

This form will report compliance with your permit as determined by an NRW officer

Site	Mona Anaerobic Digestion Plant	Permit Ref	AP3033HY		
Operator/Permit holder	Grays Biogas Limited				
Regime	Installations				
Date of assessment	02/11/2016	Time in	13:10	Out	15:50
Assessment type	Site Inspection				
Parts of the permit assessed	Management, Emissions, Monitoring				
Lead officer's name	Ross, Stuart				
Accompanied by	Frost, Julia				
Recipient's name/position	Matthew Davis/ Grays Biogas Representative	Date issued	30/12/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B4 - Infrastructure - Containment of stored materials	C3	3.2.3
C1 - General Management - Staff competency/training	C3	1.1.1(b)
C2 - General Management - Management system and operating procedures	C2	1.1.1(a)
E3 - Emissions - Surface water	C3	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.3.1
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4	1.1.2 & 3.3.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	6	Total compliance score (see section 5 for scoring scheme)	47.1
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This Compliance Assessment Report follows site inspections on 02/11/16 (Stuart Ross) and 10/11/16 (Stuart Ross & Julia Frost) following an initial site visit by Tony Roberts 01/11/16.

Section A - Findings

1. The leachate slot drains to the front of 3 silage clamps were blocked with compacted silage, hindering the effective capture of potentially polluting runoff from the clamps and onward discharge to the leachate system. Fortunately, no significant quantities of leachate appear to have been accumulating or running off to the slot drain. Should significant volumes of leachate have been generated and there have been wet weather, it is not unreasonable to foresee that leachate may have overtopped the slot drain and entered the surface water drains on the yard (in the immediate vicinity and down gradient of the clamps).

At the time of writing the leachate slot drains have been cleared of debris.

2. Following instruction from NRW to examine the position of the 3 surface water isolation valves serving the silage clamps they were all found to be open allowing the uncontrolled, unauthorised drainage of leachate from the clamps to the surface water drainage system, lagoon and adjacent watercourse. Prior to the receipt of silage checks should have been made to ensure the valves were shut.

3. Following instruction from NRW, 4DAD Ltd confirmed on 03/11/16 that the valves connecting the clamps to the leachate collection sump were found to be in the open position allowing a proportion of the leachate to correctly drain to the leachate sump. Following the closure of the surface water connection valves all leachate now drains to the sump.

4. During the inspection no discharge to surface water (ditch) was found to be occurring but organic matter and an associated foul odour was present at the lagoon inlet and some organic matter was at the outfall. The lagoon should only receive clean and uncontaminated surface water.

5. NRW established that 4DAD Ltd staff were unfamiliar with the isolation valves, their locations and their settings (open or closed). Furthermore staff did not know with any confidence if the lagoon outfall isolation valve was open or shut, nor the detailed design of the drainage system. NRW undertook a site walk with the site manager to raise awareness and identify the drainage system elements.

6. No drainage plans, manhole keys or valve keys were present on site. NRW provided the site manager with a hard copy drainage plan from the phase 1 application during the visit.

7. Contrary to permit requirements, surface water quality sampling for the lagoon discharge has not been completed since permit issue. There is currently no designated and easily accessible sample point to allow for the collection of representative samples, nor appropriate equipment available to site personnel for the collection of samples and analysis e.g. a sample can, ammonia field test kit or alternative arrangements for the laboratory analysis. No procedures for sample collection and analysis are in place.

8. Three surface water gully pots installed in close proximity and down gradient of the silage clamp leachate slot drain and also gully pots in the vicinity of the leachate sump are at risk of receiving silage liquor or other potentially polluting matter from the yard area (particularly when the site is operational) that could contaminate the surface water drainage system and site discharge.

9. On 10/11/16 it was noted that kerb stones have been used to form the edge of the silage clamp perimeter leachate drain and that the gaps between the kerb stones are not sealed posing a potential pathway for leachate escape. This is of particular concern along the side of the clamp that runs parallel to the site access road adjacent to phase 2, where kerb stones run immediately behind the surface water gully pots creating a potential pathway to surface water. The perimeter drain was dry during the inspection.

10. On 10/11/16 it was noted that IBC's containing potentially polluting liquids were stored un-bunded and on unmade ground by the CHP and on the edge of the site access road. These containers should be stored within a suitably bunded area.

11. On 10/11/16 it was noted that surface water had accumulated in the surface water lagoon due to heavy rain fall and the outlet being shut in response to drainage system contamination. Despite the drainage system clean down, the lagoon contents were clearly contaminated due to the strong foul odour noticeable when a sample was collected by NRW for analysis.

12. A hard copy of the site permit and Environmental Management System dated 27/07/16 was present on site. No site diary was in use, no in house inspection reports were being maintained.

13. The EMS document provided was dated 27/07/16 and has not been updated since the permit was issued. The document is high level and does not assign responsibility to the tasks or clear instruction on what needs to be done or how it should be done and when it should be done.

14. Limited training has been given on the permit requirements. We were advised that the 4DAD Ltd staff on site had had a three hour session on the site EMS. Exactly what this training covered is unclear but appeared to be high level and did not cover specific actions required to ensure permit compliance. This training had not been recorded anywhere.

15. A copy of the operating techniques from the permit application were not present on site which form part of the permit requirements.

16. The netting across the regulation pond has stress tears around the edge creating holes within the net.

Section B - Non Compliance

In summary of the findings highlighted in this report, NRW considers that the management, maintenance and monitoring of the surface water drainage system was found to be wholly inadequate leading to a significant risk of pollution to surface water. This includes failure to implement procedures relevant to the operation and monitoring of the drainage system, failure to provide staff with adequate training and resources (equipment).

NRW consider that the following breaches of permit have occurred;

1. Management System & Operating Procedures – Permit Condition 1.1.1(a), CCS 2

Failure to implement and follow a management system to ensure that adequate control measures were in place to prevent and minimise the risk of site activities causing pollution. This primarily includes the receipt of silage onto site without the drainage system having been managed correctly, the drainage system being inadequately maintained (blocked drains) and the absence of surface water monitoring provision to verify that the site is not giving rise to, or may give rise to pollution. Had adequate measures been in place this incident was avoidable, only through the intervention by NRW was it brought to the attention of Grays Biogas Ltd and remedial measures taken.

The operating techniques as referenced by permit condition 2.3 (table S1.2) were not available or implemented on site.

The failure to manage and operate activities in accordance with a written management system had the potential to result in a significant pollution to surface water by silage leachate and attracts a CCS score of 2.

2. Staff Competency & Training - Permit Condition 1.1.1(b), CCS 3

The permit requires that the operator shall manage and operate the activities using sufficient competent persons and resources.

Poor staff awareness of the site drainage system, operating techniques and monitoring requirements due to inadequate or absent training. No equipment provided for surface water quality monitoring, no manhole or valve keys on site.

3. Emissions (Surface Water) – Permit Condition 3.1.2, CCS 3

The permit requires that the limits in Schedule 3 are not exceeded. Table S3.2 of Schedule 3 requires that surface water is clean and uncontaminated. The volume of contaminated surface water released is not known but due to relatively dry weather conditions between the receipt of silage and the inspection, it is likely to have given rise to only a localised environmental impact and attracts a CCS score of 3.

4. Monitoring of Emissions - Permit Condition 3.3.1 CCS 3

The permit requires that the lagoon discharge is monitored on a weekly basis (rainfall dependant). There has been no monitoring of the discharge, and no provision is in place to do so (no equipment, procedure or representative sample point), this attracts a CCS score of 3.

5. Records of Activity, Monitoring Records – Permit Conditions 1.1.2 & 3.3.2, CCS 4

No records are being maintained on site to demonstrate compliance with the Environmental Management System including the use of a site diary or record sheets of checks made as required by, for example the Odour or Bird Management Plan. No record of monitoring data is being made. This attracts a CCS score of 4.

6. Containment of stored materials – Permit Condition 3.2.3, CCS 3

The permit requires that all liquids in containers whose emission to water or land could cause pollution shall be provided with secondary containment.

IBC's containing potentially polluting liquids (including coolant) were stored un-bunded and on unmade ground by the CHP and on the edge of the site access road close to surface water drains.

NRW is concerned that Grays Biogas Ltd has failed to ensure that fundamental control measures are in place prior to commencement of the currently relatively basic activities (principally silage storage) and this proceeds the commencement of more complex activities. NRW seeks assurance that sufficient management controls, and resources will be in place prior to commencement of further activities. This will be discussed between NRW and Grays Biogas Ltd at our meeting on 30/11/16.

Section C - Required Action

At the time of writing a number of actions as set in my e-mail of 03/11/16 have been completed, these are as follows;

- 1.The valves connecting the silage clamps to the surface water drainage system shall be fully closed.
- 2.The valves connecting the silage clamps to the foul drainage system shall be set open to allow the drainage of liquor to the collection tank.
- 3.Without releasing contaminated water to the environment, inspect the surface water drainage system and remove any leachate / organic solids contamination including from gully pots, pipelines, and the oil water interceptor (N.B, note the above finding that the lagoon contents are currently contaminated and the action below regarding the removal for disposal).
- 4.Remediate any contamination arising from the site (the ditch at the outfall from lagoon).
- 5.Provide NRW with the 'as built' drainage plan.
- 6.Obtain manhole keys and valve keys.

The following actions must now be completed in line with the required timescales;

- 1.With respect to discharges to surface water, Grays Biogas Ltd must undertake a thorough review of the control measures required for the storage and handling of all potentially polluting materials present on site.

The review shall be used to produce detailed operational instructions for the safe storage and handling of potentially polluting materials including the safe operation and maintenance of the surface water and leachate drainage systems. Operational staff shall receive appropriate training. The documented review, operational instructions and training records shall be submitted to NRW by 16/12/16.

2. You shall establish a safe and representative sample point for the lagoon discharge and clearly label as emission point S1. This shall be completed by 02/12/16
3. You shall implement a surface water quality sampling procedure to ensure that the monitoring requirements of the permit are met and that staff are provided with training and equipment. Monitoring data shall be recorded and any permit exceedance reported to NRW without delay. This shall be completed by 25/11/16.
4. Following recent and ongoing correspondence, contaminated water within the surface water lagoon (as observed 10/11/16) must not be discharged to surface water. Only when the surface water drainage system is proven to be clean and free of contamination and surface water quality sampling as required by the permit is in place can discharges occur (unless in an emergency or otherwise agreed with NRW).
5. Provide NRW with your proposal to prevent pollution arising from the potential contamination of surface water gully pots from site operations. This applies to those gully pots currently installed in close proximity to the silage clamp slot drain and in the vicinity of the leachate tank. This shall be completed by 25/11/16.
6. Implement measures to prevent the potential escape of silage leachate from the perimeter channel (kerb gaps) by 09/12/16. Monitor for leaks during the interim.
7. IBC's containing potentially polluting liquids (including coolant) shall be provided with secondary containment (bunding) by 09/12/16.
8. Develop and implement a site emergency spill response plan and provide staff with appropriate training without delay. This shall be completed and copy provided to NRW by 02/12/16.
9. Provide NRW with a proposal for the completion of a comprehensive review of the Environmental Management System (EMS) to ensure procedures / operational instructions are in place and sufficiently robust to secure permit compliance. The proposal shall include a timetable which targets the high risk activities first. The review should cover all areas (not an inclusive list) such as pollution prevention, odour and noise management, environmental monitoring, reporting, and notification. The procedures shall assign responsibilities to staff at all levels of the business as required - and training needs analysis and training completed. An environmentally critical equipment list shall be drawn up for the purposes of implementing a preventative maintenance programme.

You may wish to refer to NRW's 'How to Comply' Guidance notes found at <https://naturalresources.wales/apply-for-a-permit/environmental-permitting-regulations-guidance/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

Your proposal including timescales for staff training shall be submitted to NRW for agreement by 02/12/16.

10. Concerns have been raised by Natural Resources Wales in relation to who is actually the “operator” of the installation. Urgent clarification is sought on this matter. Grays Biogas Ltd should review Regulatory Guidance Note 1, link below, and provide the relevant assessment to NRW by 25/11/16.

<http://naturalresources.wales/media/1229/rgn-1-understanding-the-meaning-of-operator.pdf>

Section D - Additional Issues - Surface Water Lagoon

Several health and safety issues were also identified in the lagoon area that we would like to bring to your attention;

1. We recommend that you consider and implement as appropriate, necessary controls to prevent and where this is not possible minimise the risk of persons entering the surface water lagoon/ areas of, particularly with regards to any unauthorised access from the adjacent highway.

2. On 01/11/16, Tony Roberts observed that manhole covers had been removed from 3 manhole chambers in the grassed area between the lagoon and outfall which posed a hazard to persons working in the area. On 02/11/16 Stuart Ross confirmed that the manhole covers had been put back in place. Please ensure that manhole covers are seated appropriately to ensure site personnel and NRW staff are not put at risk.

The netting across the regulation pond has stress tears around the edge creating holes within the net. You must maintain the net in good condition to avoid attracting birds to the lagoon as set out in your approved bird management plan.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0026614**

This form will report compliance with your permit as determined by an NRW officer

Site	Mona Anaerobic Digestion Plant	Permit Ref	AP3033HY
Operator/Permit holder	Grays Biogas Limited	Date	02/11/2016

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G2	C4	Refer Details Section	17/11/2016
G1	C3	Refer Details Section	25/11/2016
E3	C3	Refer Details Section	17/11/2016
C2	C2	Refer Details Section	02/12/2016
C1	C3	Refer Details Section	02/12/2016
B4	C3	Refer Details Section	09/12/2016

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.