

Compliance Assessment Report CAR_NRW0040140

Permit being assessed: DP3735NP.

For: Waen Anaerobic Digestion Site, held by Biogen Waen Ltd

At: Holywell Road, St Asaph, Denbighshire, St Asaph, Clwyd, LL17 0DS.

Type of assessment carried out: Audit, Reason: Other.

On 18/07/2022.

Parts of permit assessed: WTBREF Improvement Conditions

NRW Lead Officer: Paul Challender.

Report sent to: Andrew Georgiades, Environment Manager on 28/07/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
A1 - Specified by permit	Action only (X)	
A1 - Specified by permit	Action only (X)	
A1 - Specified by permit	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Submit pertinent parts of the Environmental Management Systems that control these aspects, an overview document detailing how they control these aspects or another suitable submission to satisfy BAT 1 vii & ix.	16/09/2022
A1	Submit the SOPs that control waste segregation on Waen AD operational site to satisfy BAT 1 x & BAT 2 e.	16/09/2022
A1	Submit information to satisfy BAT 1 xi, BAT 3(i)(b) & BAT 3(iii).	16/09/2022
A1	Submit a more thorough submission on the monitoring methods and frequencies for the parameters listed in Schedule 3(b), Table S3.3.	16/09/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This Compliance Assessment Report (CAR) has been raised to address the submitted information from Biogen Waen Ltd for the Improvement Conditions (ICs) applied to their Waen Anaerobic Digester site permit to bring them into compliance with the Waste Treatment BRef.

The IC responses received are the second submission to Natural Resources Wales (NRW) in relation to the BRef. The first submission did not fulfil the requirements of the BRef and therefore seven ICs were applied in variation DP3735NP/V003 with a required submission date of 17th February 2022. Responses for ICs 1 - 7 were received via email within the required timeframe. The submission however, does not satisfy all of the ICs. Each IC is discussed below:

Improvement Condition 1:

IC1 refers to six subsections of BAT 1 each is discussed below.

BAT 1 vii. Following the development of cleaner technologies; & BAT 1 ix. Regular sectoral bench marking; were both referred to in the submission. The submission however, is not sufficient and as such this part of IC1 has not been met. The site and operator working to accredited ISO standards is not sufficient to satisfy the requirement. The operator needs to demonstrate to NRW how this is achieved by submitting pertinent parts of the Environmental Management Systems that control these aspects, an overview document detailing how they control these aspects or another suitable submission.

Action: Submit pertinent parts of the Environmental Management Systems that control these aspects, an overview document detailing how they control these aspects or another suitable submission to satisfy BAT 1 vii & ix.

BAT 1 x. Waste stream management (and BAT 2); is not deemed complete and is only partially fulfilled. This is discussed below in the IC2 section and an action applied.

BAT 1 xi. The inventory of waste gas stream (and BAT 3); is not deemed complete. This is discussed below in the IC3 section and an action applied.

BAT 1 xii. Residues Management Plan; is deemed complete. A Residues Management Plan (Waen) dated 24/01/22 was received with the submission. This document covers specified residues, control measures, recording and responsibilities.

BAT 1 xiii. Accident Management Plan. is deemed complete. The document Environmental

Accident Management Plan Version 3 dated 04/06/19 was received with the submission and identifies risks and resolutions.

Improvement Condition 2:

IC2 refers to two subsections of BAT 2 each is discussed below:

BAT 2 a) Waste characterisation and pre-acceptance procedures, is deemed complete. Biogen operates a Feedstock Pre-acceptance procedure which, is utilised to manage incoming wastes to the Wean AD site. The procedure supplied is currently at version 4 and is dated 17/08/20. This procedure has also been discussed during the October 2021 site inspection.

BAT 2 e) Waste segregation, is not deemed complete. Although the operational site does operate clear waste segregation practices, no procedural documentation has been submitted in the response. During the October 2021 waste segregation was observed and Biogen management and staff stated that these practices were controlled by Standard Operating Procedures (SOPs). The SOPs controlling waste segregation were not supplied in the original BRef or the submission to satisfy IC2.

Action: Submit the SOPs that control waste segregation on Waen AD operational site to satisfy BAT 1 x & BAT 2 e.

Improvement Condition 3:

IC3 refers to three subsections of BAT 3 each is discussed below:

BAT 3 (i)(a) The existing process flow diagram requires updating to include the emissions sources and in particular the activated carbon filtration system outlet, is deemed complete. An updated process flow diagram was submitted in the document Waen IC Response 17.02.2022 (V008).pdf see page 10.

BAT 3 (i)(b) the waste gas treatment description (carbon filtration system) including performance information, is not deemed complete. A description of the treatment system or its performance information has not been submitted.

BAT 3 (iii) establish an inventory of waste gas (for the waste gas from the reception hall to be treated by the activated carbon filtration system) to collate the information in accordance with BAT Conclusion 3 of the Waste Treatment BREF Document (EU 2018). A waste gas inventory has not been submitted.

Action: Submit information to satisfy BAT 1 xi, BAT 3(i)(b) & BAT 3(iii).

Improvement Condition 4:

IC4 refers to one subsection of BAT 4 and is discussed below:

BAT 4 b) adequate storage capacity, is deemed complete. The document Waen IC Response 17.02.2022 (V008).pdf details capacity arrangements and throughputs on pages 13 & 14. Existing pre-acceptance checks and SOPs control waste acceptance.

Improvement Condition 5:

IC5 refers to the two subsections of BAT 23 and is discussed below:

BAT 23 Energy efficiency Plan; and Energy Balance Record, is deemed complete. Detailed in the document Waen IC Response 17.02.2022 (V008).pdf on pages 14 - 17. Use and production is recorded and monitored business wide against key performance indicators on an electronic balance system. Data is tracked and evaluated on a quarterly basis.

Improvement Condition 6:

IC6 refers to BAT 24 and is discussed below:

BAT 24 Maximise the reuse of packaging as part of a Residues Management Plan, is deemed complete. A Residues Management Plan (Waen) dated 24/01/22 was received with the submission. This document covers specified residues, control measures, recording and responsibilities.

Improvement Condition 7:

IC7 refers to BAT38 and is discussed below:

BAT 38 In order to reduce emissions to air and to improve the overall environmental performance, BAT is to monitor and/or control the key waste and process parameters, is not deemed complete.

The IC refers to the parameters listed in Schedule 3(b), Table S3.3. The operator's IC response identifies each parameter in a table and refers to each parameter in turn but the submission is too light in detail to satisfy the IC. The table refers to SOPS, probes, accredited labs, calibrated meters and analysers, however, the submission fails to supply the relevant SOPS, details of accredited laboratories or standards to which they are testing, details of equipment or probes including but not limited to model numbers, recalibration frequencies etc.... Furthermore the submission fails to provide details of the following parameters alkalinity, hydraulic and organic loading rates, FOS/TAC Ratio, ammonia, and carbon dioxide; merely stating that these are N/A alongside a light explanation.

The NRW permitting service has inserted these parameters into Table S3.3 to ensure that the plant is operated in an environmentally protective manner in line with the BAT Conclusions. The operator should submit suitable detailed monitoring methods and monitoring frequencies for each parameter. If the operator believes that certain parameters should be scoped out or wish to use a surrogate parameter a more thorough submission and technical explanation needs to be submitted.

Action: Submit a more thorough submission on the monitoring methods and frequencies for the parameters listed in Schedule 3(b), Table S3.3.

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If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.