Groundwater Authorisations” or an environmental permit for (land spreading) groundwater activities (collectively referred to here as groundwater permits) must be recorded onto the CCS database.

As in other regimes the five Principles of CCS apply to groundwater activities.

However, as officers can carry out groundwater compliance work infrequently, this annex provides some extra guidance on the reasonably foreseeable impact we expect to result from groundwater non-compliances.

Two tables below suggest typical categorisations for the common conditions found on groundwater permits for the discharge of used sheep dip and pesticide washings.

This guidance applies only to the recording of non-compliance on the CCS database. Details of groundwater permit inspections including non-compliances should also be recorded on the FARMS system where appropriate, and non-compliances reported to the Rural Payments Agency / Rural Inspectorate for Wales accordingly.

This annex does not apply to permits authorising the discharge of sewage effluent to ground or to groundwater i.e. point source groundwater activities.

Types of permit

Permits contain standard conditions depending on whether they are sheep-dip or pesticide washings permits. Modern permits (EPR permits) can contain more generic conditions with some sector-specific conditions added.

This document is out of date. Withdrawn initially in January 2019.

Table 6A: Groundwater permits relating to waste sheep dip discharges

Groundwater sheep dip permits contains 20 sector-specific conditions. This table summarises each condition and indicates the default categorisation that applies in **most** situations. However, the reasonably foreseeable impact must be considered in each case. If you are unsure whether the default categorisation is appropriate then consult with a local groundwater specialist.

! Important The condition number below may not necessarily correspond with the condition number in a specific permit

Cond. no.	Condition summary	Default CCS cat	Notes
1	<i>The discharge shall consist only of used / waste sheep dip</i>	4	May be up to cat 2 for disposal of unlicensed products
2	<i>The discharge shall be undertaken at the location specified...so that:</i> <i>a) There is no direct input of hazardous substances to groundwater or surface waters</i> <i>b) Groundwater is not polluted</i> <i>c) The discharge causes no adverse effects on water for human consumption</i> <i>d) Discharges only to be made in accordance with permit conditions</i> <i>e) The permit holder must take all measures to minimise impact of discharge</i>	1 or 2 1 or 2 1 or 2 See note See note	d: Depends on category of other breach e: Assess reasonably foreseeable impact
3	<i>The discharge shall be made by application onto an overall discharge site</i> <i>a) centred at NGR XXX</i> <i>b) As shown on the attached plan</i>	3	May be higher if location is more sensitive. We must assess the area where discharge occurred before categorising.
4	<i>The discharge shall be made by spreading onto an area of land with minimal wildlife value. The area shall not include hedgerows, woodlands or wildflower meadows, or land that is bare as part of a crop rotation.</i>	3	Likely cat 3. The following would constitute a breach: <ul style="list-style-type: none"> ○ discharge to land of wildlife value ○ discharge to bare ground (as part of crop rotation)
5	<i>The discharge of used / waste sheep dip shall not be made to land on which crops are currently being grown for human consumption.</i>	2	
6	<i>No part of the discharge area shall lie within:</i> <i>a) 10m of nearest watercourse (including ditches and open land drains, which may run dry for part of the year) or 30m of any river designated as a European Site, Site of Special Scientific Interest or other nature conservation, heritage or landscape sites as appropriate;</i> <i>b) 50m of any well, spring or borehole, irrespective of its use;</i> <i>c) 500m or other distance of any well, spring</i>	2	Further assessment is essential in these cases.

	<i>or borehole where the water is intended for human consumption; d) 25m of an identified swallow hole.</i>		
7	<i>No discharge shall be within 2m of any field boundary or footpath</i>	3	Assess any risk to members of the public. Seek advice from expert enforcing authorities such as Natural England, Defra, Welsh Assembly Government, Countryside Council for Wales.
8	<i>No discharge...shall take place on land which: a) is under drained or has been under drained or mole drained within 12 months, or is cracked down to the drain or any backfill; b) has slope >11° c) is frozen hard or snow covered; d) is liable to flooding; d) is severely compacted or waterlogged.</i>	2 or 3	Discharge to frozen, flooded or waterlogged ground can provide a fast track to watercourses. Impact on surface water should also be assessed.
9	<i>Discharge equipment and/or methods shall be designed & operated such that [volume conditions] can be met</i>	4	Escalate if a volume condition was actually breached
10	<i>The discharge to [the area of land] identified above shall not be undertaken more frequently than once per year</i>	4	Overapplying waste will invalidate risk assessment
11	<i>The maximum volume of used/waste sheep dip (of working strength) before any dilution to assist safe spreading, shall not exceed X m³/a discharged to the land identified in schedule 7 and subject to the requirements of condition X (discharge frequency condition)</i>	See note	Technical assessment is essential to find out the impact of any non-compliance of this condition. If technical assessment shows that site remains within pass criteria for level 1 or 2 assessment, then cat 4. If site fails to meet level 1 or 2 then assign higher cat. Possibly 1 or 2 if hazardous substances could pollute groundwater.
12	<i>The maximum daily spreading rate of used/waste working strength sheep dip shall not exceed X m³ spread evenly on a minimum of X hectares of the land identified in schedule 7.</i>	See note	As note 10 above.
13	<i>The discharge of used/waste sheep dip shall only be carried out between the dates of XX and YY each year inclusive</i>	See note	We use this time limiting condition at sensitive sites where there are species at risk from the discharge activity, such as ground nesting birds. Agree cat with your Habitats Advisor. Cat 3 likely to be appropriate in many cases. Consider higher if significant but local effect.
14	<i>Records for discharges of waste sheep dip shall be made available for inspection upon</i>	4	Failure of this condition takes two forms – failure to

	<p>request and shall include:</p> <ul style="list-style-type: none"> a. name, address and NGR of the site where the used/waste sheep dip originated; b. daily volumes of undiluted used/waste sheep dip discharged; c. rates of discharge; d. location and area of discharge; e. nature of used dip (marketing authorization name will suffice); f. any materials used to dilute or treat the used/waste sheep dip, including water or slurry; g. for multiple discharges, records demonstrating compliance with only one permitted discharge per designated area of land per year shall be kept. 		<p>keep and produce records with no actual or potential environmental impact; and failure to keep or produce records where an actual or potential environmental impact has occurred.</p> <p>Increase Cat if lack of records could lead to operator causing an impact, e.g. by overapplying waste</p>
15	[The EA] shall be advised when a discharge is planned...	4	This condition is optional and should only be used when it is necessary for us to know for compliance assessment reasons when a discharge is planned.
16	There shall be no discharge of [...] dip under the terms of this permit until <date>	4	
17	[Sheep dip] shall be treated prior to discharge...	3	
18	Used sheep dip should be stored in bunded areas / in accordance with British standards	See note	Will vary depending on reasonably foreseeable impact
19 (EPR only)	The operator shall...undertake monitoring specified in the [tables] in... the permit	4	
20 (EPR only)	Where the operator proposes [to change their activities]... a) [we] should be notified... etc.	4	

Table 6B: Permit conditions relating to pesticide washings discharges

Groundwater pesticide washings permits contains 17 sector-specific conditions. This table summarises each condition and indicates the default categorisation that applies in **most** situations. However, the reasonably foreseeable impact must be considered in each case. If you are unsure whether the default categorisation is appropriate then consult with a local groundwater specialist.

! Important The condition number below may not necessarily correspond with the condition number in a specific permit

Cond. no.	Condition summary	Default CCS cat	Notes
1	<i>The discharge shall consist only of washings from pesticide spraying equipment and the spraying vehicle and not pesticide container washings...</i>	2	Assessment under tech assessment framework is necessary to determine category
2	<i>a) Washing of spray equipment and vehicles after use shall take place in an area selected for the purpose, which cannot drain into drains, ditches and surface watercourses; b) Contaminated wash water should be stored and re-used later as make-up water... c) Where re-use is impractical, pesticide washings should be applied to the treated crop... The maximum dose must not be exceeded; d) Where spreading to the treated crop is either not practical or not possible, discharge shall...comply with the conditions set out in this Permit.</i>	2 3 Not enforceable See note	a: Dependant on tech assessment b: Escalate if local circumstances, such as groundwater vulnerability, apply. d: A breach could either result in discharge outside the permitted area, or within the permitted area but in breach of other conditions.
3	<i>The operator shall take all reasonable action to eliminate...the amount of...pesticide solution requiring discharge</i>	3	
4	<i>The discharge shall be undertaken at the location...so that: a) There shall be no direct input of hazardous substances... b) Groundwater...is not polluted c) The discharge shall not cause any adverse effects on sources of water intended for human consumption d) Discharge(s)...shall only be made in accordance with [permit conditions] e) Provided that the discharge hereby authorized is made in accordance with...this Permit, the discharge shall not be...in breach of conditions (a), (b) or (c) above... f) The Permit Holder shall take all practicable measures to minimise adverse environmental impact of the discharge.</i>	1 or 2 1 or 2 1 or 2 See note See note See note	d: Depends on cat of the other permit that was breached e-f: Base on reasonably foreseeable impact
5	<i>The discharge shall be made by application</i>	3	May be higher in sensitive

	<i>onto an area of land centred at...</i>		locations. Assess area of discharge before final categorisation
6	<i>The discharge shall be made by application onto an area of land...of minimal wildlife value <various optional extras></i>	2 or 3	See note 4 for sheep dip (Table 6A)
7	<i>No discharge within 10m of a watercourse, 50m of well or spring, 25m of an identified swallow hole, etc.</i>	2	See note 6 for sheep dip (Table 6A)
8	<i>No discharge within 2m of field boundary / footpath</i>	3	See note 7 for sheep dip (Table 6A)
9	<i>No discharge on land which is recently underdrained / sloped / frozen / waterlogged etc</i>	2 or 3	See note 8 for sheep dip (Table 6A)
10	<i>Discharge equipment and/or methods shall be designed and operated such that the requirements of [volume conditions] are met.</i>	4	Escalate if volume conditions actually breached
11	<i>The maximum volume of pesticide washings following dilution to assist safe spreading, shall not exceed Xm^3/a discharged to the land identified in schedule 7 and subject to the requirements of condition X (daily spreading rate condition).</i>	See note	See note 11 for sheep dip (Table 6A)
12	<i>The maximum daily spreading rate of working strength pesticide washings further diluted with slurry or water ... shall not exceed Xm^3 spread evenly on a minimum of X hectares of the land identified in schedule 7.</i>	See note	See note 11 for sheep dip (Table 6A)
13	The minimum interval between each application to the same area shall be at least 3 days.	4	This condition is optional and will not always be used. Consider site-specific circumstances.
14	Frequency of discharge	4	See note 10 for sheep dip (Table 6A)
15	Time limiting condition	See note	See note 13 for sheep dip (Table 6A)
16	Records shall be made available for inspection...	4	See note 14 for sheep dip (Table 6A)
17	No discharge before a specified date	4	

Annex 7: Checking data on CCS

You can check data quality by running the report function within CCS.

Access to this reporting function in CCS is available to everyone and the CCS user guide explains how to do this. You can easily obtain specific details by adjusting 'output criteria' for reports.

Note: CCS entries can be belatedly entered for non-compliance that occurred a significant time ago. So an occasional 'backward look' at the data on the CCS database ensures that any belated entries that contain errors are identified and rectified.

Annual check

The summary at the end of this annex gives you an idea of who should carry out the various quality checks and when.

In addition to any periodic quarterly or monthly checks you may be doing, a thorough annual check on data for all facilities regulated under EPR must be completed by the end of February each year.

We use CCS records to calculate a regulated facility's compliance rating for the calendar year and this can be used to influence annual subsistence charges.

You must assess and input CCS scores for non-compliances shown by monitoring data we receive as soon as possible. For data collected during October to December of the calendar year this must be assessed and the CCS score input by the end of February. Monitoring non-compliance should be dated as occurring on the last day of the appropriate reporting period.

Data which has not been quality assured and is wrong presents a significant reputational risk for us.

Checking entries

Follow the steps below if you need to check CCS category 1 and category 2 entries.

Step	Action
1	Each quarter run a report for all category 1 and 2 entries. To do this, on the criteria tab filter, select the date, area and categorisations, in this case category 1 and 2.
2	On the output criteria tab select the detailed report tab. This will produce a report with all details for the category 1 and 2 events for the area, region or regime selected for the specified dates.
3	Once you obtain this report click on extract as Excel file to transfer the information into a spreadsheet where it can be more easily assessed and manipulated.

Checks

1	Check all entries have appropriate comments that justify the enforcement response and categorisation. Record the CCS record number and name of officers for those records without adequate comments or that have no comments. Feedback to the officer's Team Leader to ensure adequate comments/justification are incorporated in future.
2	For category 1 and 2 events for the Water Quality regime, assess whether the initial category provided by the calculator is correct or has been changed for the particular non-compliance. This can be done by comparing the original 'Reason for Classification' with the actual classification. Consider the size of watercourse, adequacy of consent standards, local situation and regime specific instructions.
3	Assess which officers, regimes and sites have entered category 1 and 2 non-compliance and determine if they have been correctly categorised. Whilst category 1 and 2 events are rare, a high number or an absence may indicate other issues, such as not

	understanding the CCS principles. This may be a training issue.
4	Ensure all the category 1 and 2 events are correct and if necessary use the enforcement panel and/or experienced officers to help quality assure.

Check Approach to Limits (ATL) categorisation

Follow the steps below to check the ATL categorisation.

Step	Action
1	The ATL classification was previously used for the EPR installations regime when an emission limit non-compliance has been assessed using the compliance calculator. It should no longer be used as CCS is a system for recording non-compliance. As ATL is not considered a non-compliance then we should not be recording it. To do this check, run a CCS report by selecting your area, date period and the ATL categorisation and all regimes apart from the installations regime.
Check	
1	Check whether any records have been given an ATL category, note the CCS record numbers that have and identify those officers still using the ATL option.

Check for duplicates

Follow the steps below to check for duplicate records.

Step	Action
1	Run a detailed report for a given time period for your area and export the results into an Excel spreadsheet.
2	Sort this data by site name or permit number.
3	Look at CCS entries for individual sites that have the same time and date to see if they are duplicates.
4	Consider the type of non-compliance and/or the reason for classification and any comments. It is okay and possible to have multiple entries on the same date although the type of non-compliance, sub-criteria A1 to H2 or the reasons for failure must generally be different.
5	In addition, for the water quality regime it is possible to have duplicates provided each record is a failure of a different determinand. However, consider LUT non-compliance.
Checks	
1	Record the number of duplicate records out of the total.
2	Note names of officers that make persistent mistakes.
3	If after investigation you are convinced duplicate records have been entered, contact your CCS area administrator to discuss removing them.

Check for Look-up Table (LUT) duplicates

Follow the steps below to check for Look-up Table (LUT) duplicates and to assess if they are correct. LUT compliance is assessed on a rolling 12 month basis except for urban Waste Water Treatment Directive (UWWTD) samples which are assessed on a fixed calendar year.

Step	Action
1	Run a detailed report filtered for the water quality regime and export the results into an Excel spreadsheet.
2	Sort data by discharge site names and assess whether a particular discharge has more than one LUT non-compliance for each parameter.
3	For these discharges check that each LUT non-compliance relates to an individual exceedance and that looking back 12 months from the date it occurred there are more

	exceedances for that determinand than are allowed in that 12 month period taking account of the number of pre-scheduled samples taken.
4	<p>LUT non-compliance will be dated when the exceedance occurred that actually led to the permit breach taking place, i.e. on the day when the allowed number of exceedances for that determinand has been surpassed. Comments should refer to other exceedances detailed on WIMS for that parameter which contribute to that rolling 12 month period failure.</p> <p>Note: CCS only works automatically based on a calendar year and an assumed pre-scheduled sampling frequency for that year, rather than a rolling 12 months. This facility needs to be deactivated but until it is you will need to ensure that all LUT non-compliances recorded on CCS are actual LUT failures which look back 12 months from the date of the latest exceedance and are recorded as occurring on the date of the latest exceedance. Individual exceedances may contribute to more than one individual LUT failure if they appear within the preceding 12 month period of subsequent exceedances.</p>
Checks	
1	Record whether any LUT non-compliance for a particular site has been left on CCS as a duplicate or incorrect non-compliance.
2	Record whether the category is correct; where the number of exceedances in the 12 month period preceding the latest exceedance is equal to or more than twice the allowed number of exceedances for a determinand the category will be 1 rather than 2. There may be other information to support categorisation such as Environmental Quality Standards (EQS) failures in the receiving watercourse.
3	If after investigation you are convinced duplicate records have been entered, contact your CCS area administrator to discuss removing them.

Checks

Some areas may record first 'failures' of descriptive consents on WIMS as a numerical value and they are transferred into CCS monthly with other water quality limit failures. Descriptive sites may subsequently pass a second inspection and are therefore compliant despite the initial 'failure' registering in CCS.

We must remove the first failure from CCS, even if a descriptive consent has failed a second time. The first failure needs to be removed as such sites can only fail once and the first record is a duplicate.

Follow the steps below to check for descriptive errors.

Step	Action
1	To check for descriptive errors, run a detailed report for the water quality regime for your area for the year in question. Export the data into an Excel spreadsheet and sort data by Permit Condition to find all descriptive failures.
2	Check with EM teams to ensure that the site had not passed a second inspection.
3	Also, check the category of any substantiated failures which should typically be category 3 entries or in exceptional circumstances category 2.
Check	
1	Record the number of incorrect descriptive entries.
2	Record the number of incorrect classifications.
3	Note officer names to ensure they can be made aware of any errors.

Check non-compliance accuracy

On the 15th day of each month, any water quality failures detected by our own monitoring or Operator Self Monitoring (OSM) are transferred across from WIMS into a holding file on CCS. We must process these non-compliances within 14 days. This standard is now a KPI measure. Follow the steps below to check the accurate and timely processing of water quality non-compliance.

Step	Action
1	Log in and click on 'process WQ non-compliance' and assess how many of these are outstanding and how old they are.
Checks	
1	Record the number of outstanding WQ non-compliances for your area.
2	Assess which officers are failing to do this within acceptable time periods.
3	Record how many are outstanding for more than 6 months.
4	Notify area officers and their team leaders of WQ non-compliances outstanding for more than 6 months.

Check enforcement response

The 'normal' enforcement response for category 3 or 4 non-compliance is a written warning or giving Advice and Guidance. For category 1 and 2 non-compliance the 'normal' response is a formal caution or prosecution.

In all cases you must include adequate justification for the proposed enforcement response in the comments.

To do this, follow the steps below to check enforcement response.

Step	Action
1	Run a detailed report filtering on category 1 and 2 events that do not have a prosecution or formal caution as the proposed enforcement response.
Checks	
1	Examine the quality of comments and record the number where the enforcement response is not justified.
2	Run a detailed report and filter on all events for a particular period of time that have 'No Further Action' as a proposed enforcement response. Examine comments to assess the number where the minimum enforcement response of a written warning or giving Advice and Guidance has not been given.

Methods for checking data quantity

Obligation to use CCS

We use CCS to record and categorise all non-compliance with our permits.

Staff in the following roles must all be familiar with CCS and know how to enter and categorise non-compliance:

- Environment Management teams including Environment Officers and Technical Specialists;
 - PPC officers;
 - Officers dealing with RSR Authorisations and Registrations;
 - Staff checking Groundwater Authorisations.
-

Checking use of CCS

We can detect officers that have not entered any details onto CCS by running reports. Such a discovery indicates either:

- that no non-compliance has been detected by that officer; or
- that they are not using CCS to record non-compliance.

Some teams may have administrative support staff who enter CCS data so actual names of officers may not appear on the database, in which case you may wish to run a report on a particular site instead.

The majority of non-compliance has to be entered manually, with the exception of limit failures recorded on WIMS which are transferred monthly into CCS for processing.

Check NIRS for incidents caused by non-compliance on permitted sites

The National Incident Recording System (NIRS) database allows officers to flag any incidents on sites with our permits.

Regardless of what fields are actually completed by officers, make an assessment of NIRS data to determine whether any incidents could be due to permit non-compliance. Enter any non-compliance onto CCS.

Be aware that amenity breaches often need to be substantiated by an officer before it is actually a non-compliance, regardless of the number of complaints we have logged on NIRS.

Check water company compliance information reported to us

Water companies report some types of compliance information directly to us such as;

- Operator Self Monitoring performance;
- Urban Waste Water performance;
- UV monitoring and efficacy returns;
- flow measurement;
- statutory defences, unusual weather waivers, act of third party, and so on;

Sampling and Collection teams and/or area/regional WIMS Data Custodians may also hold information regarding analytical and sampling errors. If results are removed from or changed in WIMS for any reason they must also be correspondingly removed/changed from CCS so that both sets of data match.

We must record certain decisions on WIMS. These include our decisions relating to unusual weather requests, UWWTD abnormal operating condition waivers and third party statutory defences. We record our decisions on WIMS using the appropriate determinand code on the relevant sample result and these must be taken into account when assessing compliance.

Area Senior Environment Officers must check that all notifications of OSM and UWWTD failures are correct and have been recorded on to CCS and that all notifications of OSM and UWWTD failures required to be made to us have been made. Where a notification of failure hasn't been reported to us as required this could result in a further non-compliance being recorded on to CCS.

Make checks with regional staff regarding the content and accuracy of CCS data when comparing to WIMS data notably in relation to MD109 reporting.

Check CAR forms for EPR compliance work

We must complete CAR forms whenever we undertake compliance assessment work. Any non-compliance on CAR forms should be found on the CCS database. Examine comments on CAR forms to assess whether the root cause of any non-compliance has also been scored.

An operator's self-monitoring data may inform us of continuing, frequent or continuous non-compliance. The CAR form approach allows us to consolidate such non-compliance. This means that ongoing emission non-compliance over a set period can be rolled into one CCS entry on one CAR form rather than every non-compliance having to be recorded on CCS for every 24 hour period.

It is important you understand how to consolidate non-compliance.

We need to ensure that we record on CAR forms and the CCS database any non-compliance determined from monitoring data that is required by the permit. Examples would include waste returns, monitoring data, and CQA reports.

Ensure Enforcement Panel understands how we use CCS

Most regions use the Enforcement Panel to quality assure CCS records. The panel generally only reviews data that is in CCS, rather than looking at data that is not there, but which should be.

However, any significant absence of CCS data from particular teams and/or officers must be brought to the attention of the Enforcement panel. In addition, the Enforcement panel must check that any proposed enforcement is in line with the 'normal' enforcement response, and justified by comments.

Train officers to use CCS

There is a CCS eLearning course on the Easinet aimed primarily at new staff. Alternatively the Operational Technical Services (OTS) Compliance Team can supply training material for use by area data custodians where they want to run their own events.

In addition there is a CCS helpdesk (mail CCSHelp) for queries.

Check Water Resources NALD data

National Abstraction Licensing Database (NALD) is used by Water Resources to store data such as annual returns from licensed abstractors.

The failure to return information or the over abstraction of water is usually a non-compliance that must be recorded on CCS. Compare NALD with the CCS to ensure all non-compliances have been entered. Working with regional teams is essential to ensure the annual MD109 return to Ofwat mirrors data in CCS.

Check IIF Forms

We must also check the Integrated Inspection Forms (IIF) and information about pig and poultry installations and environmental permits for groundwater activities (former authorisations).

We use the IIF to capture any non-compliance with agricultural installation permits and their compliance with environmental permits for groundwater activities. These data are input into the FARMS database for reporting to the Rural Payments Agency under cross compliance rules. We must record any non-compliance detected on the CCS database where Environment Agency issued permits are in force.

Summary

Quality checks	Suggested frequency	Standard	Record	Action by
Cat 1 and 2	monthly	100% correct	Numbers or % of category 1 and 2 events that are correct. Teams or officers making mistakes.	CCS LDC/TL/Enforcement Panel
ATL	monthly/ quarterly	0% for non-PPC regimes	Numbers or % of non (former) PPC ATL categorisations. Officers making incorrect entries.	CCS LDC/TL/EO
All records for comments	monthly	100% for all entries	Numbers or % of entries without comments and with inadequate comments.	CCS LDC/TL/EO
Cat 3 and 4	quarterly	90% correct	Percentage correct	LDC/TL
Descriptive consents	monthly/ quarterly	100% correct	Numbers or % of Descriptives failures on CCS that are incorrect	LDC/TL
IIF/CAR/W R51 Forms	monthly/ quarterly	100% correct	Numbers or % of non-compliance on forms but not on CCS.	LDC/TL
Quantitative checks				
Officer checks use	quarterly	All officers doing compliance work use system	Names of officers not using CCS	LDC/TL/ AEM
NIRS records	monthly	All incidents at sites we permit where non-compliances have occurred are recorded	Numbers or % not on CCS	LDC/officers
WIMS	quarterly	Checks to ensure any changes or corrections on WIMS reflected on CCS	Numbers or % of incorrect records	LDCs/MAD/ WIMS data custodians
RSU WQ checks	annual	Checks to ensure any regionally supplied data is on CCS	Numbers or % of missing records	RSU/MAD/ LDC/TLs

Annex 7: Checking data on CCS

NALD check	annual	Check to ensure NALD non-compliance are on CCS	Numbers or % of missing records	WR officers/ LDC/ EOs/TLs
IIF Forms	quarterly	Check to ensure all non-compliance are on CCS	Numbers or % of missing records	LDC/TL
CAR Forms	quarterly	Check to ensure all non-compliance are on CCS; root causes are being recorded and on going non-compliance consolidated.	Numbers or % of missing records. Officers not using CAR forms, not consolidating non-compliance/detecting root causes of non-compliance.	LDC/TL

This document is out of date. Withdrawn initially in January 2019.

Annex 8: Providing CCS information externally

Protective Marking

All reports run from the CCS database should be handled in accordance with our procedures relating to the handling of sensitive information. Reports are likely to contain personal information regarding customers and should be classified accordingly.

What's in your backyard (WIYBY)

If we receive a request for compliance information about a particular site, we can refer customers to the WIYBY tool on our website. If more detailed information is requested then you should be aware of the information in this annex.

Legal basis for providing the data

The public have a right of access to any information held on a statutory public register.

Where information is not part of a statutory public register, the Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 imposed a new regime governing the public's right of access to all kinds of information we hold.

Where do I send the request?

Requests for CCS information, in whatever form, shall be treated in the same way as any other request for information from external bodies or the public. All requests should be channelled through the relevant Corporate Services/ External Relations team (NCCC or local team) to allow tracking of the request, any charging issues to be identified and to ensure that we are giving out the right information.

Customer charter

You need to be aware of the tight customer charter and legal deadlines (**the law only allows us 20 working days to respond**) for providing this type of information.

Checking the data

When providing CCS data we must ensure that the categorisation of non-compliance is in accordance with CCS instruction and guidance. For clarity it is good practice to use the following paragraphs when sending out responses to external requests for CCS data.

The Compliance Classification Scheme (CCS) categorises non-compliance of environmental permit conditions, enabling us to identify the seriousness of a non-compliance.

The CCS category is based on reasonably foreseeable environmental impact and not the actual environmental impact of the non-compliance. Since we use reasonably foreseeable environmental impact it is possible to have a serious (category 1 or 2) non-compliance without any actual environmental impact.

We define the four classifications of CCS as follows:

- *CCS category 1 - a major environmental impact is foreseeable*
 - *CCS category 2 - a significant environmental impact is foreseeable*
 - *CCS category 3 - a minor environmental impact is foreseeable*
 - *CCS category 4 - non-compliance but no environmental impact is foreseeable (technical non-compliance).*
-

Should I release the information?

Where the information requested from the CCS database is information which is held on the public register (as set down in the relevant legislation governing the registers for each regulatory regime) that information should be made available should a request be made for it.

Where the information is not part of a statutory public register then we operate a presumption in favour of the release of information and this applies to the release of CCS information. However, there are some restrictions to this general position, summarised below:

Type of Permit Holder	Likely Action	Comments/ Issues
Company	Release information	Release, except where the release could prejudice an impending prosecution or the information could be commercially confidential
Other Bodies Corporate	Release information	Release, except where the release could prejudice an impending prosecution or the information could be commercially confidential
Individual	Do not release without making further legal checks	Release only if meets provisions of Data Protection Act 1998
Individuals trading as partnership	Do not release without making further legal checks	Release only if meets provisions of Data Protection Act 1998
Releasing info for individuals & partnerships		For individuals and partnerships it is not acceptable to simply remove the name from the permit holder field as it may still be possible to identify to whom the record related by a combination of the record and other publicly accessible information.
Proposed enforcement response		For all detailed records, the information concerning the proposed enforcement and remedial actions should not be released . This is because the actions are 'proposed' and may change; in this situation it would be unfair to indicate that we were proposing to prosecute a person who we subsequently issued a warning to for an offence. If we inform a person that we intend to issue a warning for an offence and then decide prosecution is the more appropriate response we may be prevented from prosecuting them on the grounds we had led them to expect we would only be issuing a warning.
Releasing comments fields text		As the comments field contains free text, whether the information should be released needs to be assessed on a case by case basis. This is because the comments box could contain commercially confidential information; or information that, if released, could prejudice any future prosecution; or, in the case of individuals, the comments box may contain personal information which if released must be done so in line with the provisions of the Data Protection Act 1998.
Can I provide CCS documents externally?		Yes. There are no restrictions on the release, on request, of the generic and functional guidance documents that support the consistent use of the CCS.

Where to find more information

The release of information from CCS is considered to be a normal request for information, and therefore covered by our guidance on Responding to Information Requests and the associated guidance.

Use the Easinet pages to find information concerning the Freedom of Information Act, Public Register, Human Rights Act and the Environmental Information Regulations.

Link: <http://intranet.ea.gov/policies/48423.aspx>

Finally...

If you still have any doubts about whether or not to release information concerning CCS to outside bodies, please contact your local Corporate Services/ External Relations team or the National Customer Contact Centre.

This document is out of date. Withdrawn initially in January 2019.

Related documents

Links

[CCS Database User Guide](#) (Word, 1.5MB)

[526_06 Methodology for Assessing Compliance \(MAC\) for installations and waste facilities regulated under the Environmental Permitting Regulations 2010](#)

[525_06_SD01 CAR1 Report \(English\) – Compliance Assessment Report form](#)

[525_06_SD04 CAR1 Report \(Welsh\) – Ffurflen Adroddiad Asesu Cydymffurfiaeth \(Cymraeg\)](#)

[Compliance Assessment Database](#) (CAD)

[04_01 Incidents and their classification: the Common Incident Classification Scheme \(CICS\)](#) (Word, 894KB)

[1428_10 Enforcement and Sanctions guidance](#) (Word)

[1430_10 Offence Response Options](#) (pdf)

[202_05 Generic Methodology for Assessing Compliance](#) (Word)

[PPG 2 Above Ground Oil Storage Tanks](#) (PDF)

[HMSO - Control of Pollution \(Oil Storage\)\(England\) Regulations 2001](#)

This document is out of date. Withdrawn initially in January 2019.