

## Compliance Assessment Report CAR\_NRW0038778

**Permit being assessed:** DP3735NP.

For: Waen Anaerobic Digestion Site, held by Biogen Waen Ltd

At: Holywell Road, St Asaph, Denbighshire, St Asaph, Clwyd, LL17 0DS.

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

On 23/09/2021 between 10:00 and 12:15.

Parts of permit assessed: See below

**NRW Lead Officer:** Paul Challender, accompanied by Rebecca Harwood.

**Report sent to:** Kathryn Dunham, Regional Compliance Officer (North & West) on 01/10/2021.

### 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)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C3 - General Management - Materials acceptance	C4 No impact	Permit Condition 1.1.1(a)
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
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
1	0.1

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
C3	Implement a control system to allow weighbridge operators to monitor cumulative tonnage of accepted waste. Implement and confirm complete by due date.	31/10/2021
G4	Review WTN REF: 408/2020/5 against the submitted waste return for the relevant quarter and provide an explanation regarding the discrepancy. Respond by email to Paul Challenger by due date.	15/10/2021

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.

### **At this time, we do not intend to take any further action.**

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 familiarisation inspection visit for the new regulating NRW officer Paul Challenger and his colleague Rebecca Harwood to view the processes and infrastructure of the Waen Anaerobic Digester installation. Biogen staff present for the inspection visit were Sam Crookes - Site Manager, Dave Herbert - Area Manager, Kathryn Dunham - Regional Compliance Officer (North & West) and Andrew Georgiades - Environment Manager. During the inspection visit the weather was overcast, mild with a light breeze.

NRW officers were provided a full tour of the facility with explanations of the relevant process stages and discussed maintenance and abatement. An overview of waste streams both in and out of the site including waste input quality, quarantine of unsuitable and/or unpermitted wastes and 'grit' removal during processing and subsequent disposal. The gas engine had recently been offline due to a planned 60,000 hour service and the engine was now back online. Waste levels within the building were at higher levels than normal due to this planned outage but wastes had been diverted to other Biogen sites to control the level of waste awaiting treatment. Odour control and community liaison were also outlined to the officers.

At the end of the visit discussions were held regarding a recent change in staff and how that would impact on addressing the submissions for the Improvement Condition responses due in February 2022. The intended resubmission of the variation application to increase the permitted waste acceptance tonnage at the Waen AD site was also covered.

As part of these discussions the breaches of tonnage limits were discussed. As raised in CAR\_NRW0037435, the permitted annual tonnage throughput at the site is 22,500t. In 2019 the permitted annual tonnage was exceeded (23,362t accepted). The operator stated that a system would be incorporated into the weighbridge software to flag to the site and commercial teams that the maximum permitted tonnage was being reached. Despite this, the annual tonnage was again exceeded in 2020, with 23,763t of waste being accepted and

treated.

On the day of the inspection Paul Challender requested the cumulative tonnage for the reporting year. It became apparent that this was not accessible to weighbridge operators despite the vehicle booking system for waste acceptance. A figure could be retrieved and a compliant accepted tonnage was provided to the inspecting officers by a manager who does not regularly work at the site. Despite this, there was no system in place for weighbridge operators to access the cumulative tonnage accepted on site even if the commercial team had flagged that the tonnage limit was being approached. Although, systems are in place to manage waste acceptance by customer pre-booking the waste tonnage on each vehicle is not known until it crosses the weighbridge and weighbridge staff can not interrogate the system to view a cumulative total. This is a management system failure to control on-site activities and has generated a CCS score, see below.

A variation is due to be submitted to increase waste acceptance tonnages at the permitted site. If and when the variation is determined, the uplift in tonnage overhead should not be relied upon in isolation to achieve waste acceptance compliance without monitoring cumulative tonnage. A robust methodology to monitor cumulative tonnages by weighbridge operators must be in place to enable them to reject loads if the tonnage limit is breached.

**Score:** This is a CCS4 breach of Permit Condition 1.1.1(a) under compliance criteria (C3) - Materials Acceptance.

**Action 1:** Implement a control system to allow weighbridge operators to monitor cumulative tonnage of accepted waste. Implement and confirm completion by 31/10/21.

During the inspection a Duty of Care Waste Transfer (WTN) Note REF: 408/2020/5 was provided to the inspecting officer from 11/05/20. After the inspection when compared to the submitted waste returns for the relevant period EWC codes reported do not correspond with the EWC code listed on the WTN. Furthermore, the EWC code listed on the WTN does not appear to be appropriate for the description listed on the WTN and a new WM3 assessment may be required. No other issues in waste returns were observed.

**Action 2:** Review WTN REF: 408/2020/5 against the submitted waste return for the relevant quarter and provide an explanation regarding the discrepancy. Respond by email to Paul Challender by 15/10/21.

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](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.