



Applying the Compliance Classification Scheme to breaches of environmental permits for a groundwater activity

Operational instruction 26_05

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This document is for staff at level 3 of the Permitting and Compliance: Securing compliance capability in the Environment Officers technical development framework.



Document details

What's this document about?

This document sets out typical incident classifications, under the Compliance Classification Scheme (CCS), for the various possible breaches of conditions within environmental permits for a groundwater activity authorising the discharge of waste sheep dip or pesticide washings to land. It does **not** apply to environmental permits authorising the discharge of sewage effluent to ground / groundwater.

We give an example of each condition, with information about non-compliance and the resulting CCS classification.

Use this document with [235_03 Compliance Classification Scheme generic guidance](#).



Related documents

Who does this apply to?

Applies to staff assessing and categorising non-compliance with environmental permits for a groundwater activity (hereafter referred to as "permit") under the Environmental Permitting (England & Wales) Regulations 2010.

This includes:

- Environment officers;
- Groundwater and Contaminated Land technical officers;
- Environment Management team leaders.



Feedback

Contact for queries

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Compliance Classification Scheme

Legal background

The **Environmental Permitting Regulations, 2010, (EPR 2010)** is legislation that implements, amongst others, the European Directives:

- establishing a framework for Community action in the field of water policy (2000/60/EC); (Water Framework Directive – WFD) and
- on the protection of groundwater against pollution and deterioration (2006/118/EC) (Groundwater Daughter Directive – GWDD) .

The **EPR 2010** require, amongst others, that the discharge of hazardous substances and/or other non-hazardous pollutants (as defined by the Regulations) to land are controlled by means of a permit.

As part of the determination process, a risk assessment (prior examination) must be carried out for each discharge site that is applied for, and all permits include specific conditions for the discharge of hazardous substances or other non-hazardous pollutants. We will only grant a permit if we consider the local hydrogeological and environmental conditions suitable.

Using the CCS

CCS is a tool that ensures consistency in the way we report and respond to non-compliances with permit conditions. While the CCS applies to all permitted activities, this document only describes categorising the significance of non-compliance with conditions found **in permits relating to the discharge of waste sheep dip and/or pesticide washings to land**.

Whenever non-compliances occur, we record them on CCS, regardless of whether the environmental impact is actual or potential. Incidents that have an actual environmental impact and are recorded using the Common Incident Classification Scheme (CICS) should also be recorded using CCS.

For further information on the CCS, refer to [235_03 Compliance Classification Scheme generic guidance](#).

Applying the CCS to permits

In applying the CCS to permits, there are a number of general principles:

- [need for further assessment](#);
 - [possible need to consult](#);
 - [potential consequences](#);
 - [risk-based regulation](#).
-

Need for further assessment

Non-compliance with permit conditions **could** impact on the quality of groundwater, surface water and allied wetland habitats.

Often, we can't immediately determine the CCS category during a compliance inspection. The significance of a breach may require assessment: see OI [102_05](#).

Example

Often, the significance of exceeding permitted volumes can't be determined until we have completed a level 1 and/or Level 2 assessment of the excessive spreading. The resulting CCS category will be largely determined by the acceptability of the activity within the framework.

Possible need to consult

You may not be able to fully determine the significance of breaching certain permit conditions without consulting with other teams or external bodies.

Example

You can only determine the significance of discharging of waste sheep dip by spreading to land in a closed period by consulting with your local Habitats Advisor.

Potential consequences

Reporting non-compliance with a permit condition may have a significant effect on a farmer's single farm payment under cross compliance. When categorising non-compliances, ensure the category you have allocated is consistent with the importance placed on non-compliance in the cross compliance regime rules.

Area Agriculture Technical Leads (process liaison contacts) can provide advice on cross compliance issues.

Risk-based regulation

Any enforcement action we take should be 'proportionate to the potential risks posed to the environment and to the seriousness of any breach of the permit condition'.

This document adopts a precautionary approach in advising the appropriate category for each offence by assuming a worst case scenario. Case-specific factors will determine the eventual CCS category.

Assigning categories

The following pages detail each permit condition, a typical breach and the CCS category likely to result from such a breach.

The numbering system used in this document to label the conditions is consistent with the **general order of conditions typically found in groundwater permits granted under the old Groundwater Regulations 1998 or 2009.**

Important! Although you will be inspecting compliance under the EPR 2010 and with respect to the requirements of the WFD/GWDD, remember that until December 2012 you will in all likelihood be viewing conditions at permitted sites that were originally issued under the old Groundwater Regulations.

Conditions relating to discharges of waste sheep dip

Overview

Purpose Sets out conditions relating to discharges of waste sheep dip together with information about breaches and the CCS category likely to result from a breach.

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Condition 1

The condition *“The discharge shall consist only of used / waste sheep dip, derived <optional from use at <.....> / optional from use at multiple locations*> from sheep dip used in accordance with appropriate marketing authorisation issued by the Veterinary Medicines Directorate of the Department of Environment, Food and Rural Affairs (Defra).”*

* **Note** We use the multiple locations option to permit mobile sheep dipping facilities.

The meaning of this condition This condition restricts the permit holder to only **discharging** of waste sheep dip from the source(s) stated in the condition.

Therefore, to discharge of waste sheep dip from a source other than that specified in the permit (a neighbouring farm, for example) would constitute a breach of this condition.

Information There is no legal requirement in **the EPR 2010** to specify where waste sheep dip for discharge has originated. However, as we have included it as a condition of the permit, we consider discharging any other waste sheep dip (as in the above example) a non-compliance. As such, we log and categorise it in CCS. The appropriate category in such an instance would be category 4.

Resulting CCS category As the permit will be for the discharge of waste dip, the intention of this condition is to define within the permit what the term means, and thus limit discharges to those that have been assessed.

The use and discharge of unlicensed products, as observed in the misuse of TOPPEL 10 during 2003¹, could significantly impact on the environment. Classify the use of unlicensed products as category 2 under CCS. This needs an investigation within the prior examination and technical assessment framework, using the appropriate tools, and noting the differences between the nature of the actual activity and the original assumptions made.

The final category depends on the nature of the product, although it would be reasonable to expect the discharge of the unlicensed product to land would have the potential for a significant but localised effect on land or water quality. This approach reflects how seriously we view the discharge of unlicensed products.

¹ TOPPEL10 is an arable formulation of Cypermethrin that a number of Welsh farmers used for dipping sheep as it was cheaper to buy. The formulation was not licensed for use on sheep and did not have the same physical properties of the licensed sheep dip product, resulting in significant impact to the water environment.

Condition 2

- The condition** *The discharge shall be undertaken at the location specified in <##(3 below)> so that:*
- a. There shall be no direct input of hazardous substances (set out in Annex # to this Groundwater permit) to groundwater or surface waters;*
 - b. Groundwater (as defined by the Groundwater Regulations) is not polluted;*
 - c. The discharge shall not cause any adverse effects on sources of water intended for human consumption;*
 - d. Discharges of hazardous substances and/or other non-hazardous pollutants (as defined by the Regulations) shall only be made in accordance with the following conditions of this groundwater permit;*
 - e. The groundwater permit holder shall take all practicable measures to minimise adverse environmental impact of the discharge.*
-

Information Parts (a), (b) and (c) should only be breached if subsequent conditions in the permit are not complied with.

By definition, part (d) can only be breached by a breach of another condition.

Breaches of part (e) are not straightforward to prove or enforce, however, it is likely that such a breach would result in the breach of another condition.

Resulting CCS category It is reasonable to expect breaches of parts (a), (b) or (c) to cause pollution to groundwater such that water quality would be significantly affected on a localised scale. CCS category 1 or 2 would be an appropriate response to such a breach. Consider category 1 if a breach puts major fish populations, aquatic habitats, water abstractions, fish farms or major commercial interests at risk.

As above, part (d) can only be breached by a breach of another condition. In this event, assign the CCS category appropriate to the other breach.

For breaches to part (e), default to CCS category 4. However, elevate this to the category appropriate to the other breach to determine the overall failure category.

Condition 3

- The condition** The discharge shall be made by application onto an overall discharge site:
- a. Centred at National Grid Reference : **XX xxxx xxxx**;*
 - b. As shown marked on the attached plan (including boundary of the overall discharge site optional <and sub-division into individual areas for each discharge>).*
-

Information This condition is breached when a discharge takes place outside of the permitted discharge area.

Resulting CCS category A breach of this condition means that discharge has taken place to a site that has not been subject to a prior **examination**. In this case, assign CCS category 3 initially, as we could expect a minor environmental impact as a result.

After the compliance inspection that highlights the breach, it is essential to carry out a prior **examination**. If this investigation finds the site to be unsuitable, consider assigning a higher CCS category. Assign a still higher category if the breach could reasonably be expected to cause a significant but localised effect on the environment.

Condition 4

The condition *The discharge shall be made by application onto an area of land (optional < with an established vegetation cover >) of minimal wildlife value. The area of land shall not include hedgerows, woodlands or wildflower meadows, or land that is bare as part of a crop rotation. (Optional < The spreading shall be conducted in strips across the discharge area such that there are unaffected strips at least xx metres wide between the strips on which the discharge has taken place.>) The discharge of used/waste sheep dip shall not be made to land on which crops are currently being grown for human consumption.*

Information This condition reflects our general environmental protection duties. We haven't defined the term 'minimal wildlife value', therefore the enforceability of this condition may be open to argument. The evidence we need to take a case based solely on a breach of this condition may be greater than usual. Consult with other departments and bodies before deciding the impact and enforcement outcome.

The following would constitute a breach of this condition:

- discharge onto crops intended for human consumption;
 - discharge to land of wildlife value (hedgerows, woodland and meadow);
 - discharge by blanket application as opposed to strip application (when included);
 - discharge to bare ground (as part of a crop rotation).
-

**Resulting
CCS category**

Discharge to crops for human consumption

Default to CCS category 2 on the basis that the incident has the potential to significantly impact on agriculture or commerce. Such a discharge renders the crop unfit for use. Consult with the relevant external regulator, such as the Food Standards Agency, in such cases.

Discharge to land of wildlife value

If the condition of the land changes or is not as described in the application such that the discharge is to land of minimal wildlife value, default to CCS category 3. Consulting with your Habitats Advisor will help in these cases.

Not disposing in strips

This condition is often included when the site is at the margin of acceptability as judged by the technical assessment, on the grounds of conservation concerns. Default to CCS category 3 if a breach of this condition occurs. Consulting with your Habitats Advisor will help in such a case.

Discharge to bare land

Discharge to bare ground when used as part of a crop rotation is not permitted. Default to CCS category 3.

Condition 5

The condition

No part of the discharge area shall lie within:

- a. 10 metres of the nearest watercourse (which includes ditches and open land drains which may run dry for part of the year). (<optional or 30 metres of <optional a river designated as > a Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC)>);*
 - b. 50 metres of any well, spring or borehole, irrespective of its current use;*
 - c. (optional) 25 metres of an identified swallow hole;*
 - d. (optional) <500 metres><or other distance> of any well, spring or borehole where the water is intended for human consumption>.*
-

Information

This condition reflects the general pollution prevention advice given to farmers and growers to avoid causing water pollution as detailed in Defra's '[Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers](#)', and the [Groundwater protection code - use and disposal of sheep dip](#).

A breach of any aspect of this condition could reasonably be expected to harm the water environment.

**Resulting
CCS category**

As a breach of this condition creates an unacceptable pollution risk, default to CCS category 2. A breach of this nature automatically results in further investigation and assessment.

Condition 6

The condition *No discharge shall be within 2 metres of any field boundary or footpath.*

Information This condition reflects our general environmental protection duties. Discharge to a public footpath may cause a minor impact on human health.

Resulting CCS category Due to the public health risk such a breach would cause, default to CCS category 3 for these cases. Seek advice from expert enforcing authorities such as:

- Natural England;
 - Defra;
 - Welsh Assembly Government;
 - Countryside Council for Wales;
 - Local authority environmental health departments.
-

Condition 7

The condition *No discharge of used/waste sheep dip shall take place on land which:*

- a. <optional is under drained><Has been under drained or mole drained within 12 months> prior to any discharge operation, or is cracked down to the drain or any backfill;*
- b. has a slope greater than 11 degrees (approximately 1 in 5);*
- c. is frozen hard or snow covered;*
- d. is liable to flooding;*
- e. is severely compacted or waterlogged.*

Information This condition reflects the general pollution prevention advice given to farmers and growers as detailed **in relevant codes of practice**.

Discharge in the situations detailed in this condition, present an unacceptable risk of pollution.

Resulting CCS category As discharge on frozen, flooded or waterlogged ground can provide a fast track to watercourses, classify such cases as CCS category 2 or 3 as appropriate.

Condition 8

The condition *Discharge equipment and/or methods shall be designed and operated such that the requirements of Conditions xx and xx (volume conditions) are met.*

Information This condition is breached where spreading rates can't be controlled due to the use of unsuitable equipment. Discharges in excess of the permitted amounts can occur as a result of breaching this condition.

Resulting CCS category CCS category 4 is appropriate if the breach was exclusively of this condition. However, if this breach resulted in a breach of further conditions (for example 10 or 11), you must default to the most serious category appropriate to those condition breaches.

Condition 9

The condition **Condition 9a**
The discharge to the land identified in condition 3 above shall not be undertaken more frequently than once per year.

or

Condition 9b
The discharge to the same individual area of land within the overall discharge site identified in condition 3 above shall not be undertaken more frequently than once per year.

Information This condition has been introduced as a result of the Landfill **Directive** (implemented via the **EPR 2010**).

Used sheep dip can only be disposed of to the same area of land within the overall discharge site once per year. This ensures the requirements of the Landfill Directive are not breached. You can find additional information on this condition in the [Joint policy and process advisory note](#).

Resulting CCS category Consider CCS category 2 in such non-compliances as, technically, a breach of this condition would render the discharge illegal under the EPR 2010.

Condition 10

The condition *The maximum volume of used/waste sheep dip (of working strength), before any dilution to assist safe spreading, shall not exceed xx cubic metres per day and xx cubic metres per annum disposed of to the land identified in Condition 3 above.*

Information It is essential to carry out a technical assessment to find out the impact of this non-compliance.

Resulting CCS category If the technical assessment reveals that the site remains within the pass criteria for a level 1 or 2 assessment, CCS category 4 is appropriate.

If the assessment reveals that the site fails to meet the level 1 or 2 criteria, consider a higher category.

If the non-compliance causes or has the potential to cause hazardous substances to **input** / pollute groundwater, **potentially assign CCS category 1 or 2 as appropriate.**

Condition 11

The condition **Condition 11a**
The maximum daily application rate of used/waste working strength sheep dip shall not exceed ### cubic metres spread evenly on a minimum of ### hectares of the land identified in condition 3 above.

Condition 11b
The maximum daily application rate of used/waste working strength sheep dip further diluted in the ratio of ## part(s) dip to ## parts slurry or water shall not exceed AAA cubic metres spread evenly on a minimum of BBB hectares of the land identified in condition 3 above.

Information It is essential to carry out a technical assessment to find out the impact of this non-compliance.

Resulting CCS category If the technical assessment reveals that the site remains within the pass criteria for a level 1 or 2 assessment, CCS category 4 is appropriate.

If the assessment reveals that the site fails to meet the level 1 or 2 criteria, consider a higher category.

If the non-compliance causes or has the potential to cause hazardous substances to **input** / pollute groundwater, assign CCS category 1 **or 2 as appropriate.**

Condition 12

The condition *The discharge or tipping of used/waste sheep dip shall **only** be carried out **between** the dates of AA and BB each year inclusive for the duration of this groundwater permit.*

Information We use this time limiting condition at sensitive sites where there are species at risk from the discharge activity, such as ground nesting birds.

Resulting CCS category Agree the appropriate CCS category for this breach by consulting with your Habitats Advisor. CCS category 3 is likely to be appropriate in many cases. Consider a higher category if significant but localised effect on a European site, terrestrial fauna or other important wildlife habitats may reasonably be expected.

Condition 13

The condition *Records shall be made available for inspection on request by the Environment Agency for at least four years. A form is provided which you may use for this purpose. They shall include:*

- a. (optional – for use with mobile sheep dip contractors only) name, address and NGR of the site where the spent sheep dip originated;*
 - b. daily volumes of undiluted spent sheep dip disposed;*
 - c. rates of discharge;*
 - d. location and area of discharge;*
 - e. nature of used dip (marketing authorisation name will suffice);*
 - f. any materials added to dilute or treat the used/waste sheep dip including water or slurry.*
-

Information It is rare for field officers to witness discharges taking place. Keeping records is therefore fundamental in demonstrating compliance with the conditions of the permit, for assessing the impact of the activity **and for reporting compliance with the WFD/GWDD to Defra and Europe.**

A breach of this condition can take one of two forms:

- The first is failure to keep and produce records with no actual or potential environmental impact.
 - The second and more serious breach is where a failure to keep or produce records has occurred and contributed to an actual or potential environmental impact.
-

**Resulting
CCS category**

If you discover a failure to keep records, use the following procedure to decide the appropriate CCS category.

Step	Action
1	Get verbal information on the discharges since the last compliance inspection.
2	If this information is available and enables you to determine that the discharge activity has caused no actual or potential environmental impacts, CCS category 4 is appropriate. The requirement to keep and make available records, and the consequence of continued or repeated non-compliance, should be stressed to the permit holder.
3	If the failure to keep records contributes to an actual or potential pollution incident, consider a higher CCS category.

Example

If it is clear that the failure to keep records has or could have led to the entry of **waste sheep dip or pesticide washings** to groundwater, determine the CCS category using the guidance provided for condition 2.

**Further
information**

Keeping accurate records is fundamental. If the holder refuses or is unable to supply information about the discharge activity, view this very seriously when deciding the enforcement outcome. Refer to the [Enforcement and prosecution policy](#) for further information.

In the event of repeated failure to keep accurate records, the CCS categorisation doesn't alter, but the enforcement response may depend on the frequency of the event. This may either be a repeat non-compliance (repeated non-compliance with a specific condition over time) or a multiple non-compliance (non-compliance with multiple conditions over time).

This is clarified in the [Enforcement and prosecution policy](#). An additional sanction would be to revoke the permit or to **vary** it accordingly.

Condition 14

The condition

The Environment Agency shall be advised when a discharge is planned. A pre-paid postcard will be provided for this purpose, to be sent when dipping is to take place.

Information

This condition is optional and not applied in all cases.

**Resulting
CCS category**

If we apply this condition and it is not complied with, a CCS category 4 is the appropriate outcome.

Condition 15

The condition *There shall be no discharge of used/waste sheep dip under the terms of this groundwater permit until <future date>.*

Information Discharge before the specified date would constitute a breach of this condition.

Resulting CCS category CCS category 4 would be the appropriate course of action in this case. If a breach of this condition has the potential to damage habitats or pollute groundwater unacceptably, consider a higher category.

Condition 16

The condition *The used/waste sheep dip shall be treated prior to discharge according to manufacturer's guideline.*

Information Currently, we have only approved two forms of alternative treatment for used /waste sheep dip: (Sodium hydroxide & surfactant; and Calcium hydroxide (slaked lime)). Whilst these are effective at greatly reducing toxicity, they are still highly polluting due to the concentrations of residual dip and elevated pH. (NOTE: these alternative forms **do not** refer to the Landguard OP-A enzyme treatment which has yet approved as a Standard Permit Rule set).

Resulting CCS category Initially, CCS category 3 would be appropriate, subject to further investigation.

Condition 17

The condition **Condition 17a**
If the used/waste sheep dip is stored before discharge, then the store must be within a bunded area so as to contain any spilled material.

or

Condition 17b
For use with mobile sheep dip contractors only

If used/waste sheep dip is stored before discharge, then the store must conform to current relevant British standards (BS5502: Part 41: 1990).

Information It is reasonable to expect that storing waste dip in, for example, a rusting or bundless container, would have the potential for a significant but localised effect on **surface / groundwater**.

Resulting CCS category Adopt a baseline CCS category 2, subject to further investigation.
This approach reflects our significant concerns about used / waste dip storage.
After investigating, it may be appropriate to re-categorise a breach of this condition as CCS category 3.

Conditions relating to **discharging** pesticide washings

Overview

Purpose Sets out conditions relating to **discharging** pesticide washings together with information about breaches and the CCS category likely to result from a breach.
! Important to avoid confusion within this document **only**, pesticide washing conditions have had the suffix “pw” applied to their numbering in order to distinguish them from sheep dip conditions, i.e. Condition 1 (pw); 2 (pw); etc

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Condition 1 (pw)

The condition *The discharge shall consist only of washings from pesticide spraying equipment and the spraying vehicle and not pesticide container washings, <optional used at <... ...>, > arising from cleansing operations following the application of pesticides.*

Pesticides shall only be those currently approved for use under the Food and Environment Protection Act 1985 (FEPA 1985).

Pesticide shall mean (as defined in FEPA 1985) "any substance, preparation or organism prepared or used for destroying any pest."

Information This condition defines the term **pesticide** within the permit, as the permit will be for the discharge of pesticide washings. Discharges are limited to those that we have assessed and permitted.

The discharge of other or unlicensed products would have the potential to significantly impact on the environment.

Resulting CCS category Initially, you should assign the use of non-permitted or unlicensed products CCS category 2 pending further investigation. This type of serious non-compliance requires an investigation within the technical assessment framework, using the appropriate tools.

The final category will depend on the nature of the product used. This approach reflects how seriously we view the use and discharge of non-permitted or unlicensed products.

Further information This condition can also specify the source of waste pesticides subject to discharge and includes washings from the cleansing operation only. It excludes the discharge of working strength pesticides and pesticides that may arise from spillage and mixing.

The discharge of waste pesticides from any source other than the cleansing process would produce concentrations higher than that produced by the cleansing process and would present an unacceptably high risk to the environment.

In terms of CCS, you should determine the significance of this event within the technical assessment framework, using the appropriate tools.

Condition 2 (pw)

The condition **Condition 2 (pw)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;

Condition 2 (pw)b

Contaminated wash water should be stored and re-used later as make-up water for a further batch of pesticide spray solution;

Condition 2 (pw)c

Where re-use is impractical, pesticide washings should be applied to the treated crop if this is within the terms of the product approval. The maximum dose should not be exceeded;

Condition 2 (pw)d

Where application to the treated crop is either not practicable or not possible, discharge shall be to an area of land specified herein and shall comply with the conditions set out in this permit.

Information

Parts (a) and (b) are elements of the essential precautions to prevent hazardous substances from entering groundwater.

Part (c) refers to the reuse of the pesticide washings. This is outside the terms of a permit and so we do not need to consider it under CCS.

Part (d) refers to the holder's responsibility to comply with the conditions of the permit. The significance of the particular breach will determine the eventual CCS category.

**Resulting
CCS category**

Condition 2 (pw)a

A breach of condition 2 (pw)(a) would have the potential to significantly impact on the environment. Initially classify it as CCS category 2. This needs an investigation within the prior **examination** and technical assessment framework, using the appropriate tools.

Condition 2 (pw)b

Classify a breach of condition 2 (pw) (b) as CCS category 3. If local circumstances apply, such as groundwater vulnerability or previous history of non-compliance, a higher category may be appropriate.

Condition 2 (pw)d

A breach of this condition could either result in discharge outside the permitted area, or within the permitted area but in breach of 1 or more other conditions. In the former case, make a common sense judgement and, if necessary, refer to the [Enforcement and prosecution policy](#). In the latter case, assign an initial category 4, or higher depending on the overall significance of the breach, determined by the condition in the permit specified to enforce that condition.

Condition 3 (pw)

The condition *The operator of the spraying equipment shall take all reasonable actions to eliminate or minimise the amount of working strength pesticide solution requiring discharge.*

Information This condition requires the holder to follow good practice guidelines to minimise the amount of waste pesticides produced. This is part of the essential precautions to prevent hazardous substances from **input** into groundwater.

Resulting CCS category Classify breaches of this condition as CCS category 3. This category is most appropriate unless local circumstances apply, such as groundwater vulnerability, or previous history determines a higher category.

Condition 4 (pw)

The condition *The discharge shall be undertaken at the location specified in <##>(below) so that:*

(a) There shall be no direct input of hazardous substances (set out in Annex # to this Permit to groundwater or surface waters;

(b) Groundwater (as defined by the Groundwater Regulations) is not polluted;

(c) The discharge shall not cause any adverse effects on sources of water intended for human consumption;

(d) Discharge of hazardous substances and/or other non-hazardous pollutants (as defined by the Regulations) shall only be made in accordance with the following conditions of this Permit.

(e) Provided that the discharge hereby authorised is made in accordance with the all of the conditions of this Permit, the discharge shall not be taken to be in breach of conditions (a), (b) or (c) above because it contains substances or has properties identified in and controlled by conditions (a), (b) or (c).

(f) The Permit Holder shall take all practicable measures to minimise adverse environmental impact of the discharge.

Resulting CCS category See “sheep dip” Condition 2 when considering classifying breaches of this condition under CCS.

Condition 5 (pw)

The condition *The discharge shall be made by application onto an area of land centred at:*

(a) *National Grid Reference <## #####>*

(b) *As shown marked on the attached Plan <#####> (including boundary of the discharge area).*

Resulting CCS category See “sheep dip” Condition 3 when considering classifying breaches of this condition under CCS.

Condition 6 (pw)

The condition *The discharge shall be made by application onto an area of land <optional with an established vegetation cover> of minimal wildlife value. The area of land shall not include hedgerows, woodlands or wildflower meadows, or land that is bare as part of a crop rotation.<Optional The spreading shall be conducted in strips across the discharge area such that there are unaffected strips at least ## metres (for example 2 metres <optional (6 and a half feet))> wide between the strips on which the discharge has taken place.>*

Resulting CCS category See “sheep dip” Condition 4 when considering classifying breaches of this condition under CCS.

Condition 7 (pw)

The condition *No discharge shall take place within:*

a) *<10 metres / 6 metres (from LERAP guidance published by PSD)>> of the nearest watercourse (which includes ditches which may run dry for part of the year), (optional) <or 30 metres of <optional a river designated as> a Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC)>;*

b) *50 metres of any well, spring or borehole, irrespective of its current use;*

c) *(optional) <500 or ### metres of any well, spring or borehole where the water is intended for human consumption.>*

(d) *(optional) 25 metres of an identified swallow hole.*

Resulting CCS category See “sheep dip” Condition 5 when considering classifying breaches of this condition under CCS.

Condition 8 (pw)

The condition *No discharge shall be within 2 metres of any field boundary or footpath.*

Resulting CCS category See “sheep dip” Condition 6 when considering classifying breaches of this condition under CCS.

Condition 9 (pw)

The condition *No discharge of pesticide washings shall take place on land which:*

- (a) <optional is under drained >< has been mole drained or under drained within 12 months> prior to any discharge operation, or is cracked down to the drain or any backfill ;*
- (b) has a slope greater than 11 degrees (approximately 1 in 5) ;*
- (c) is frozen hard or snow covered ;*
- (d) is liable to flooding ;*
- (e) is severely compacted or waterlogged.*

Resulting CCS category See “sheep dip” Condition 7 when considering classifying breaches of this condition under CCS.

Condition 10 (pw)

The condition *(Optional) Discharge equipment and/or methods shall be designed and operated such that the requirements of Conditions #,# and # (Volume conditions) are met.*

Resulting CCS category See “sheep dip” Condition 8 when considering classifying breaches of this condition under CCS.

Condition 11 (pw)

The condition *The maximum volume of working strength pesticide solution shall not exceed 5 cubic metres per day and 30 cubic metres per annum disposed of to the land identified in Condition 5 (pw) above.*

Resulting CCS category See “sheep dip” Condition 10 when considering classifying breaches of this condition under CCS.

Condition 12 (pw)

The condition *The maximum daily application rate of working strength pesticide further diluted with slurry or water [optional: in the ratio of ## part(s) pesticide to ## parts slurry or water] shall not exceed ## cubic metres spread evenly on a minimum of ## hectares of the land identified in condition 5 (pw)above.*

Resulting CCS category See “sheep dip” Condition 11 when considering classifying breaches of this condition under CCS.

Condition 13 (pw)

The condition *(Optional) The minimum interval between each application to the same area of land shall be at least 3 days.*

Resulting CCS category CCS category 4. Consider site-specific circumstances when applying this condition.

Condition 14 (pw)

The condition *<The discharge to the same area of land within the overall discharge area shall not be undertaken more frequently than # days <per week, per month, per year>.>*

Resulting CCS category CCS category 4. Consider site-specific circumstances when applying this condition.

Condition 15 (pw)

The condition *The discharge or tipping of pesticide washings shall **only** be carried out **between** the dates of AA BB and XX YY each year <optional of the following year> inclusive for the duration of this Permit.*

Resulting CCS category See “sheep dip” Condition 12 when considering classifying breaches of this condition under CCS.

Condition 16 (pw)

The condition *Records shall be kept and made available for inspection on request by the Environment Agency for at least four years. A form is provided which you may use for this purpose. They shall include:*

(a) *for each day on which discharge is made :*

- (i) *the estimated volume of working strength pesticide solution disposed of ;*
- (ii) *sprayer / spray tank washings disposed of ;*

(b) *location and area of discharge ;*

(c) *pesticides present in any discharge (brand names will do) ;*

(d) *any materials added to dilute or treat the pesticide washings including water or slurry.*

Resulting CCS category See “sheep dip” Condition 13 when considering classifying breaches of this condition under CCS.

Condition 17 (pw)

The condition *<There shall be no discharge of pesticide washings under the terms of this permit until<future date or start date>.>*

Resulting CCS category See “sheep dip” Condition 15 when considering classifying breaches of this condition under CCS.

Condition 18 (pw)

The condition *If the pesticide washings are stored before discharge, then the store must conform to current relevant British Standards or be within a bunded area so as to contain any spilled material.*

Resulting CCS category See “sheep dip” Condition 17 when considering classifying breaches of this condition under CCS.

Further information

Potential environmental impact The default CCS classification for non-compliance events is the actual environmental impact classification as defined under CICS for incident severity assessment.

However, there are some circumstances when a breach could give rise to a greater potential environmental impact than the actual impact and you should classify it at a higher CCS category. The clearest situations are where third party intervention or lucky circumstances have mitigated the effect of an incident arising from a breach of a permit condition.

Examples include:

- Use of a store containing waste sheep dip which doesn't comply with British Standards, where there's a real risk of structural failure and release of dip into a river with the potential for serious environmental consequences.
 - The holder breaches **codes of good practice** spreading advice by disposing of waste dip within 10 m of a controlled watercourse, and takes no action. A public complainant reported the pollution to us. We attended the site and took action to minimise the environmental impact.
 - Discharge took place and the holder took no remedial action. The discharge was diluted due to high river flows caused by heavy rainfall.
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Recording CCS incidents Record CCS incidents on the CCS database, as detailed in [187_02 Recording permit non-compliance using the Compliance Classification Scheme](#).

How to get help For queries on assessing the CCS category of a breach of a permit condition, contact 'CCS Help' via the network of Technical Contacts.

Related documents

Links

- [187_02 Recording permit non-compliance using the Compliance Classification Scheme](#)
 - [235_03 Compliance Classification Scheme generic guidance](#)
 - [238_03 Compliance Classification Scheme \(CCS\) for water quality](#)
 - [354_03 Guidance for the enforcement and prosecution policy](#)
 - [04_01 Common Incident Classification System – incident classification methodology](#)
 - [EAS/8001/1/1 Enforcement and prosecution policy](#)
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