

## Compliance Assessment Report CAR\_NRW0040637

**Permit being assessed:** AB3097FU.

For: Asgard Renewables Ltd, held by Asgard Renewables Limited

At: Unit 2, Crugmawr Farm, Penparc, Cardigan, Ceredigion, SA43 1QY.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 02/11/2022.

Parts of permit assessed: 2.1.1 - secondary containment

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Tom Chaloner, Site Manager on 21/12/2022.

### 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	C3 Minor (Suspended)	2.1.1

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

Total number of non-compliances recorded	Total non-compliance score
1	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
B1	Submit a report detailing timescales for this work to be completed	31/03/2023

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.

**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 was a routine compliance meeting carried out by Malcolm Dines over MS Teams as NRW have been prevented from attending Anaerobic Digestion (AD) sites until further notice due to Health & Safety concerns relating to the required use of Gas Monitors.

The purpose of this meeting was to review the situation with regards the outstanding compliance action to ensure that the tankfarm bund complied with the requirements of the permit with regards the amount of material it can retain.

The permit contains the following conditions that make reference to the required size of the tankfarm bund:

*2.1.1 - Permitted Activities - All AD and Digestate Storage tanks shall be located on an impermeable surface with sealed drainage surrounded by a bund with the capacity to store 110% of the volume of the largest tank or 25% of the total tankage volume (whichever is the highest).*

The CIRIA report carried out by consultants Burroughs and submitted as part of the original permit application process states that the design includes 110% containment of largest tank and retention for rainfall event and the calculations show that this "retention for rainfall event" equated to an additional 200m<sup>3</sup> of capacity. The permit was issued using this information.

*2.3.1 - Operating Techniques - CIRIA Guidance C736*

Section 4.3.2 of this guidance, "Volume of inventory" states, *"The volume of inventory should be taken as the capacity of the primary containment. For above ground storage tanks, the brimful capacity of the primary containment should normally be adopted as advised in the environmental permit. However, where the tank is fitted with a physical overflow, the capacity at which the tanks would overflow may be taken"*

The permit does not make any reference to, "brimful capacity", the only reference is to 110% of the largest tank as set out in permit condition 2.1.1 (see above).

*3.2.3 - Secondary Containment - All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.*

The tankfarm bund is the secondary containment for the digester and storage tanks and the main tank is fitted with physical overflow at 5.1m. As a physical overflow is considered adequate in the CIRIA guidance, it can be considered an appropriate measure to prevent emissions when the secondary containment does not meet 110% of the brimful of the tank but will contain 110% of the physical overflow level of the tank.

The physical overflow on the main tank (at 5.1 metres) results in a maximum tank capacity of 4,630m<sup>3</sup>, meaning that 110% of this capacity is 5,093m<sup>3</sup>. As the original calculation for the bund size for the permit application included 200m<sup>3</sup> for retention for rainfall event, the "target" minimum capacity for the bund is 5,293m<sup>3</sup>.

Since this issue was initially identified, you have had two surveys carried out to calculate the size of the tankfarm bund with the smaller size being 4,277m<sup>3</sup> and the larger 5,006m<sup>3</sup>. In such situations NRW would always require an operator to base their work on the figure that is higher risk which, in this case, is the lower capacity survey result of 4,277m<sup>3</sup>. However, it was agreed that you would assess the differences that the two survey results

would make to the remediation process and if you want to base your remediation on the higher capacity of the two surveys, provide a report that justifies why NRW should accept this decision. Please take into account that NRW's consideration will focus primarily on environmental protection.

Actions - Provide a report detailing the timescales for ensuring that the tankfarm bund meets the minimum capacity of 5,293m<sup>3</sup> and, if you intend to base this work on the higher bund capacity you must also submit a detailed justification of this decision. This action must be completed before 31st March 2023.

Although the score for this permit breach has been suspended previously and this breach has continued over a longer timescale than usually allows for scores to be continuously suspended, NRW did not follow up on their own deadlines in a timely manner. In addition, the operator has been managing the situation effectively and therefore it is felt that suspending this score is acceptable. In the event that the deadline for the action is not met, this score will be re-activated in addition to any additional scores.

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.