

Compliance Assessment Report CAR_NRW0043175

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: Site Inspection, Reason: Routine.

On 22/11/2023 between 14:00 and 16:00.

Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines, accompanied by Holly Dyke.

Report sent to: Gina Pope, Site Manager on 06/03/2024.

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
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
E1 - Emissions - Air	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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
3	8

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	Increase capacity of tankfarm bund to 1016m3	31/10/2024
C2	Submit to NRW the sections of your EMS that relate to the following: 1) the new pasteuriser unit including capacity and changes to the pasteurisation process; 2) stack monitoring and the reporting of monitoring results.	29/02/2024
E1	Provide a report detailing why the emission limit for NOx was	31/03/2024

Criteria	Action needed	Complete by
	exceeded and what actions have been, or will you be taking to prevent this emission limit being exceeded again in the future	
G4	Ensure that you comply with permit conditions relating to the reporting of breach of emission limits	29/02/2024
G4	Ensure that you comply with Permit Condition 4.3.2 and submit required information required about breach of ELV	06/03/2024

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.

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

Updated and re-issued – following review of monitoring emissions

This was a routine announced compliance visit carried out by Malcolm Dines (Waste Regulation Officer) and Holly Dyke (Enforcement Assistant), who met with Tom Chaloner (General Manager) and Gina Pope (Compliance Manager). The weather was cloudy but dry. During the compliance visit it was requested that the annual monitoring results were submitted to Natural Resources Wales (NRW).

Permit Breaches

B1 - Infrastructure - Engineering for prevention and control of emissions - Cat 3 (Suspended); Permit Condition 2.1.1

You were given this suspended category 3 breach under the above condition because, following your email response (dated 29 March 2023) to the requirements set out in Compliance Report (CAR_NRW0040637) to improve the tankfarm bund by increasing the height of the bund to increase the capacity, but at the time of this compliance visit the work has yet to be started despite stating in your email dated 29 March 2023 that it would be completed "within the following 12 months".

The purpose of the bund is to retain any spilled material and due to the stream immediately the other side of the bund being a tributary of the Afon Teifi the proposal by your contractors to "key-in" clay material to the top of the bund would be acceptable as long as the bund still meets the requirements of CIRIA C736. NRW still consider that the lower of the two surveys (the higher environmental risk) should be considered to be the requirement for the improvements and therefore you need to increase the capacity of the

bund by 1016m³.

Despite agreeing to complete the work within 12 months, at the time of this compliance visit you had not started the work, but because it was not possible to carry out a site visit from 2022 until this compliance visit due to an internal NRW health and safety matter, NRW are willing to agree to extend the deadline beyond your proposed 12 months. However, we see no value in allowing this work to be completed during winter when poor weather will require increased management of sediment and therefore increasing cost and would also result in an increased risk of sediment pollution. **Action:** increase the capacity of the tankfarm bund by 1016m³ **by 31 October 2024.**

C2 - Management system and operating procedures - Action Only; Permit Condition 2.3.1

You were given this Action Only breach under the above condition because during this compliance visit we discussed that you have replaced the pasteuriser for the AD process. The pasteurisation process falls under permit compliance as a specified Operating Technique and Table S1.2 of the permit requires you to operate in accordance with Section 3.4 of the Asgard AD Environmental Permit Variation Report. This report specifies that your pasteurisation process operates three pasteurisation units with a total capacity of 72m³ and that there was a need to add another pasteurisation unit to be able to handle the new permit limit of 100 tonnes/day of waste input. As you have replaced the pasteurisation unit and set-up specified in that report, under this permit condition NRW have to agree in writing the new pasteurisation process. The information provided will be assessed on a subsequent Compliance Report.

Action: update and submit for review your Environmental Management System (EMS) that are relevant to the pasteurisation process, ensuring that the details of the new pasteurisation unit and throughput capacities are included as well as any changes to the pasteurisation process from that specified in the variation report **by 29 February 2024**

E1 - Emissions to air - Cat 3; Permit Condition 3.1.2

You were given this category 3 breach under the above condition because your Stack Emission Monitoring report shows that in 2022 you breached the emission limit value (ELV) for oxides of Nitrogen (NO_x), as specified under the above condition (Table S3.1) of your permit. The emission limit for NO_x is 500mg/m³ and the monitoring result for gas engine A1-G2 was 987 mg/m³ (MU +/- 14 mg/m³). The Measurement of Uncertainty (MU) is within the maximum allowed uncertainty values for NO_x as set out on .GOV 'Monitoring stack emissions: techniques and standards for periodic monitoring' (Formerly M2). However, the total MU is greater than the +/- 30% allowable as set out in Landfill Technical Guidance Note 8 (LFTGN08) as 30% of 987 mg/m³ is 296 mg/m³. This means that the lowest possible the emission result could be (-30%) is 691 mg/m³ which is higher than the ELV for NO_x.

At present this breach will receive a compliance score of 3 however, the report by Envirocare does not provide the following information:

- height of stack
- the stack inner diameter
- the stack gas velocity and,
- the NO_x emission rate.

Without this information it is difficult for NRW to accurately assess the impact of a breach of ELV and so further breaches may result in a higher score if that breach is considered to reasonably have a significant impact on receptors and your report does not include data that enables NRW to more accurately assess the impact.

Action: submit a report that explains why the emission limit for NO_x was breached and what actions you will be taking to address this issue and provide the information required to adequately assess the impact of the permit breach **by 31 March 2024**

G4 - Reporting and notification to Natural Resources Wales - Cat 3; Permit Condition 4.3.1(b)

You were given this category 3 breach under the above condition because you failed to notify NRW that you had breached the emission limits for NO_x as detailed above. It is reasonably foreseeable that this breach has resulted in a minor impact to the environment as the monitoring was carried out in August 2022 with the report being dated September 2022. Your permit requires you to notify NRW without delay when an ELV has been breached. No mention of any issues with emissions was made when I requested the report during this compliance visit, nor with the email when the report was submitted.

Action: ensure that you comply with your permit with regards to notifying NRW when emission limits have been breached **with immediate effect**

G4 - Reporting and notification to Natural Resources Wales - Cat 3 (Consolidated); Permit Condition 4.3.2

You were given this category 3 breach under the above condition because you failed to submit the information required by your permit regarding the breach of ELV for Gas Engine A1-G2 for NO_x, as detailed above. This information includes actions you would take to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission. The score for this permit breach has been consolidated under the breach of Permit Condition 4.3.1(b)

Action: ensure that you comply with your permit with regards to notifying NRW when emission limits have been breached **with immediate effect**

C2 - Management system and operating procedures - Action Only; Permit Condition 1.1.1

You were given this Action Only breach under the above condition because following submission of your monitoring data (as detailed above) the stack monitoring reports for the gas engines show that you breached the ELV for NO_x on the A1-2G gas engine. Compliance regarding this matter will be addressed in a subsequent Compliance Report.

Action: please submit the relevant sections of your EMS that relate to the monitoring and maintenance of the gas engines and also details of all maintenance carried out on the gas engines in 2023 **by 29 February 2024**

Other Matters

Stack Emission Monitoring

Along with the breach of permit identified above, the review of your stack emission monitoring reports from 2022 and 2023 identified that the ELV for NO_x was Approach to Limit (ATL) for gas engine A2 - Edina in 2022 and for both gas engines in 2023. Additionally the ELV for VOC was ATL for gas engine A2 Edina in 2023. You should ensure

that you understand why these emissions were ATL and identify actions that you need to take that will reduce these emissions in the future.

Liquid waste collection and external waste storage.

Although not permit breaches, due to their locations please ensure that the umbilical pipes for the digestate collection and the loading and unloading of the nurse tanks is secure and does not result in material being spilled as they are both located on areas of the site served by permeable paving and where there is no impermeable liner protecting groundwater.

Technical Competence

The primary Technical Competence award and the Continuing Competency certificate for Tom Chaloner were reviewed and are compliant with the requirements for the site.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

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.