

Farm Waste Regulations

1. Attached is the NRA Policy Implementation Guidance Note No. 5 : **Control of Pollution (Silage, Slurry & Agricultural Fuel Oil) Regulations 1991.**
2. The Guidelines on pages 1-8 should be referred to and appendices A-L used where appropriate. Arrangements are currently being made to provide more suitable forms and letters for use.
3. Guidance/interpretation on any points within this document may be sought from:-

South West Division: Bob Merriman

South East Division: Moira Kitchen

Northern Division: Martyn Price

GRK



ENVIRONMENT AGENCY

Information Services Unit

Please return or renew this item by the due date

EQ/DAB/F13
20.6.91

Due Date

ENVIRONMENT AGENCY



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NRA POLICY IMPLEMENTATION GUIDANCE NOTE NO. 5

CONTROL OF POLLUTION (SILAGE, SLURRY AND
AGRICULTURAL FUEL OIL) REGULATIONS 1991

1. INTRODUCTION

- 1.1 These Regulations are the first to be made under Sections 110 and 185 of the Water Act 1989. They come into force in two phases, on 1st March and 1st September 1991 following extensive public consultation, which included considerable NRA involvement. The NRA will be responsible for enforcing the Regulations in England and Wales. Very similar Regulations are being produced for Scotland.

There are 12 Regulations with 3 schedules. The DOE's aim (with NRA agreement) has been to specify the level of performance from a relevant installation, so as to minimise the risk of pollution e.g. installations will have to be constructed to the relevant British Standard, have a 20 year design life (generally with maintenance) compared with current ADAS requirements of 10 years, and to remain effective whenever the installation is used. The Regulations do not, in general, specify the means to be adopted in meeting the required performance level, in order to provide farmers with maximum flexibility. They are also framed in such a way as to allow the NRA to deal with the majority of situations with minimal resource implications.

- 1.2 The regulations apply to:

- silage making, including bagged or baled silage;
 - slurry storage systems, including diluted slurry from yards and washings from buildings used by livestock;
 - agricultural fuel oils stored in excess of 1500 litres;
- but only to
- all such installations, constructed, substantially reconstructed or substantially

enlarged after 1st March (or 1st September 1991 where a contract was entered into or construction began before 1 March and work will be completed before 1 September 1991); and

- those existing installations which, in the NRA's view, provide a significant risk of pollution of controlled waters - in these cases, the NRA can serve a notice specifying the improvements required to bring the installation up to an acceptable standard, the latter being subject to appeal.

1.3 The purpose of this Guidance Note is to set out and confirm NRA practice in implementing key aspects of the Regulations. A comprehensive Field Guide and initial training for staff will be provided by the Farm Waste Group.

2. IMPLEMENTATION OF THE REGULATIONS

It is important to achieve consistent and fair implementation of the Regulations, including the transmission of NRA requirements in a consistent fashion, to farmers, advisors, designers and contractors. The DOE is publishing Guidance Notes for farmers which incorporate the views of the NRA where appropriate. These will also provide useful information for NRA staff.

2.1 Regulation 8 - Loss of Exemption

2.1.1 Explanation

Under Regulation 8.1 a structure will lose its exempt status (conferred by Regulation 6) if it is:

- substantially enlarged;
- or substantially reconstructed;
- or any requirement of a notice served under Regulation 9 is not complied with.

It will normally be in the NRA's interests to consider an increased capacity of 10% as constituting "substantially enlarged". In some cases, however, such as where a farmer complies with a notice requiring enlargement of a structure, it may be unreasonable for the whole structure then to be required to comply with the full requirements of the Regulations. In such situations an enlargement of up to 25% may be acceptable before the structure is considered to be "substantially enlarged".

2.1.2 Guidance and Action

When assessing if a structure is "substantially enlarged", regard will need to be taken of individual circumstances. As a guide, an increase of between 10 and 25% in the capacity of the structure should be considered to constitute "substantially enlarged".

"Substantially reconstructed" would include cases where a wall of a slurry lagoon is replaced.

2.2 Regulation 9 Notice (by the NRA to the farmer) requiring works and Regulation 10 Appeal Provisions

2.2.1 Explanation

From September 1991 the NRA has the power to serve a notice requiring action to improve any relevant existing installation where it is considered that the installation poses "a significant risk of pollution of controlled waters". "Significant risk" should be interpreted as:

- a high risk of system failure, which is likely to cause environmental damage, or adversely affect legitimate uses of natural waters. This would apply particularly where a failure could occur in systems which are not constructed nor maintained in line with the Regulations or the Code of Good Agricultural Practice.

The NRA has some discretion to require improvements in full or partial compliance with the Regulations. Failure to comply fully with a notice is an offence and will bring the structure under the full scope of the Regulations. The notice is subject to the appeals procedure, to the Secretary of State, Environment or Wales as appropriate.

The NRA must facilitate prompt, effective action to minimise the risks of pollution, without having to respond to a high proportion of appeals. Such appeals must also be addressed with the minimum of effort.

2.2.2 Guidance and Actions

When serving a notice the NRA will need to:

- explain the problem to the farmer;
- request action (outlining principles rather than giving advice);

- set completion dates; and
- outline the new powers and penalties.

A minimum of 28 days must be allowed for compliance to be achieved, taking into account any requirement to obtain planning permission and so on.

A specimen notice with accompanying letter is appended (Appendices A & B). This should be sent using recorded delivery, on regional headed paper, in the name of a Senior Pollution Control Officer or equivalent.

Such notices should be served using the following procedures.

- Where there is

a significant risk of serious pollution [normally Category 1 or 2] a notice should be served immediately.

This should include situations where there is a man-made hole or breach in the wall of slurry lagoon (which has undermined its structural integrity). This approach will minimise the risk of pollution and provide a general deterrent against using installations in such an irresponsible manner.

- Where there is

a significant risk of minor (Category 3) pollution a written warning should be sent in the first instance, pointing out the ability of the NRA to serve a notice, if necessary.

Considerable time is wasted in trying to persuade farmers to attend to such problems. This can lead to "warning letters" being sent repeatedly, but not effectively acted upon by the farmer, until pollution has arisen. Such situations may also be responsible for chronic problems, leading to failure of River Quality Objectives.

The site will need to be re-inspected and the following action taken:

- if effective action has been taken by the farmer, no further action is required other than surveillance as circumstances dictate;
- if effective action has not been taken but the situation has not deteriorated, a "final warning" should be sent. If this final warning is not

effectively acted upon within the timescale requested, a notice should be served; and

- if the situation has deteriorated, a notice should be served.

2.3 Regulation 11 Notice of Construction (by farmer to NRA)

2.3.1 Explanation

From 1st September the NRA must be told in writing of the type and location of a relevant installation that is constructed, substantially enlarged or substantially reconstructed at least 14 days before it is used.

2.3.2 Guidance and Action

To assist farmers and ourselves, an explanatory letter and standard form (Appendices C & D) have been produced. These should be issued to farmers, advisers or consultants, on request, and also as part of the current Farm and Conservation Grant aid consultation arrangements.

The form should be partly completed by NRA staff and sent out with the "letter of acceptance" of farmers' proposals. This will allow the NRA to compare submitted notices and finished schemes quickly with its requirements as included in acceptance letters.

2.4 Regulation 3 and 7 Transitional Arrangements for Field Silage Making

2.4.1 Explanation

Field silage making has not been identified by the NRA as a significant or widespread practice that has caused pollution. The practice will be allowed to continue for a further 5 years provided that farmers, who under normal circumstances for the past 3 years, have been making the majority of their silage in the field, notify the NRA by 1st September 1991.

An explanatory letter and standard notification form (Appendices E & F) have been produced. These will help farmers show that the majority of silage has been made in this way previously. Explanation as dealing with such notification will be provided in the Field Guide.

There is no requirement for the NRA to respond to these notices. In the absence of any adverse response from the NRA, the farmer can continue making silage in this way until September 1996, subject to the silage not being within 10m of inland or coastal waters which silage effluent could enter, if it were to escape.

The NRA can however, (subject to appeal), require some or all of the standards included in the Regulations to be applied to field silage sites where there is a significant risk of pollution to controlled waters. This can include a requirement for an impermeable base and effluent containment facilities to be provided in sensitive areas, such as those to be identified in the Ground Water Protection Policy. Such large scale works would in effect create a "silo" and so bring it under the scope of the Regulations.

2.4.2 Guidance and Action

- Where the required works will not make the existing arrangements into a "silo" a notice with an accompanying letter (Appendices G & H) should be served.
- Where these works are likely to create a "silo" then a notice with accompanying letter (Appendices J & K) should be served.

These should be sent using recorded delivery, on regional headed paper by a Senior Pollution Control Officer or equivalent. They should include a list of precautions, outlining principles not advice, completion date(s): outline new powers and penalties and the consequences of the notice - i.e. field silage making may have to cease at this location. This notice is subject to appeal.

2.5 Regulation 3, Schedule 1 - Construction Standards for Silage Effluent Tanks

2.5.1 Explanation

It was originally proposed that all new silage tanks where the base is below ground should be of one piece construction and complete before installation.

The Regulations now require that where any part of a silage effluent tank is installed below the ground level, it shall be designed and constructed so that - without maintenance - it is likely to remain impermeable for at least 20 years. This high specification is necessary because of the severe difficulties in maintaining such tanks.

It is anticipated that proprietary prefabricated tanks will be used in most cases. The Regulations, however, allow the NRA to accept appropriate multipiece tanks such as concrete ring sections. These are likely to be acceptable if properly designed and constructed.

2.5.2 Guidance and Action

Below ground silage effluent tanks should only be accepted by the NRA upon receipt of a suitably completed certificate which satisfies the NRA on the above points (Appendix L).

2.6 Slurry Storage Period - Schedule 2

2.6.1 Explanation

Where slurry is to be spread on the land, there is a requirement for a farmer to provide slurry storage capacity of at least "the maximum quantity of slurry which is likely to be produced in any continuous four month period" unless he can demonstrate to the NRA that a lesser storage period is required. The definition of slurry includes washings from parlours and so on, and contaminated yards.

2.6.2 Guidance and Action

2.6.3 Determination of Slurry Production and Appropriate Storage Periods

It will be the farmer's responsibility to provide the NRA with appropriate figures which can be checked against published ADAS data. Full account must be taken of likely rainfall.

Schedule 2 Para 5(1) refers to the requirement of a minimum storage capacity of two days in the case of reception pits. An allowance for rainfall should be based on the maximum rainfall anticipated during a 48 hour rainfall duration using a five year return period.

Schedule 2 Para 6(2) refers to the minimum 4 months storage period. The period 1st November - 28th February should normally be used. The long term average rainfall should be calculated for this period on a local basis, with an appropriate additional allowance to accommodate wetter than normal periods. This allowance should be based on the anticipated rainfall using a five year return period. Interim calculations from some regions suggest that between 35 and 40% of the long term average rainfall occurs in

this 4 month period, with the need to add a further 25% to accommodate a five year return period.

Winter rainfall maps for each region may be produced in due course.

2.6.4 Demonstration that less than 4 months slurry storage is required

Explanation

Where a farmer considers that his arrangement for storing slurry requires less than 4 months storage capacity, he must seek the NRA's acceptance.

Guidance and Action

In order to accept such a proposal, a professionally prepared effluent management plan will be required. This should take into account the following factors:

- effluent volumes - including information on its nature and the production period of the slurry;
- land available for spreading slurry, including its area, soil type, topography, proximity to watercourses/aquifers, field drainage arrangements, cropping patterns, use by livestock and field capacity period;
- growing season/cropping patterns;
- spreading period(s);
- methods of spreading; and
- contingencies (for adverse weather etc).

This requirement should be made clear to any farmer considering such a proposal. Such a plan will need to accompany any application for a low rate irrigation or weeping wall lagoon system, where the total slurry storage capacity is less than 4 months, i.e. virtually all such applications.

Explanation on dealing with such proposals will be provided in the Field Guide.

18/03/1991

FORM NO. AGR-1A

NRA

National Rivers Authority
_____ Region

Name

Address

Date

Dear Sir,

Risk of Pollution at your farm

One of our officers (NAME)

visited your farm at (ADDRESS)

ON (DATE)

and noted defects there which may result in water pollution.

Regulations made under the Water Act 1989 (the Control of Pollution (Sludge, Slurry and Agricultural Fuel Oil) Regulations 1991) require new, substantially enlarged, or substantially reconstructed structures for slurry, silage, or agricultural fuel oil to meet certain requirements, as laid down in the Regulations. Existing facilities do not have to meet these requirements. They are "exempt". However, if we are satisfied there is a significant risk of pollution from such "exempt" structures, then we may require work to be done, or other precautions taken, to minimise the risk of pollution.

We have identified such a risk at your farm and attach a notice requiring you to carry out such works. We trust that you will comply within the time stated. Please note:

- (a) That although you may appeal against the notice to the Secretary of State, we can ourselves agree changes with you. We considered the matter carefully before serving this notice. However, if you wish to discuss it with us (eg. because you consider there are better ways to minimise the risk of pollution) then we suggest you contact us before appealing. You must do this quickly, however, so that you have time to appeal to the Secretary of State if necessary.
- (b) That irrespective of complying with this notice, you may still commit an offence if pollution occurs. The object of this notice is to minimise the chance of that happening.
- (c) That even if you appeal against this notice to the Secretary of State, we have powers to forestall pollution by arranging to do necessary works ourselves, and then recover the costs from you, if the circumstances warrant it.

Please also note point 4a or 4b of the notice, which explain how the structures may lose their exempt status and that it is an offence not to comply with the Regulations.

Please let us know when the specified works have been completed.

If you require further help or information, you should contact us at the address below, or if you telephone ask for (NAME OF CASE OFFICER)

Yours faithfully,

(Signature)

For: National Rivers Authority, _____ Region

NOTICE TO DO WORKS TO MINIMISE
THE RISK OF POLLUTION

Water Act 1989, Section 110

National Rivers Authority
Region

Control of Pollution (Silage, Slurry and
Agricultural Fuel Oil) Regulations 1991

To: (Name)

(Address)

1. We are satisfied that there is a significant risk of pollution of controlled waters as a result of the use of the structure(s) listed below over which you have custody or control: (GIVE DESCRIPTION AND ADDRESS OF STRUCTURE(S) TO WHICH NOTICE APPLIES)

2. To reduce that risk to a minimum we require you to carry out the following works/take the following precautions: (ATTACH SEPARATE SHEET IF NECESSARY)

3. The works must be completed by: (STATE DATE, NOT LESS THAN 28 DAYS FROM DATE OF NOTICE)

4a. The structure(s) listed in (1) above are presently exempt from the requirements of the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991. If you do not comply with this notice within the time stated the structure(s) will lose that exemption. It will then be an offence to continue using such facilities which do not comply fully with the requirements of the Regulations. This can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.

4b. The structure(s) listed in (1) above are presently exempt from the requirements of the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991. However, as the works required involve the substantial enlargement and/or substantial reconstruction of the structures, they will become subject to the Regulations. It is therefore important that you make sure (a) that the works are carried out within the time stated and otherwise in accordance with this notice, and (b) that the structures comply fully with the Regulations. It is an offence to use structures which are subject to the Regulations and not complying with them. This can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.

* DELETE 4A OR 4B AS APPROPRIATE

5. You have a right to appeal against this notice to the Secretary of State. You must do this within 28 days of the date of service of this notice, unless the Secretary of State allows a longer period. If your farm is in England, you should serve notice of appeal on the Secretary of State for the Environment at Room A4.05, Romney House, Marsham Street, London SW1P 3PY, or if it is in Wales, on the Secretary of State for Wales at Room 2.012, Welsh Office, Cathays Park, Cardiff CF1 3NQ. Your notice of appeal must contain or be accompanied by a statement of the grounds of the appeal. Unless the Secretary of State directs otherwise, the time for complying with the notice will be extended by a period equal to the period beginning on the date on which notice of appeal is served and ending on the date on which the Secretary of State finally determines the appeal or, if the appeal is withdrawn, the date on which it is withdrawn. The Secretary of State has power to direct us to withdraw this notice, to modify any of its requirements, to extend the time for compliance with any requirement, or to dismiss your appeal.

Signed: _____

Dated: _____

(Position) _____

National Rivers Authority, _____ Region

Name

Address

Date

Dear Sir,

Use of a new structure at your farm

Regulations made under the Water Act 1989 (the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991) require new, substantially enlarged, or substantially reconstructed structures for slurry, silage, or agricultural fuel oil to meet certain requirements, as laid down in the Regulations. The Regulations also require the farmer to notify us at least 14 days before bringing such structures into use.

To help you with this requirement, please complete the enclosed form and return it to us. It is an offence if you do not notify us. We also ask for certain additional information under authority of section 118 of the Water Act 1989.

Underground silage effluent tanks are very difficult and dangerous to inspect and maintain. Therefore, when a below ground tank is installed, we require written confirmation that it is impermeable and is resistant to attack by silage effluent for at least 20 years without maintenance. We provide a form for this.

The Regulations require that the person who must notify us is the person who proposes to have "custody or control" of substances on a farm to be kept or stored in a silo, reception pit, slurry storage system or fuel storage area. This will normally be the farmer; so, for example, on a let farm it will normally be the tenant, not the landlord. If you are not the right person to notify us, please advise us and tell us who the person with "custody or control" is/will be.

Thank you for your cooperation.

If you require further help or information, you should contact us at the address below, and if you telephone ask for ~~NAME OF CASE OFFICER~~

Yours faithfully,

 (Position)

For: National Rivers Authority, _____ Region

NOTIFICATION BEFORE USE OF A STRUCTURE

NRA

Water Act 1989, Sections 110 and 118

National Rivers Authority
RegionControl of Pollution (Silage, Slurry and
Agricultural Fuel Oil) Regulations 1991

1. Your name, address, and telephone: _____ Address of Structure (if different from above): _____

Name: _____

Address: _____

Tel: _____

* This should be the person(s) with custody or control of the substance which will be kept or stored in the structure.

2. Is the structure (tick one):

New Substantially Enlarged Substantially Reconstructed

3. Is it all or part of a (tick one):

Silage system Slurry system Fuel Oil Store

4. When do you propose to bring the structure into use? _____ 199

5. Have you, or do you intend to, apply to MAFF for grant aid for all or part of the structure?

Yes No

An application to MAFF must have a supporting letter from the NRA accepting the proposals. So if you have answered "yes" (you are applying for a grant), please give:

Date _____ and Reference _____ of NRA letter accepting the proposals

and tick to confirm that all the conditions in the NRA letter have been met: Confirmed

6. If you answered "no" to question 5 above, have you been in contact with the NRA about the structure? If so, please give details, e.g. NRA Reference, officer dealing with the case:

7. If you have not yet been in contact with the NRA, please attach details of the structure (e.g. site plan, brief technical details) and return with this form.

8. If the new structure includes a BELOW GROUND SILAGE EFFLUENT TANK, please attach form AGR-2C confirming that the tank has been designed and installed so as to be impermeable and resistant to attack by silage effluent for at least 20 years without maintenance.

Tick to confirm AGR-2C attached Not applicable

I confirm that the above information is correct

Signed _____ Date _____

When completed please return to the above address. You commit an offence if you do not notify the NRA specifying the type of structure to be used and its location at least 14 days before using it.

_____ Region

Name

Address

Date

Dear Sir,

Making silage other than in a silo or properly sealed bales**Please note important time limit (1st September 1991) in this letter**

The Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991 made under the Water Act 1989 specify how farmers must make silage in the future. It must be made in a silo or sealed bales, as specified in the Regulations, and be at least 10 metres from any inland or coastal waters.

These new requirements will not, however, apply to you until 1st September 1996 for silage you make by other methods, provided (a) you have made the majority of your silage over the three years 1988, 1989, and 1990 in this way; and (b) you notify us of your intention to continue doing so before 1st September 1991; and (c) the silage is at least 10 metres from any inland or coastal waters which silage effluent could enter if it escaped. This exemption is designed, in particular, to allow farmers to continue to make silage in field heaps or in bags where it is not baled. Anything more elaborate than eg. a simple field heap, for example a field or hillside clamp or bunker, or a concrete base, is likely to be a "silo" for the purposes of the Regulations.

We understand you presently make silage other than in a silo or sealed bales and plan to continue do so. We therefore enclose a form which we would be grateful if you would complete and return to us. The form enables us to be satisfied on points (a), (b) and (c) above, and, if you complete it fully and accurately, should avoid us having to make a site visit. If we consider your silage making poses a significant risk of pollution, or we require additional information, we shall advise you.

Please understand that if you do not notify us in time (i.e. by latest September 1st 1991), your silage making will become subject to the full requirements of the Regulations. If you then make silage otherwise than as specified in the Regulations, you commit an offence which can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.

Thank you for your cooperation. If you require further help or information, you should contact us at the address below, and if you telephone ask for NAME OF CASE OFFICER

Yours faithfully,

(Position)

For: National Rivers Authority, _____ Region

NOTIFICATION OF CONTINUING TO MAKE SILAGE OTHER THAN IN A SILO OR PROPERLY SEALED BALES

NRA

Water Act 1989, Sections 110 and 118

National Rivers Authority

_____ Region

Control of Pollution (Silage, Slurry and
Agricultural Fuel Oil) Regulations 1991

This form must be submitted to the NRA no later than 1st September 1991

1. Farmer details

Name	
Address	
Telephone	
Address of farm (if different)	

2. I confirm that I intend to continue making silage by means of:

field heaps not-baled in bags other means (SPECIFY) _____

3. Confirmation of past silage making

I confirm that I have used this method for making the majority of silage on my farm over the three years 1988, 1989, and 1990. The information below shows how much silage I have made in each of those years by the various methods:

TONNES OF SILAGE MADE IN/BY:	1988	1989	1990	TOTAL
SILO(S)				
SEALED BALES				
OTHER METHODS (EG. FIELD HEAPS, BAGS)				

4. Details of precautions

I enclose details of any precautions that have been/will be taken to prevent silage effluent entering any watercourse or groundwaters. I confirm that the silage will be made/kept at least 10 metres away from any inland or coastal waters which silage effluent could enter if it were to escape. See the enclosed map/plan. (NOTE: THIS MAP/PLAN MUST BE DETAILED AND CLEAR ENOUGH TO ENABLE US PROPERLY TO ASSESS YOUR PROPOSALS. SHOW ALL WATERCOURSES, DRAINS, EXTENT OF AREA WHERE SILAGE KEPT, ANY PRECAUTIONS TO PREVENT POLLUTION - BUNDS ETC - AND ANY OTHER RELEVANT DETAILS).

I confirm that the above information is correct

Signed _____ Date _____

When completed please return to the address below, with details of precautions to prevent pollution and required map/plan.

NRA

National Rivers Authority
_____ Region

Name

Address

Date

Dear Sir,

Making silage - precautions required

You notified us on _____ that you intended to continue making silage other than in a silo or properly sealed bales. One of our officers subsequently visited your farm.

Unfortunately, we consider that if you continue to make silage in this way without further precautions there is a significant risk of pollution to controlled waters. So that you may continue, we require you to carry out the work and/or take the precautions detailed in the attached notice, and trust that you will comply within the time stated. Please note:

- (a) That although you may appeal against the notice to the Secretary of State, we can ourselves agree changes with you. We considered the matter carefully before serving the notice. However, if you wish to discuss it (eg. because you consider there are better ways to minimise the risk of pollution) then we suggest you contact us before appealing. You must do this quickly, however, so that you have time to appeal to the Secretary of State if necessary.
- (b) That irrespective of complying with this notice, you may still commit an offence if pollution occurs. The object of this notice is to minimise the chance of that happening.
- (c) That even if there is an appeal against this notice to the Secretary of State, we have powers to forestall pollution by arranging to do necessary works ourselves, and then recover the costs from you, if the circumstances warrant it.
- (d) That if (subject to appeal etc.) you do not comply with this notice within the time stated, then you will lose your exemption and in the future will have to make all your silage in accordance with the Regulations, i.e. in silos or properly sealed bales. Failure to comply with the Regulations is an offence which can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.

We told you, in our original letter advising you to notify us of your intention to continue making silage other than in a silo or properly sealed bales, that anything more elaborate than eg. a simple field heap is likely to be a "silo" and therefore governed by the Regulations. In our view the works as specified in the attached notice will not make your existing facilities into a silo. On the other hand we would recommend, and you may consider it advisable for the long term, you to take this opportunity to build proper silage making facilities that comply with the Regulations.

If you require further help or information, you should contact us at the address below or if you telephone ask for
NAME OF CASE OFFICER

Yours faithfully,

(Position)

For: National Rivers Authority, _____ Region

NOTICE TO DO WORKS ETC. AT SILAGE MAKING FACILITIES TO MINIMISE THE RISK OF POLLUTION

NRA

Water Act 1989, Section 110

 National Rivers Authority

 Region

Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991

 To: _____
 (Name)

 (Address)

1. You notified us of your intention to continue to make silage other than in a silo or in properly sealed bales, in a notification dated _____ (NRA reference No: _____)
2. We consider that your present silage making methods significantly risk polluting controlled waters. Accordingly, to reduce that risk to a minimum we require you to carry out the following works/take the following precautions: (ATTACH SEPARATE SHEET IF NECESSARY)
3. The works must be completed by: (STATE DATE, NOT LESS THAN 28 DAYS FROM DATE OF NOTICE)
4. Your existing silage making methods facilities (ie. other than for silage you may already make in silos and/or sealed bales) are presently exempt from the requirements of the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991. As explained in the covering letter to this notice, the work required is such as to require you to make what the Regulations consider to be a "silo", and it will therefore be covered by the Regulations. After the time specified in (3) above, it is an offence for the facilities not to comply fully with the requirements of the Regulations. Failure to comply with the Regulations can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.
5. You have a right to appeal against this notice to the Secretary of State. You must do this within 28 days of the date of service of this notice, unless the Secretary of State allows a longer period. If your farm is in England, you should serve notice of appeal on the Secretary of State for the Environment at Room A4.05, Romney House, Marsham Street, London SW1P 3PY, or if it is in Wales, on the Secretary of State for Wales at Room 2.012, Welsh Office, Cathays Park, Cardiff CF1 3NQ. Your notice of appeal must contain or be accompanied by a statement of the grounds of the appeal. Unless the Secretary of State directs otherwise, the time for complying with the notice will be extended by a period equal to the period beginning on the date on which notice of appeal is served and ending on the date on which the Secretary of State finally determines the appeal or, if the appeal is withdrawn, the date on which it is withdrawn. The Secretary of State has power to direct us to withdraw this notice, to modify any of its requirements, to extend the time for compliance with any requirement, or to dismiss your appeal.

Signed: _____

Dated: _____

(Signature)

National Rivers Authority, _____ Region

NRANational Rivers Authority
_____ Region

Name _____

Address _____

Date _____

Dear Sir,

Making silage - works required

We refer to your notification to us dated _____ to continue making silage other than in a silo or properly sealed bales. One of our officers subsequently visited your farm.

Unfortunately, we consider that if you continue to make silage in this way without further precautions there is a significant risk of pollution to controlled waters. In our opinion it is also impossible for you to take any adequate precautions without the work involving making what you have into a "silo" for the purposes of the Regulations. (Please see our original letter that advised you to notify us of your intention to continue making silage other than in a silo or properly sealed bales, when we told you that anything more elaborate than eg. a simple field heap is likely to be a "silo" and therefore governed by the Regulations.)

The attached notice technically says that you must do work on your existing silage making method as a further precaution against pollution. In fact, because it requires you to do work which will make your facilities into a "silo" for the purposes of the Regulations, what you do will have to comply with the Regulations. We have therefore specified work which will satisfy the requirements of the Regulations when completed.

The work we require is specified in the attached notice, and we trust that you will comply within the time stated. Please note:

- (a) That although you may appeal against the notice to the Secretary of State, we can ourselves agree changes with you. We considered the matter carefully before serving the notice. However, if you wish to discuss it (eg. because you consider there are better ways to minimise the risk of pollution) then we suggest you contact us before lodging appealing. You must do this quickly, however, so that you have time to appeal to the Secretary of State if necessary.
- (b) That irrespective of complying with this notice, you may still be liable if pollution occurs. The object of this notice is to minimise the chance of that happening.
- (c) That even if there is an appeal against this notice to the Secretary of State, we have powers to forestall pollution by arranging to do necessary works ourselves, and then recover the costs from you, if the circumstances warrant it.
- (d) That failure to comply with the Regulations is an offence which can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.

If you require further help or information, you should contact us at the address below or if you telephone ask for
(Name of Case Officer)

Yours faithfully,

(Position)

For: National Rivers Authority, _____ Region

NOTICE TO TAKE PRECAUTIONS ETC. AT SILAGE MAKING NRA FACILITIES TO MINIMISE THE RISK OF POLLUTION

Water Act 1989, Section 110

National Rivers Authority
_____ Region

Control of Pollution (Silage, Slurry and
Agricultural Fuel Oil) Regulations 1991

To: _____
(Name)

_____ (Address)

1. You notified us of your intention to continue to make silage other than in a silo or in properly sealed bales, in a notification dated _____ (NRA reference No: _____)
2. We consider that your present silage making methods present a significant risk of polluting controlled waters. Accordingly, to reduce that risk to a minimum we require you to carry out the following works/take the following precautions: (ATTACH SEPARATE SHEET IF NECESSARY)
3. The works must be completed by: (STATE DATE, NOT LESS THAN 28 DAYS FROM DATE OF NOTICE)
4. Your existing silage making methods (ie. other than for silage you may already make in silos and/or sealed bales) are presently exempt from the requirements of the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991. If you do not comply with this notice within the time stated, you will lose that exemption. It will then be an offence if you use the facilities and they do not comply with the Regulations. This can carry a fine of up to £2,000 in the Magistrates Court or an unlimited fine in the Crown Court.
5. You have a right to appeal against this notice to the Secretary of State. You must do this within 28 days of the date of service of this notice, unless the Secretary of State allows a longer period. If your farm is in England, you should serve notice of appeal on the Secretary of State for the Environment at Room A4.05, Romney House, Marsham Street, London SW1P 3PY, or if it is in Wales, on the Secretary of State for Wales at Room 2.012, Welsh Office, Cathays Park, Cardiff CF1 3NQ. Your notice of appeal must contain or be accompanied by a statement of the grounds of the appeal. Unless the Secretary of State directs otherwise, the time for complying with the notice will be extended by a period equal to the period beginning on the date on which notice of appeal is served and ending on the date on which the Secretary of State finally determines the appeal or, if the appeal is withdrawn, the date on which it is withdrawn. The Secretary of State has power to direct us to withdraw this notice, to modify any of its requirements, to extend the time for compliance with any requirement, or to dismiss your appeal.

Signed: _____

Dated: _____

(Print Name) _____

National Rivers Authority, _____ Region

BELOW GROUND SILAGE EFFLUENT TANK**CERTIFICATE OF DESIGN AND CONSTRUCTION**

The National Rivers Authority requires this form completed in order to assist its duties under the Water Act 1989 to protect waters against pollution and achieve and maintain water quality objectives.

Silage effluent is a very powerful pollutant. Below ground tanks for silage effluent are a vital part of some effluent management systems. However it is no good if they leak. Because it is extremely difficult and dangerous to inspect them regularly, they must be designed and constructed so as to remain impermeable for at least 20 years. This certificate confirms that is the case.

USE THIS FORM AT THE SAME TIME AS FORM "NOTIFICATION BEFORE USE OF A STRUCTURE" (Form AGR-2B). DO NOT USE IF YOUR SYSTEM DOES NOT INCLUDE A BELOW GROUND EFFLUENT TANK (i.e. you answered "not applicable" to Question 8 on Form AGR-2B).

1. Type of tank - Was the tank designed and prefabricated off-site as one sealed unit?

YES NO

If YES, attach a copy of the manufacturer's literature including design specifications and ask the person who supervised the installation of the tank to sign Certificate B at the end of this form to confirm the tank has been installed properly. **DO NOT** answer Questions 2, 3, 4 or 5.

If NO, go to Question 2

2. Non pre-fabricated tank - Was the tank either constructed on site into one unit and then installed, or was it installed in sections? (This would apply eg. to a tank made out of concrete rings.)

YES NO

If YES, was it built to a standard design or was it specially designed?

STANDARD DESIGN SPECIAL DESIGN

If NO, please contact us and explain what sort of tank you have.

3. Design already advised to NRA - If you have given us details of the tank already (eg. the design was fully specified in a MAFF grant application which we had to approve first), tick here to confirm:

Design advised to NRA already

If not, we need to know details of the design: answer question 4. Otherwise go to question 5.

4. Design details

A. If a STANDARD DESIGN, please name type of design or attach copy specifications:

OR

B. If a SPECIAL DESIGN, attach specifications and ask the designer to sign following Certificate A:

Certificate A - Design

I, (name) _____ am a member of (professional affiliation) and confirm I designed the below ground effluent tank at _____ Farm, being part of the system specified on the attached pre-use notification. The design of the tank is such that to the best of my knowledge, information and belief it is likely to remain impermeable for at least 20 years without any below ground maintenance.

Signed _____ Date _____

5. Construction and Installation

We need to be satisfied that the tank has been constructed (ie. where it was not pre-fabricated) installed properly. If an engineer (who may be the same person as the designer) has supervised this, he should sign Certificate B. Otherwise ask the builder who put in the tank to sign Certificate B.

Certificate B - Construction/Installation

I _____

constructed * and installed *

supervised the construction and installation of *

the below ground effluent tank at _____ Farm, being part of the system specified on the attached pre-use notification. I confirm that it was constructed and installed in accordance the design specified in answer to Question 3/4 above.

I am the builder * I am an engineer and a member of _____

* DELETE AS APPROPRIATE

Signed _____ Date _____

6. Farmer's signature

I confirm the above information is correct to the best of my knowledge, information and belief.

Signed _____ Date _____