

Compliance Assessment Report CAR_NRW0040834

Permit being assessed: AB3090CC.

For: Argoed Farm AD Facility, held by Derwent Renewable Power Ltd

At: Argoed, Trefeglwys, Caersws, Powys, SY17 5QT.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/11/2022 between 11:00 and 13:00.

Parts of permit assessed: Emissions to water

NRW Lead Officer: Malcolm Dines, accompanied by Liz Park.

Report sent to: Roger Hughes, Owner on 20/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
G4	Ensure all quarterly waste returns since the beginning of 2020 are submitted to NRW.	31/01/2023

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

This was a routine announced compliance visit to assess compliance with the action from the previous compliance report (CAR_NRW0040512) to ensure that there was no discharge of effluent to surface water, was carried out by Malcolm Dines and Liz Park. However, due to concerns regarding Health & Safety at Anaerobic Digestion plants, Natural Resources Wales (NRW) temporarily stopped officers attending these sites prior to this compliance visit. The officers assessed compliance with surface water discharge at the surface water drain outfall that is outside the site boundary and could be accessed without entering the site. The officers then met with Roger Hughes, the site Owner and Technically Competent Manager off-site to discuss on-going compliance actions. The weather was dry and clear and there had not been any rainfall that day

Permit Breaches

G4 - Reporting and notification to Natural Resources Wales - On-going; Permit Condition 4.2.2

You were given this category 3 breach under the above condition on the last compliance report (ref: CAR_NRW0040512) because you have not submitted any waste returns since Quarter 4 of 2019. You have still to comply with this action, but it was agreed to extend the deadline until 31st January 2023 along with the deadline for submitting the EMS. If you fail to submit all outstanding waste returns by the required date, NRW may serve a legal notice to submit the waste returns. The failure to comply with a legal notice is an offence.

Other general observations/comments

At the time of the inspection, there was no effluent discharging from the surface water drain for the site. This had been an issue during previous compliance visits and appeared to have been caused by effluent not being contained properly by the storage clamp infrastructure and entering the surface water drain at the site. However, the previous CAR form required you to clean the surface water drains to ensure all effluent that had entered through previous compliance breaches had been cleaned. It appears that this cleaning of the drains may well have solved the issue however, you must ensure that checking the surface water discharge point forms part of the daily checks and ALL observations are recorded. These checks will ensure that if effluent is entering the surface water drains due to the damage to the infrastructure of the storage clamps, this matter can be addressed immediately. If such an issue is identified, you must inform Natural Resources Wales (NRW) straight away.

Compliance report CAR_NRW0040512 dated 21st October 2022 detailed a breach of permit condition 2.4.1 and an action requiring you to submit a full report into the site drainage by a third-party drainage specialist, including a detailed site drainage plan by 31st October 2022. The report had to detail any improvements required to ensure that the site drainage is fully compliant with your permit in that clean and foul drainage is full segregated and that in the event of any spill, leak or failure in this area, the spilled material can be contained and recovered.

You confirmed that a consultant had attended site and carried out an assessment of the drainage system but had repeatedly failed to provide you with the report. However, due to significant improvement works undertaken by yourself since the initial requirement for this report in July 2022, as well as NRW now fully understanding how the drainage works at the

site, NRW no longer require the submission of this report.

An outstanding compliance action was to review and revise the site Environmental Management System (EMS). At the meeting you explained that you were unsure of what NRW required by this action but, following advice and guidance provided by the officers, you agreed that you would be able to complete this action and it was agreed to extend the deadline until 31st January 2023. It has been noted that there was an inconsistency with the required deadlines for this action on the compliance report with one of the dates being 31st December 2022, therefore NRW do not consider you to have failed to meet the required action deadline.

Since this compliance meeting you have emailed stating that you have passed your Continuing Competency assessment and therefore meet the requirements of permit condition 1.1.4. Please ensure that you submit a copy or clear photograph of the certificate.

You have also provided a photograph showing that the oils used to service the gas engines are now stored on a banded pallet and that this is also covered to prevent it collecting rainwater. This meets the requirement of the outstanding action for breach of permit condition 3.2.3.

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.