

Compliance Assessment Report CAR_NRW0038808

Permit being assessed: AB3791FG.

For: The Maesydd, held by Maesydd Biogas Ltd

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

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

On 28/09/2021 between 11:32 and 12:25.

Parts of permit assessed: See criteria listed below

NRW Lead Officer: Bethan Lewis, accompanied by Jeremy Goddard.

Report sent to: Haydn Langford, TCM on 01/11/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	C4 No impact	2.4.1(3)
F1 - Amenity - Odour	Action only (X)	
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)	

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
C4	Store digestate in containers or lagoons.	31/12/2021
F1	Provide NRW with a copy of your odour management plan.	22/11/2021

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.

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 unannounced site inspection of Maesydd Biogas Limited Anaerobic Digestion (AD) Plant by Natural Resources Wales (NRW) Officers Bethan Lewis and Jeremy Goddard. This was the first site inspection to have taken place since operations at the site first began. The weather during this visit was a mixture of cloud and rain.

[All comments in red below represent those comments added to this Compliance Assessment Report (CAR) following the issue of the original CAR on the 20 October 2021]

Noise and Odour Assessment

During June 2021, NRW were notified of noise and odour pollution emanating from activities at the Maesydd Biogas Limited AD Plant (WIRS 2104821), with the noise and odour noted outside the site boundary. At 11:30am on approach to the Maesydd on the day of this site inspection therefore, Bethan Lewis undertook a noise and odour assessment near one of the closest residential properties to the site at a distance of approximately 500m from the site boundary. Whilst this assessment was not undertaken with specialist equipment and the results were not compared with published standards, no discernible noise or odour from the AD Plant was detected at this location at this time.

Site Inspection

On arrival at the Maesydd, Bethan Lewis and Jeremy Goddard met with Mr. Phill Allman working at the Maesydd's farm. As Mr. Haydn Langford, the director of Maesydd Biogas Limited, was away on this day, Mr. Allman accompanied Bethan and Jeremy to view the AD Plant.

Images 1, 2 and 3 below were taken on the day of this visit.

Image 1 shows feedstock including manure and grass cuttings as well as digestate stored on an impermeable surface outside the AD Plant bund. The feedstock photographed is fed directly into the digester via the hopper seen behind the digestate. Slurry from the Maesydd's farm is also fed into the digester from a nearby slurry store.



Image 1: Feedstock (left) and digestate (right) stored outside the AD Plant bund

Image 2 below shows digestate accumulating on an impermeable surface outside the AD Plant bund after being removed from the digester.



Image 2: Digestate removed from the digester

Finally, Image 3 below shows the infrastructure within the AD Plant bund.



Image 3: Infrastructure within the AD Plant bund

As can be seen from the images above, the site was found to be clean and tidy.

The only permit breach identified during this visit was as follows:

C4 Storage, handling, labelling and segregation - Cat 3; Permit Condition 2.4.1(3)

Condition 2.4.1(3) of the Maesydd's permit states that "*digestate shall be stored within containers or lagoons and should be of a design and capacity fit for purpose*". As seen in Images 1 and 2 above, at least a proportion of the digestate stored at the Maesydd on the day of this site inspection was not stored in containers or lagoons. The site has therefore been scored for a category 3 breach under the above condition. In order to rectify this breach, NRW ask Maesydd Biogas Limited to ensure that all digestate is stored in containers or lagoons by the 31 December 2021. As a building may be considered a container, Maesydd Biogas Limited may wish to store digestate within the building opposite the AD Plant currently used to store grass cuttings. Where digestate is removed directly from the digester however (Image 2), a separate container must be installed to collect and store the digestate.

During a review of the photographs taken on the day of this site inspection, it was noted that a pipe comes over the bund near to where digestate is stored after being removed from the digester (Image 2). If this pipe is used to pump rainwater from inside the bund, the rainwater has the potential to run through the digestate and form a wet leachate. Wet digestate is also likely to produce odour and can result in further permit breaches. Maesydd Biogas Limited should therefore take all measures possible to keep digestate dry and prevent rainwater from running through it.

[Following the issue of this Compliance Assessment Report (CAR) on the 20 October 2021, a subsequent phone conversation with Mr. Langford on the 21 October 2021 highlighted that there is no risk of emissions to land or water from storing the digestate on the impermeable surface outside the AD Plant bund, as drainage from this area is contained by a sealed tank. At this current moment in time therefore, there is no evidence to suggest that the above non-compliance is resulting in pollution. The above breach has therefore been reduced from a category 3 (minor) to a category 4 (no environmental impact) breach. Mr. Langford is reminded however that this action may be reversed if further evidence comes to light

suggesting that the breach has or is resulting in pollution.]

Phone conversation with Mr. Langford

Before leaving the Maesydd, Bethan Lewis spoke with Mr. Langford, the director of Maesydd Biogas Limited, over the phone. The following topics were discussed.

Feedstock and Digestate

Mr. Langford explained that slurry and dry muck (manure) from the Maesydd is predominantly used as feedstock in the digester, although the site also accepts similar materials from local farms up to 6 miles away for the same purpose. The digestate produced is spread to land belonging to the Maesydd only, with the solid and liquid fractions spread to land during appropriate times of the year.

As the site accepts waste from other farms, NRW wish to remind Mr. Langford that the Waste Transfer Notes for the transfer of this waste must be retained for a period of at least 2 years. The total quantity of waste or a combination of waste and non-waste including solids and liquids accepted at the site should also not exceed 100 tonnes in any one day.

Technical Competence

As requested in the Compliance Assessment Report (CAR) (Report ID: CAR_NRW0037520) dated the 11 February 2021, Mr. Langford hired an external Technically Competent Manager (TCM), Mr. Thomas Hodgkinson, to take over the TCM responsibilities at the Maesydd until he had completed his primary WAMITAB qualification. As Mr. Langford completed his WAMITAB qualification in August 2021, he is now acting as the TCM for the site and has provided NRW with a copy of his certificate.

To maintain his technical competence, Mr. Langford is reminded that he must renew his qualification every 2 years by sitting a 'continuing competence' test. Further information on this can be found on WAMITAB's website under the following link:

<https://wamitab.org.uk/competence/continuing-competence/>

I wish to thank Mr. Allman and Mr. Langford for their time during this site inspection. To ensure that Mr. Langford is able to meet NRW Officers on site during future site inspection, where appropriate, NRW propose to announce the dates of these site inspections ahead of schedule.

[The odour management plan for the Maesydd Biogas Limited AD Plant was not reviewed at the time of the above site inspection, however condition 3.3.2(a) of the Maesydd's permit states that "*the operator shall maintain and implement an odour management plan*". So that NRW can review this odour management plan, NRW ask Maesydd Biogas Limited to provide Bethan Lewis (NRW Officer) with a copy of the Maesydd's odour management plan by the 22 November 2021. Once the odour management plan has been reviewed, a subsequent CAR will be issued.]

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.

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.