

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0035134**

**This form will report compliance with your permit as determined by an NRW officer**

Site	Pancross A D Plant	Permit Ref	HB3935AE			
Operator/Permit holder	Vale Bio - Energy Ltd					
Regime	Waste Operations					
Date of assessment	02/05/2019	Time in	10:00	Out	13:00	
Assessment type	Audit					
Parts of the permit assessed	1.0, 2.0, 3.0, 4.0.					
Lead officer's name	Taylor, Richard					
Accompanied by	Tye, Laoni					
Recipient's name/position	Chris Hanks / Site Manager	Date issued	23/05/2019			

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C1 - General Management - Staff competency/training	C3	1.11(b) & 1.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	4.2.2

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

**O** = Ongoing non-compliance, not scored.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>8</b>
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**If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Vale Bio-Energy Ltd, Pancross farm AD plant

Site Inspection 2<sup>nd</sup> May 2019

Present; Chris Hanks (Bio-Energy), Leoni Tye (NRW), Richard Taylor (NRW Site Officer).

### Issue 1 – Quarterly and Annual submissions

1. NRW had not received a quarterly waste returns since Q4 2014. When asked why this was the case, the site representative indicated that they were under the understanding that the annual returns they submit for the former Pollution Inventory reporting (now known as European Pollutant and Transfer Register) were sufficient for the annual reporting requirements of the site permit. It was explained that this was not the case and that the permit sits under different legislation than the EPRTTR reporting. Site have therefore been in breach of their permit regarding Quarterly waste returns since 2015.

Permit condition 4.2.2 of the site standard rules permit states;

*'Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter'.*

Site should have complied with the permit conditions regarding the waste returns. Clarity should have also been sought by site from the regulator if in doubt. A previous Compliance Assessment form (CAR) was issued to site on 23<sup>rd</sup> Feb 2017 which penalised the site with a Cat 4 breach of the same permit condition for non-submission of quarterly waste returns. A timetable reminder was also given in an effort to ensure the site complies noting that nil returns are also required. The website link was also given, as was a warning that failure to comply with future returns may result in an escalation of the permit breach scoring category. The link to the return website page is given here; <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/new-wales-operator-waste-return-and-deadlines-for-returns/?lang=en>

On the grounds that the site has previously been penalised and warned of the potential escalation, and taking guidance from NRW's compliance classification system, we are issuing a **Cat 3 breach of permit condition 4.2.2** for failure to submit quarterly returns for the period from Q1 2015 to Q1 2019 despite being previously notified.

Site must submit the Q2 quarterly return due before the end of July 2019 or face further penalties. Site are

also required to submit the Q1 return for Jan-March 2019 inclusive 2019.

Quarters Deadline for return.

January 1 to March 31- return to NRW due April 30

April 1 to June - return due 30 July 31

July 1 to September 30 - return due October 31

October 1 to December - return due 31 January 31

Annual return period - Deadline for return

January 1 to December 31st - submission before the end of January 31<sup>st</sup> of the following year.

Recommended improvements for Quarterly waste return submissions;

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1. Schedule deadlines for waste submissions into site calendar (electronic or paper).
2. Print out site permit and display a copy in the office
3. Develop a system where each incoming waste type is accounted for. This will benefit the site when it comes to Quarterly and annual submissions.
4. Have Site Officers contact details available for queries.
5. Update the site management system with improvements where appropriate.
6. Send returns in on time (cc in Liz Parr and site Officer)
- 7. Improvements to carried out before 31<sup>st</sup> July 2019.**

## **Issue 2 – Lapsed WAMITAB certificate.**

1. Under permit condition 1.1.1. (a) the site is required to operate the site ‘using sufficient competent persons and resources’. Additionally, under 1.1.2 records demonstrating compliance shall be maintained.

During the site audit the WAMITAB certificate for the site representative was seen to be out of date. The certificate was issued on 25<sup>th</sup> Feb 2015 and is valid for 2 years after this. The original certificate (number 618) was issued on 12<sup>th</sup> Jan 2012 and was submitted with the original site application form. Refresher courses are run by WAMITAB to maintain ongoing operator competence, but other recognised competency schemes are also available. Site is therefore effectively running without the correct operator competence in place and has been doing so since Feb 2017. This could be classed as a permit breach which could ultimately lead to the revocation of the site environmental permit/license if not addressed. However, site has experienced time served workers in place who cover all aspects of the operation. This does mitigate the temporary lack of official competency levels needed by the permit but can only be seen as temporary until the qualifications are officially in place again which has to take place with immediate effect.

**Result – x 1 Cat 3 breach of permit conditions 1.1.1(b) and 1.1.2.** Not having in date records to prove ongoing competency.

Recommended Improvements to be made to ensure site meets this permit requirement.

1. Site to review current qualifications for site personnel and maintain records.
2. Site to book for the relevant training course (WAMITAB or similar) with immediate effect.
3. Site need to have contingency plans in place for continued competency in case of personnel moving on, long term sickness etc. An identified replacement should be nominated.
4. The recommendations you adopt should be written into the updated site written management system.
5. **Improvements to be made before 31<sup>st</sup> July 2019, (proof of retraining certificate or booking onto relevant course).**

### **Issue 3 – Annual Air Quality results**

1. Likewise, with issue 1, NRW have not received the sites annual air quality returns since the permit was issued. These returns are a requirement of permit condition 3.1 where limits are applied for NOx, CO, Sox, and Total VOC's together with the monitoring methods and frequencies to be used. A record of the usage of the flare stack is also required to be maintained. As a minimum, the air quality results sheet provided by the monitoring company should be sent as your annual return to us in line with the annual waste return (end of January), but in practice, this is best done immediately when you receive your report. Note, any breaches of permitted limits need to be notified to us immediately as per condition 4.3.1.

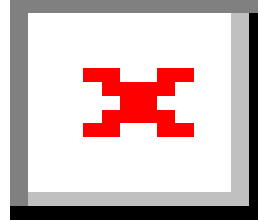
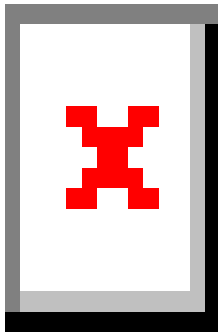
For each year that the air quality monitoring has not been sent to us, the site should have been breached against the permit conditions. However, it can be seen that NRW has not pressed the issue with site as we should have done, so there is an element of neglect on our part. Therefore, we will not impose breaches of the permit for this. Instead, to remedy the situation and start afresh we have drafted the improvements to be made as follows;

#### Actions to address Air Quality returns.

1. Schedule the monitoring company to carry out annual monitoring at a time that suits site. (A large contingency should be given in case the monitoring cannot be carried out later in the year).
2. Send a copy of ALL previous air quality returns to the NRW site inspector. (Exova results sheets)
3. Ensure the monitoring company carries the relevant qualifications and are qualified to monitor all the sites emissions as per permit table 3.1.
4. Schedule deadlines for waste submissions into site calendar (electronic or paper).
5. Transpose these improvements to the site management system.
6. Send results to NRW site Officer (cc in Liz Parr) ASAP or at the latest Jan 31<sup>st</sup> after the year of monitoring.

### **Issue 4 – Potential temporary storage of waste outside the permit boundary area.**

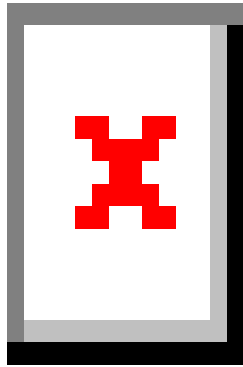
1. At the time of the inspection, the AD plant was shut down and undergoing maintenance work. A store of material intended for the AD process was seen to be stored outside the permitted area. Site staff explained that this was a temporary arrangement and would be rectified when the plant was running again.  
Site are reminded that they must operate the site to within the site boundary line. NRW satisfied that this is a temporary arrangement. A follow up inspection is due within 3 months of this CAR form to see the site in full production and to check on progress.



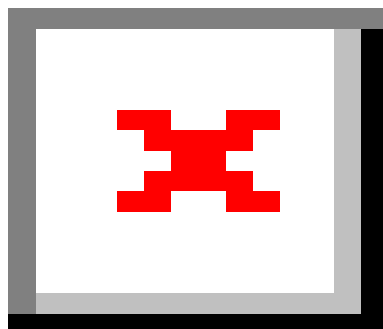
## 2. Other Issues.

Prior to the site inspection, an agenda was sent through. Comments are drafted against each agenda item.

1. Waste acceptance criteria – Could be improved by tighter accounting of each incoming stream, but practically speaking, this was examined on the day and found to be fit for purpose mainly due to the depth of knowledge of the site personnel, plus the incoming waste stream is limited to only 5 EWC codes and only comes from the neighbouring farm. No importation of external material is carried out. One date was checked against the site records at random. 12<sup>th</sup> Apr 2019 showed 44t of solid waste and 60 tonnes of slurry was imported. Improvements can be made as above, in line with quantifying each waste input type by EWC code ready for quarterly and annual reporting. Site were reminded that they cannot export products derived from the waste, i.e., dried and pressed cow slurry used as bedding. Products like these can only be used on the place where it is produced. Site need to be aware of the regulations covering the animal by products so that their handling of this material meets permit condition 2.3(d).
2. Site process – Site staff walked through the process from start to finish and proved to be knowledgeable in all aspects of the running of the permitted plant. Only the paperwork side of the operation was found lacking at this time as detailed above. Even though the plant was not running, the site representative showed NRW officers around the operation and presented the plant with a deep understanding of the process and gave a lot of information. All areas were able to be accessed and all questions were answered.



3. Cleanliness – Could be improved, but unlikely to be due to the nature of the operation. This was found to be fit for purpose. No flies, birds, rats, pests were seen to be present. There was an intense odour at times, but the is positioned deliberately 330m away from nearby farms and houses to reduce the risk of odour to these communities.
4. Infrastructure – Concrete hard standing was seen throughout. The site had addressed runoff seen in previous inspections by introducing a concrete lip to hold runoff inside the boundary. No issues seen.
5. Records – Needs to improve as detailed above.
6. The nearby lagoon was seen and was empty. This is one of 4 lagoons run by the adjacent farm used to contain farm generated organic waste for land spreading operations under license.



## 1. Overall impression –

Site is positioned to turn cow slurry into useable energy. The focus of the operation is to maximise this process and the site does this well. The process is captured under the Environmental permitting regulations which requires a permit for the site to operate. Relevant qualifications and management standards are fundamental cornerstones to holding a site permit under the regulations. Lapsed certificates need to be updated with immediate effect to maintain standards. Without this the licence could be revoked. There are also requirements for the operator to provide paper/electronic returns for waste and releases to air. This latter area need to be brought up to speed so that the administration matches the physical process and the site returns to full compliance. The improvements laid out above should ensure the site meets the conditions of the permit. A follow up inspection will be held before 31<sup>st</sup> July (deadline for all improvements) to check the progress.

## 2. Summary

Permit condition	Decision	
4.2.2 Waste returns	1 x Cat 3 breach	Improvement to be made listed above Send Q1 and Q2 2019 return by 31 <sup>st</sup> July 2019.
1.1.1(b) and 1.1.2	1 x Cat 3 breach	Book retraining course with immediate effect. Evidence required by 31 <sup>st</sup> July 2019.
3.1.2 Air Monitoring	No Breach applied	Improvements to be made as listed above. Send in all previous monitoring results sheets by 31 <sup>st</sup> July 2019.

Next inspection – before 31<sup>st</sup> July 2019

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0035134**

**This form will report compliance with your permit as determined by an NRW officer**

Site	Pancross A D Plant	Permit Ref	HB3935AE
Operator/Permit holder	Vale Bio - Energy Ltd	Date	02/05/2019

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C1	C3	as in site permit and under issue 2 of this CAR form	31/07/2019
G4	C3	Comply with permit and action list on this CAR form	31/07/2019



## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.