

## Compliance Assessment Report CAR\_NRW0040139

**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:** Site Inspection, Reason: Routine.

On 14/07/2022 between 12:30 and 14:00.

Parts of permit assessed: See Below

**NRW Lead Officer:** Philip Harper.

**Report sent to:** Dave Herbert, Area Manager on 29/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	C4 No impact	1.1.1(a)
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
3	4.2

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
C1	Undertake training, improve staff awareness.	31/08/2022
C3	Ensure that an appropriate system is implemented to allow site operatives to access cumulative tonnages and provide training.	31/08/2022
G4	Report future incidents	Already completed

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.

### You are non-compliant with your permit.

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

Natural Resources Wales Senior Industry & Waste Regulation Officer Phil Harper visited Waen Anaerobic Digestion Site, Holywell Road, St Asaph, Denbighshire, Wales, LL17 0DS at 12:30 am on the 14<sup>th</sup> July 2022. This was an unannounced visit which was accompanied by Sam Crookes, Site Engineer.

Weather conditions were bright and sunny.

A review of the Quarter 2 waste return data has also been included at the end of this compliance assessment report.

### **B1 Engineering for Prevention and Control of Emissions**

The bunded area surrounding the digesters and associated storage and process tanks was in good condition. No visual cracking of surfaces was noted.

No permit breaches identified.

### **B3 Site Drainage Engineering (Clean and Foul)**

Site drains all appeared to be clear and unimpeded by deposits.

No permit breaches identified.

### **B4 Containment of Stored Materials**

The waste reception building was in good condition, no issues noted with the impermeable floor. Doors operational. Waste reception bays in good condition.

## **C1 Staff Competency/ Training**

### **Technically Competent Manager**

The role of Technically Competent Manager for Waen AD plant is currently being undertaken by Steven Roberts. Natural Resources Wales understands that Steven Roberts is currently based at the Gwyrriad AD plant at Llwyn Isaf.

Page 37 of the “How to comply with your permit document” states that “There is a minimum site attendance of one hour a week on all operational sites. This includes in-house facilities taking their own waste. A week runs from Sunday at midnight and ends on the following Sunday at midnight.”

Site records, namely the site diary does not show attendance to Waen AD plant by Steven Roberts.

Permit condition **1.1.2** states that “**Records demonstrating compliance with condition 1.1.1. shall be maintained**”.

Permit condition **1.1.1b** states that “**The operator shall manage and operate the activities using sufficient competent persons and resources**”.

**A category 3 breach has been applied as no records were available.**

**Action 1:** Ensure that attendance to the site is recorded.

## **C3 Materials Acceptance**

### **Cumulative Tonnage of Accepted Waste**

CAR\_NRW0038778 was issued to the site following a site visit which was conducted by officer Paul Challender on the 23<sup>rd</sup> September 2022. The CAR form raised concerns regarding the ability of weighbridge operators to monitor the cumulative tonnage of accepted waste and required that a control system was implemented by the 31<sup>st</sup> October 2022. During the inspection the tonnage of accepted waste was requested. Site operatives had difficulty in obtaining the information from the system, hence Natural Resources Wales does not consider that an appropriate system has been put in place.

This is a permit breach with respect to permit condition **1.1.1(a) The operator shall manage and operate the activities 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.**

A **category 4** breach has been applied.

**Action 2:** Ensure that an appropriate system is implemented to allow site operatives to access cumulative tonnages and provide training by the **31<sup>st</sup> August 2022.**

## **C4 Storage Handling and Segregation**

At the time of the inspection waste was stored within one bay. Unpasteurised digestate which is being imported from the Biogen site at Gwyrriad is being pumped directly into the process for pasteurisation. No

issues noted.

**F1 Odour**

No offsite odours were noted during the inspection.

**F2 Noise**

The site was operational at the time of the inspection. Offsite noise was not deemed to be excessive.

**F3 Dust/fibres/particulates and litter**

No litter was observed outside of the site boundary.

**F4 Pests, birds and scavengers**

No vermin were observed on site at the time of the inspection. Records demonstrating actions undertaken by contractors for the control of vermin were reviewed during the inspection. No issues were noted.

**F5 Deposits on road**

No deposits were observed on the road.

**G4 Reporting and notification to Natural Resources Wales**

During the site inspection, site operatives stated that the crank shaft for the MCP had snapped the previous week. This prevented the site from using generated methane to generate electricity and resulted in increased use of the flare, a parameter covered by the environmental permit for the site.

It is the understanding of Natural Resources Wales that the breakdown also resulted in reduced waste throughput. Waste is currently being diverted from the Gwyrriad AD plant due to ongoing issues with the pasteuriser. Site operatives reported that in the week prior to the inspection, waste was stored up to the doors within the reception building. This was not observed during the inspection.

However, the breakdown could have led to events which may have had an effect on the environment. Natural Resources Wales has not received notification regarding the breakdown as specified in permit condition **4.3.1.(a)(i) In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately inform Natural Resources Wales.**

A **category 4** breach has been applied.

**Action 3:** Ensure that notifications are sent to Natural Resources Wales in accordance with the permit.

**Quarter 2 Waste Returns****G4 Reporting and notification to Natural Resources Wales**

Waste returns have been received for quarter 2 on the 19<sup>th</sup> July 2022 as required by permit condition 4.2.5 and a review of the waste returns has been undertaken.

It has been noted that no 19 codes for wastes from waste management facilities have been reported. Please be advised that any waste brought to the site from waste management facilities, for example, local authority bulking stations should be assigned a 19 code.

No other issues with waste returns have been identified.

Kind Regards

**Phil Harper**

**Industry and Waste Regulation Officer NW**

**03000 65 3717/ 07890025506**

**[philip.harper@cyfoethnaturiolcymru.gov.uk](mailto:philip.harper@cyfoethnaturiolcymru.gov.uk)**

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](mailto: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](mailto: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.