

Compliance Assessment Report CAR_NRW0043738

Permit being assessed: LB3790HA.

For: Anaerobic Digester, held by Mr Geraint Powell And Mrs Anabel Powell

At: Newtown, Powys, SY16 4LN.

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

On 27/02/2024 between 10:30 and 12:15.

Parts of permit assessed: All

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

Report sent to: Lloyd Powell, Site Manager on 25/03/2024.

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	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	C4 No impact	1.1.4
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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	Ensure that Lloyd Powell gains his WAMITAB qualification, or employ a suitably qualified manager	31/08/2024
C2	Review EMS with regards to Stack Emission Monitoring and update if necessary and submit to NRW	15/04/2024
G1	Submit report of the emission monitoring carried out on 13 March 2024 and ensure that you comply with your permit	15/04/2024

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.

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 compliance visit carried out by Malcolm Dines (Waste Regulation Officer) and Liz Park (Senior Waste Officer) and who were met and accompanied throughout the visit by Lloyd Powell, the site manager. The weather was dry and clear, but there had been significant rainfall over recent weeks.

Permit Breaches

C1 - Staff Competency and Training - Cat 4; Permit Condition 1.1.4

You have been given this category 3 breach under the above condition because you are not currently complying with an approved competency scheme. Previously Anabel Powell was acting as your TCM, but due to family matters she was unable to undertake the required Continuing Competency assessment. Lloyd Powell is in the process of gaining his relevant WAMITAB qualification. Currently the site appears to be well run, with no significant concerns regarding non-compliance or pollution and therefore at present it is unlikely that this non-compliance will result in environmental harm. However, in the event that significant non-compliances or pollutions are identified, it may be considered that the lack of an appropriately qualified Technically Competent Manager is the cause resulting in a higher category of non-compliance under this criteria.

Action: Ensure that Lloyd Powell completes his WAMITAB qualification or employ a suitably qualified manager **by 31 August 2024**

C2 - Management System and Operating Procedures - Cat 3; Permit Condition 1.1.1

You were given this category 3 breach under the above condition as the root cause of failing to ensure that the stack emissions monitoring has been carried out for 2022 and 2023. Your Environmental Management System (EMS) should include the requirement to carry out stack emission monitoring as part of permit compliance and the failure to ensure that this monitoring was carried out or, if it was, have the monitoring report available on request is a failure of, or a failure to comply with your EMS.

Action: Review, and update if necessary, your EMS to ensure that you have procedures in place to comply with permit requirements regarding stack emission monitoring and submit those sections to NRW **by 15 April 2024**

G1 - Monitoring of Emissions and Environment - Cat 3; Permit Condition 3.5.1

You were given this category 3 breach under the above condition because, you have not carried out Stack Emission Monitoring in 2022 and 2023 as required by your permit. In January 2024, prior to this compliance visit you were asked to provide the emissions monitoring for your site for 2022 and 2023. During the compliance visit and again in correspondence with you following the compliance visit you were again asked whether the monitoring had been carried out as you had provided service records for the gas engines and stated that the MCERTS monitoring would be carried out on 13 March 2024. But you have not been able to provide actual emissions monitoring for 2022 and 2023. It is reasonably foreseeable that the failure to carry out emissions monitoring will result in minor pollution of the environment as you are not able to demonstrate that the emissions from your gas engines are not breaching the ELV set in your permit. Normally, where sampling has not been carried out, the requirement is to arrange for monitoring to be carried out at the earliest opportunity however, you have already stated that the monitoring was to be carried out on 13 March 2024. In an email to you on 11 March 2024 you were asked to provide the monitoring reports for 2022 and 2023 by 15th March 2024. At the time of writing the compliance report you have not provided these reports and so we consider that you have failed to comply with the above permit condition.

Action: Submit the report of the emissions monitoring carried out on 13 March 2024 to NRW by **15 April 2024**.

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.