

EPR Compliance Assessment Report

Report ID: DP3735NP/0236528

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

Site	Waen Anaerobic Digestion Plant				Permit Ref	DP3735NP		
Operator/ Permit holder	Biogen Waen Ltd							
Date	26/03/2015				Time in	14:55	Out	16:10
What parts of the permit were assessed	Odour Control							
Assessment	Site Inspection	EPR Activity:	Installation	X	Waste Op		Water Discharge	
Recipient's name/position	Kate Lister & Stuart Gordon							
Officer's name	Stuart Ross				Date issued		01/04/2015	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	C3	2.3
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

This Compliance Assessment Report follows an unannounced site inspection on 26/03/15 following reports of odour complaints from local residents (received via Denbighshire County Council on 25/03/15).

1. Digestate Tankering

During the inspection the acting site manager reported that during the previous 14 days PAS110 digestate had been tankered off site for land spreading. This phase of land spreading was completed previous evening of 25/03/15. The digestate tank volume had been reduced from approximately 80% to 20% and this was substantiated.

The site's Odour Management Plan (page 8) states that during tanker loading, odour from the tanker exhaust *'will be allied to the carbon filter within the screening hall to enable the displaced air as the tanker is filled with digestate to be treated'*, this will result in *'intermittent releases of treated air during tankering'*.

However, discussion with the acting site manager confirmed that displaced air generated during tanker loading is currently being vented directly to air without abatement. This is likely to give rise to odour emissions that will have an offsite impact.

Permit condition 2.3 requires that the site's activities shall be operated using techniques and in the manner described in schedule 1, table S1.2 of the permit, this includes your Odour Management Plan. Therefore this permit condition has been breached with the potential for minor environmental impact (odour emission / amenity impact) and attracts a non compliance score of 3.

It is understood that digestate tankering is not likely to commence again until late summer/autumn when digestate will be spread for winter crops. You must take action to ensure the permit is complied with before digestate is removed from site again. **Please submit a written compliance action plan to Natural Resources Wales detailing the actions you intend to take and associated timescales by 30/04/15.**

2. Biogas Holder & Digestate Storage Tank

There was a moderate to occasionally strong westerly wind blowing across the AD plant towards the roundabout to the east of the site. At 14:44 a constant digestate / biogas type odour was detected at this location being approximately 2 / 6 in intensity and mildly offensive. Up wind of the site (by the former petrol station) there was no odour. The down wind odour was later substantiated in the presence of the site manager but the odour was slightly milder.

The digestate storage tank was inspected from the viewing platform. A moderate odour was noted at the top of the tank sidewall/lip. The odour was being stirred up by the wind but was not particularly noticeable at ground level in the vicinity of the tank. The tank level was low and the surface of the remaining digestate was covered with a layer of clay balls. It is understood that additional clay balls are to be added to the tank to increase the thickness of this layer with the objective of further reducing evaporation and odour emissions. We welcome this proposal.

The other onsite odour source observed was the biogas holder. A carbon filter has been fitted to treat air displaced from between the inner and outer membranes. However odorous air was observed escaping from the outer membrane via the circular access hatch effectively allowing it to bypass the filter. Whilst the access hatch was fitted to the outer membrane, the air pressure within was sufficient to force air out around the rim. The volume of air escaping is likely to be relatively small but it is relatively high in odour strength.

Odour has been observed from the biogas holder on previous occasions and may have the potential to cause an off site impact, particularly at receptors close to the site boundary.

Accordingly we require that Biogen undertakes a review of the measures in place to prevent and minimise odour emissions from the biogas holder and to demonstrate to Natural Resources Wales that appropriate measures are in place.

The review should include (but not be limited to), the integrity of the inner membrane, the control of air pressures within the membrane space to reduce unnecessary losses, the sealing of the access hatch and the effectiveness and capability of existing abatement to reduce odour from the excess air. **Please submit a written report to Natural Resources Wales by 30/04/15 detailing the findings of your review and actions/time scales (where appropriate).**

N.B No odours were noticed from the waste reception hall (adequate control measures in place), or any other part of the process.

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Operator/ Permit	Biogen Waen Ltd	Date	26/03/2015

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
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.			
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.			☐
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.			☒
We will now consider what enforcement action is appropriate and notify you, referencing this form.			☐

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
B1	C3	Submit reports to Natural Resources Wales as required in the details section of this report.	30/04/15

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 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 which 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 fulfill 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 (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 report 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 the officer's line managers. 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.