

Compliance Assessment Report

Report ID:
CAR_NRW0035587

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

Site	Coomb Farm	Permit Ref	AB3094ZR		
Operator/Permit holder	Sion Davies				
Regime	Installations				
Date of assessment	13/08/2019	Time in	15:00	Out	17:00
Assessment type	Audit				
Parts of the permit assessed	See Below				
Lead officer's name	Edwards, Michael				
Accompanied by	Bacon-Weekes, Liane				
Recipient's name/position	Sion Davies/ TCM	Date issued	27/08/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. 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
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Handover visit undertaken by Michael Edwards and new lead officer Liane Bacon-Weekes, met on site by operator Sion Davies and consultants Jeff Griffiths and Joao Bras.

General Management

Under condition 1.1.1 of your permit you are required to a) work in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

During the inspection it was noted that the site operates from the Environmental Management System (EMS) titled *RAC/6819/5 Management Plan*, submitted 19/11/2015. As discussed on site, should the operator decide to alter a process on the waste facility then the EMS must be updated and reflect these changes.

Concerns were also raised again as parts of the EMS are yet to be completed, including in Part 3: Accident Management Plan with missing emergency contact details.

Action - You must ensure that the EMS is maintained so that it is accurately reflects of on site processes.

Secondary containment

Following a previous inspection it was noted that the operator had removed the secondary containment from the site. This had led to a Regulation 36 notice being served upon the operator to ensure that an appropriate secondary containment method was reinstalled.

This has been completed and a WQE 3 form has been submitted.

Emissions to air, water or land

Under table 3.1 of the permit you are required to undertake annual monitoring on the engine stack emissions, testing must be completed by someone who has either MCERTS Certification or MCERTS accreditation. During the inspection evidence was provided that the testing was completed and that all parameters tested were below the limits set in Table 3.1 of the environmental permit.

A copy of the report has been received and is now on our system.

Waste Acceptance and Returns

Following discussions on site clarification has been provided on the issued permit. Previous guidance provided to you in relation to waste returns has been deemed incorrect.

The slurry and bedding used as a feedstock are considered a waste for the process under **Paragraph 2(b) of Article 2 of the Waste Framework Directive - 2)The following shall be excluded from the scope of this Directive to the extent that they are covered by other Community legislation: (b) animal by-products including processed products covered by Regulation (EC) No 1774/2002, except those which are destined for incineration, landfilling or use in biogas or composting plant.**

As the feedstock is considered waste material, the outgoing digestate is also considered a waste (unless it is able to meet end of waste criteria) and must be incorporated into the waste returns as waste leaving the site.

At present there is a Regulatory Decision (RD) in place which allows the spreading of the digestate to be done without the need for further permit requirements.

However, should this position be reconsidered then the spreading of the digestate may require the use of a deployment permit.

Further to the queries raised by the operator as to why a Part A installation permit is required rather than another standard rule permit or a T24 exemption. The reasoning behind the decision for the Part A Installation permit is due to the **potential capacity** of waste that the plant can treat.

More information on both of the above queries have been sent to the operator by the new lead officer Liane Bacon-Weekes.

Should you have any queries regarding this CAR form, please contact Liane Bacon-Weekes at: Liane.Bacon-Weekes@cyfoethnaturiolcymru.gov.uk

EPR Compliance Assessment Report

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Operator/Permit holder	Sion Davies	Date	13/08/2019

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.

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			

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 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 fifteen 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.