

## Compliance Assessment Report CAR\_NRW0046425

**Permit being assessed:** AB3791FG.

**For:** The Maesydd, **held by:** Maesydd Biogas Ltd

**At:** Pool Quay, Pool Quay, Welshpool, Powys, SY21 9LA.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 04/12/2024 between 11:15 and 13:45.

**Parts of permit assessed:** Waste Storage/Operational Monitoring.

**NRW Lead Officer:** Malcolm Dines, accompanied by Amy Owen.

**Report sent to:** Hadyn Langford, Technically Competent Manager, on 28/03/2025.

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

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|------------------|
| W2C - Waste - Operations - Operating techniques           | C3 Minor          | 2.4.1            |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 1                              | 4                          |

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 |
|----------|--|-------------|
| W2C      | Submit a report detail how you will ensure that in the event of a spill or leak from the storage tank for the liquid digestate, the spilled material can be contained and recovered. | 01/05/2025  |

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 a routine compliance visit undertaken by Malcolm Dines (Waste Regulation Officer), but it was carried-out in conjunction with Amy Owen (Agricultural Regulation Officer) due to the overlap of regulation as the Anaerobic Digestion plant is part of the agricultural holding at Y Maesydd and therefore the Agricultural Regulations apply to the storage of organic manures in relation to the anaerobic digestion process. For Y Maesydd this is Poultry Manure and both Solid and Liquid Digestate.

The weather was dry and bright and the officers met with owner and Technically Competent Manager, Hadyn Langford.

### Permit Breaches

W2C - Operating Techniques - Cat 3; Permit Condition 2.4.1

You have been given this compliance score of 3 under the above permit condition because at present, in the event of a leak or a spill from the tin tank in which you store the liquid digestate, you cannot contain or recover any digestate that is spilled.

Under permit condition 2.4.1, table 2.4 sets out Operating Techniques that state:

- All waste solids, liquids and sludges shall be securely stored. **In the event of a leak, spill or failure, material can be contained and recovered.**
- All storage and process tanks shall be fit for purpose and shall be regularly inspected and maintained in accordance with paragraph 2.1.2. **In the event of a leak, spill or failure, material can be contained and recovered.**

You must provide an improvement plan to show how you will comply with the requirement to be able to contain and recover digestate in the event of a failure of the tank.

**Action:** submit an improvement plan that sets out how you will comply with the requirements of permit condition 2.4.1 and will be able to contain and recover digestate in the event of a failure of the tank. The plan must include reasonable timescales by when this work will be completed by **1 May 2025**

### Other Matters

Storage of wastes outside permit boundary

The permit boundary for your site is the concrete bund around the anaerobic digester, gas storage tank and gas engine and the concrete apron in front (to the east) of the bunded area, but it does not include the concrete area to the south of the bunded area where the solid digestate and poultry manure are stored and the tin tank used to store the liquid

digestate and the run-off from the concrete waste storage area.

Because the poultry manure, dried digestate, liquid digestate and run-off from the waste storage area are not being stored within the permit boundary you are not complying with permit condition 2.2. Rather than this being a breach of your permit, Natural Resources Wales consider that the wastes stored in these areas are stored illegally as, under Regulation 12(1)(a) of the Environmental Permitting Regulations 2016, a person must not operate a regulated facility except under and to the extent authorised by an environmental permit.

While I acknowledge that Natural Resources Wales has not identified this issue previously, it is the responsibility of the permit holder to ensure that they are, at all times, operating in accordance with their Environmental Permit. Compliance regarding this matter will be undertaken through the use of a Regulation 36 Notice that will be issued separately to this compliance report.

#### Mixing of wastes and agricultural manures in the tin tank and insufficient storage

Currently under a Natural Resources Wales Regulatory Decision, operators of on-farm Anaerobic Digesters are able to spread the digestate to land without the need for a Landspreading Deployment however, Amy Owen identified that you are using the tin tank Digestate store is also used to store the following liquids:

*Dirty Calf Yard Straight to Tin Tank 84 m<sup>2</sup>*

*Lightly Trafficked Yard Straight to Tin Tank 163 m<sup>2</sup>*

To be able to continue to benefit from the Regulatory Decision, only material that has been processed in the digester can be stored in the tank. Therefore, unless you apply for a permit to spread waste to land, you cannot continue to store digestate in the tin tank while it is also used to contain:

- Run-off from poultry manure
- Run-off from the cattle yards

While clean surface water and rainwater can be stored in the tank, to be able to continue diverting the surface water run-off from the concrete apron next to the Anaerobic Digester you cannot continue to store the poultry manure in this area. You must either find an alternative storage solution for the poultry manure that does not result in run-off draining to the tin tank and which complies with the requirements of the Water Resources (Control of Agricultural Pollution Regulations)(Wales) 2021, or stop accepting poultry manure into the site.

You can continue to store the solid digestate on this area as any leachate generated from the ingress of rainwater will effectively be liquid digestate.

Run-off from the cattle-yard can be diverted directly to the digester however, without any other way of storing this slurry, you will need a buffer tank. If the buffer tank only contains slurry, it could be located outside the permit boundary as slurry is not classed as waste until it is put in the digester and it could also then be spread to land if needed.

Like the storage of wastes outside the permit boundary, this matter is not regulated through permit compliance and is considered to be an illegal waste activity. Please advise, by 1 May 2025, how you intend to resolve this matter.

*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.

**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](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.