

Compliance Assessment Report CAR_NRW0043226

Permit being assessed: BB3099CG.

For: GP Biotec Waste Storage, held by GP Biotec Ltd

At: Great Porthamel Farm, Talgarth, Brecon, Powys, LD3 0DL.

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

On 12/01/2024 between 10:00 and 14:30.

Parts of permit assessed: See criteria listed

NRW Lead Officer: Jeremy Goddard, accompanied by Rhydian Cox, Erin Smyth-Evans.

Report sent to: Mr. Paul Jones, Director on 14/02/2024.

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)	

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	As outlined in compliance assessment report CAR_NRW0043189, for permit AB3233DW please submit a revised permit variation by 30/04/2024. Once the environmental permit for the installation has been varied you then need to apply to surrender permit BB3099CG.	30/04/2024

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

NRW officers Jeremy Goddard, Rhydian Cox and Erin Smyth-Evans met with Paul Jones

(Director / Site Manager) of GP Biotec and Lucy Owen of GP Biotec / Marches Biogas (environmental compliance support) on Friday, 12 January 2024. The visit encompassed the whole Anaerobic Digestion (AD) operation and both Environmental Permits at the GP Biotec Great Porthamel farm site.

The AD Plant operates under the conditions of environmental permit AB3233DW. This compliance assessment report is for permit BB3099CG, standard rules set SR2010 No.17 for the storage of wastes to be used in land treatment prior to use. The permitted area is a small section of the yard including a concrete pad and above ground storage tank on the far western boundary of the site. The inspection of environmental permit AB3233DW will be covered in a separate compliance assessment report, CAR_NRW0043189.

Inspection Commentary

Following general discussions at the site office NRW officers were taken on a tour of the whole site by Paul Jones and Lucy Owen. This included areas covered by permits AB3233DW and BB3099CG as well as unpermitted areas of the site. Weather conditions during the visit were overcast and dry with good visibility.

The concrete yard within the permitted area for BB3099CG was empty of waste, although there was a small pool of water in the right hand corner suggesting that the drainage sump was full. Officers were unable to see the contents of the above ground storage tank, but Paul Jones did state that there was only some residual material in it.



Permitted area BB3099CG - clamp & store in centre of photograph, 12/01/2024

NRW officers previously inspected permit BB3099CG on 15/03/2022 where it was outlined that the permit was for an activity different to that actually being carried out. Findings were detailed in the subsequent compliance assessment report, CAR_NRW0039864 where the operator was given actions to either include this area within installation permit AB3233DW and then surrender standard rules permit BB3099CG or alternatively, to comply with the conditions of the standard rules permit BB3099CG. The standard rules permit is designed to store waste prior to it being used in land treatment whereas the operator was using this area as an auxiliary reception area where waste was stored / blended in the event that it could not be accepted directly into the reception building for the AD Plant.

A deadline of 31/08/2022 was set by which time GP Biotec were to cease using the permitted area for the storage and mixing of wastes prior to the input to the AD Plant. It was confirmed in an email from Lucy Owen, dated 3/11/2022 that the operator had ceased accepting waste into the area covered by the standard rules permit BB3099CG. Lucy Owen reaffirmed to Rhydian Cox on 26/01/2024 that the tank within the permitted area for BB3099CG is no longer used to store and blend unprocessed feedstock wastes. It is however being used to store QP compliant non-waste digestate prior to land spreading, the same as the other storage tanks located outside the permitted area at the site. Providing this material complies with the Quality Protocol for anaerobic digestate (including relevant PAS standard) it is not classified as a waste and not subject to the conditions of permit BB3099CG. The use of the tank for the storage QP compliant digestate will not be scored as a permit non-compliance.

The same deadline of 31/08/2022 was given for GP Biotec to vary installation permit AB3233DW to incorporate the area covered by standard rules permit BB3099CG and then surrender BB3099CG. There were delays in submitting these applications and when assessed both were deemed as not duly made by NRW's respective waste and industry regulation permitting teams. Unfortunately, both applications were returned to the applicant and we find ourselves in the same position we were in March 2022, at the outset of this process. It is disappointing that we are no further forward in relation to obtaining the correct authorisation for this area of the yard than we were in March 2022. However, as you have confirmed that this area has not been used since then to store / treat waste we have not scored a permit non-compliance.

Conclusion

Standard rules set SR2017 No10 is the wrong type of permit for the activity you wish to undertake in this area of the site. As agreed, the environmental permit for the installation (AB3233DW) needs to be varied to incorporate the area currently permitted under BB3099CG and you need to ensure that relevant conditions apply for this area, not conditions that are taken directly from the SR2017 No10 standard rules set as this is the wrong activity.

ACTION: As outlined in compliance assessment report CAR_NRW0043189, for permit AB3233DW please submit a revised permit variation by 30/04/2024. Once the environmental permit for the installation has been varied you then need to apply to surrender permit BB3099CG.

END

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.