

Compliance Assessment Report CAR_NRW0045139

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: Site Inspection,

Reason: Routine.

On: 06/09/2024 between 10:15 and 10:30.

Parts of permit assessed: All.

NRW Lead Officer: Malcolm Dines.

Report sent to: Roger Hughes, TCM, on 30/09/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
W2C - Waste - Operations - Operating techniques	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	35

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
W1A	Submit a fully revised and updated Environmental Management System	01/01/2025
W3B	Prevent discharge of polluting matter to watercourse	31/10/2024
W2C	Ensure all waste liquids are securely stored and that in the	14/10/2024

Criteria	Action needed	Complete by
	event of a leak, spill or failure, material can be contained and recovered.	

Compliance 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 an unannounced routine compliance visit carried out by Malcolm Dines (Waste Regulation Officer). The weather was dry, bright and warm and there was no-one on site for the duration of the visit.

Permit Breaches

W1A - General Management - Category 2; Permit Condition 1.1.1

You have been given this Category 2 breach under the above permit condition as you have failed to submit a fully revised and updated Environmental Management System as required by Compliance Report (CAR_NRW0042930) following my compliance visit to your site on 15 November 2023. This required you to submit a fully updated Environmental Management System to Natural Resources Wales by 19 March 2024 and you had failed to comply with this requirement when I carried out my next compliance visit on 26 March 2024. It was subsequently agreed to allow you until 10 May 2024 to submit a fully reviewed and updated Environmental Management System as you had engaged the services of a consultant to complete this work.

To be compliant with this permit condition you are required to have appropriate procedures and you must also put them into action. Since 2022 there have been significant permit breaches at your site that could have resulted in pollution of the environment and the root cause of all of these is a failure to have either appropriate procedures, or to put procedures into action.

In addition, the breach of permit conditions 3.1.1 and 3.2.1 identified during this compliance visit is because you have failed to prevent polluting matter entering the clean-water drainage system on the yard. This is a failure to operate in accordance with an adequate Environmental Management System as this should identify and minimise the risks of pollution. Your Environmental Management System should be written taking into account

the guidance document, "How to Comply with Your Environmental Permit" which requires you to have a have an inspection and maintenance programme for impervious surfaces and containment facilities. As you have previously breached permit conditions because of a point source discharge from the same clean surface water drain, inspecting the clean water drainage system should be part of the inspection regime for the site. It is reasonable to expect that, if your Environmental Management System included a requirement to inspect these drains, you would have then inspected the clean water discharge to the watercourse and identified that it was causing pollution. It is also reasonable to expect that, because of the previous permit breaches and the subsequent advice provided by both myself and colleagues, on identifying that your site is causing pollution, you would have notified Natural Resources Wales. Because of your repeated failures to comply with the requirement to operate in accordance with an Environmental Management System that minimises the risk of pollution, Natural Resources Wales will issue you with a Regulation 36 Notice.

You also have inadequate site security. During this compliance visit I was able to enter the site and walk around the entire site, including accessing the control room, without seeing or speaking to yourself or any staff. This matter was previously been brought to your attention on Compliance Report CAR_NRW0040131 with a deadline of 3 August 2022. You have failed to undertake the work as required and you have not implemented any alternative security measures.

Due to the risk posed by the failure to manage an Anaerobic Digestion plant adequately, it is reasonably foreseeable that the failure to demonstrate that you have an adequate Environmental Management System and that you can manage your site without causing pollution, that this could result in significant pollution of the environment.

Action: Submit a fully revised and updated Environmental Management System **by 1 January 2025**. The details and deadline for compliance will be set-out formally in the Regulation 36 Notice that will be sent to you separately.

Action: You must ensure that the door to the control room is repaired and when staff are not on-site, the control room is kept locked and submit photographs showing the repaired door **by 14 October 2024**

Action: You must also install a site notice board at the entrance to the site that meets the requirements of the guidance document "How to Comply with Your Environmental Permit" **by 1 January 2025**

Action: Submit the following records **by 14 October 2024**

- copies of the hours of attendance at the site by the Technically Competent Manager(s)
- Copies of the site inspection checklists for 2024
- Records of any maintenance activities carried out during 2024
- Records of the camera inspections of the covered channels of the silage clamp

W3A - Emissions to water, air or land - Cat 3; Permit Condition 3.1.1

You have been given this category 3 breach under the above permit condition because there was a point source emission of effluent from the clean water drainage system to a watercourse and condition 3.1.1 of your permit does not authorise point source emissions to water. It is reasonably foreseeable from the sewage fungus in and around the outfall of

your clean water drainage system that this breach of permit will result in a minor pollution of the environment.

However, this is not the first time that you have breached conditions of your permit due to point source emissions to water caused by polluting matter entering the clean water drainage system on your site. You must prevent effluent entering the clean-water drainage system. In the event of further point source discharges to water, Natural Resources Wales may consider that the yard drains are not clean water and cannot be discharged to surface water but must be contained within the site.

Action: Prevent all point source emissions to water **with immediate effect**.

W3B - Emissions of substances not controlled by emission limits - Cat 3; Permit Condition 3.2.1

You have been given this category 3 breach under the above permit condition because effluent was discharging to water from the clean water drainage system outfall. Your permit does not authorise point source discharges to water other than clean water run-off from roofs and areas if the site not used for waste activities. Condition 3.2.1 of your permit states that substances that are not controlled by emission limits (such as clean water) shall not cause pollution. The discharge from the clean water drainage system was causing pollution as there was sewage fungus in the outfall pipe and on the bank of the watercourse below the pipe.

You permit also states that, *"the operator shall not be taken to have breached this rule if appropriate measures [...] have been taken to prevent or where that is not practicable, to minimise, those emissions."* The source of the polluting matter appeared to be the last (southerly) of the surface water drains on the "clean" yard as it could be seen that this drain was full of silage and effluent, whereas the other two drains were empty and appeared to be clean. You have previously breached this permit condition due to effluent entering the clean water drains. It was not clear as to whether the pollution was caused by degrading silage that has entered the drainage system while being loaded either into the clamp, or the AD plant, or whether silage effluent has also escaped the containment system and entered this drain. Given the amount the silage effluent that was not being properly contained, it could be considered that the pollution was a result of both possible events.

You do not have the right to cause pollution due to your activities. You need to identify how effluent is entering the clean-water drainage system and describe the control measures of how you will prevent these emissions to water in your Environmental Management System. We expect you to consider the options by balancing the costs and environmental benefits. The measures you decide to use are up to you, but they will have to meet the objective of the condition.

In the event that you continue to cause pollution to the water either, because you have failed to clean the clean-water drainage system properly, or that effluent is continuing to enter the clean water drains, Natural Resources Wales may consider that water entering the three surface water drains on the yard between the silage clamp and the digester is contaminated and cannot be discharged to water.

Action: Fully clean the clean-water drainage system and ensure that you have records of work carried out **by 1 November 2024**

Action: ensure that your revised Environmental Management System details how you will prevent further emissions of effluent to the clean-water drains **by 1 January 2025**

Other Matters

W2C - Operating Techniques - Action Only; Permit Condition 2.4.1

You have been given this Action under the above permit condition as at the time of the compliance visit it appeared that silage effluent was not being contained by the effluent drainage system and was pooling around the silage effluent tank as shown by the attached photographs. Please provide a detailed explanation of why effluent is pooling around the manhole chamber, whether there is any protection of groundwater at this location, what works are being carried out and why there appears to be a pipe being laid towards the bunded area around the digestion tanks.

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

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.