Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0034175

This form will report compliance with your permit as determined by an NRW officer					
Site	Mona Anaerobic Digestion Plant	Permit Ref	AP3033HY		
Operator/Permit holder	4 D AD Services Ltd				
Regime	Installations				
Date of assessment	18/10/2018	Time in	10:00	Out	13:10
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Ross, Stuart				
Accompanied by	Ellis, Rhys				
Recipient's name/position	Adam Archer/ Plant Manager	Date issued	06/11/2018		

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
A1 - Specified by permit	A	
E2 - Emissions - Land and groundwater	C3	3.1.1

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.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4

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

This Compliance Assessment Report follows a site inspection following a Schedule 5 Notification received 10/10/18 reporting that silage leachate had escaped the site's containment (silage clamps and sealed drainage) and entered ground and a local watercourse. An initial incident response was made by NRW 11/10/18.

The three silage clamps were loaded with crops over a 2 weeks period w/c 17th September and for a final week w/c 8th October. This followed a period during which the clamps were empty and extensive remedial work was completed to address previous containment issues. It also follows a prolonged period of relatively dry weather.

On 5th October 2018 the site's surface water lagoon was routinely sampled and ammonia was detected at 1mg/l (no discharge made). This was investigated by the operator and it was subsequently identified that the site's surface water interceptor was 'highly contaminated' with leachate which is clearly abnormal. The site's surface water drainage system was then diverted to the foul system to prevent any further contamination of the surface water lagoon (this remains the case).

An inspection pit adjacent to the clamp sidewall (dug in the adjacent field in response to the previous leachate outbreak 2017/18) was again found to contain leachate. This appears to have entered the pit through an historic land drain (visible clay pipe protruding from under the clamps) and through the visible weeping of leachate through the clamp sub base materials. This leachate had accumulated in the pit entered an unknown and buried (historic) manhole chamber that is within ~ 2m of the inspection pit.

Once identified the manhole drainage legs were isolated where possible (bunged). A pump was installed in the inspection pit to pump leachate back to the AD process and maintain the liquid level below the manhole chamber level. However, and prior to this action being taken, it appears that leachate had run beyond the buried manhole chamber via the historic drainage system to a small water course that emerges on land at Cae Eithin.

During the inspection the liquid level in the inspection pit was low and well below the manhole chamber. A brown, odorous leachate was present in the pit.

The field drainage ditch at Cae Eithin was inspected and found to contain sewage fungus for approximately 80m, the operator reported that the watercourse was much clearer than it had been when the incident was initially identified. A sample was collected by NRW 18/10/18 – the sample was clear and laboratory results show that the sample was relatively uncontaminated. This improvement appears to reflect the impact of action taken by the operator and a period of heavy rainfall that may have flushed and diluted any contamination present in the drainage system.

It should be noted that the pathway between the manhole chamber and ditch at Cae Eithin remains unproven at this stage but there is clearly a possible linkage between the source and receiving environment, particularly given the timing of events.

The operator also reported some possible contamination on the ditch adjacent to the surface water lagoon outfall. This was inspected, and it was noted that there was some iridescence on the surface of the ponded water within the ditch, but this may be due to stagnant nature of the water and other background sources. NRW Officers were uncertain as to any link to the incident as detailed above but it was agreed that the operator will monitor the situation and investigate any potential linkages to the historic manhole chamber and associated drainage system.

The silage clamps were visually inspected, and no obvious defects or outbreaks of leachate were evident. Leachate from the crops was running to the ACO channel to the front of the clamps.

It is the opinion of 4DAD Services Ltd that the ACO channel may be a potential weakness in the system and may be the source of the release. The operator has also noted that leachate is weeping into adjacent surface water manhole chambers that had been resealed as part of remedial works completed earlier in 2018.

The unauthorised release of leachate to ground is a breach of permit condition 3.1.1 and attracts a non-compliance score of 3 (potential for minor environmental impact). You have been issued with a site warning.

Action - As agreed, and to establish he source of the leak, 4DAD Services Ltd are to complete the following steps;

1. Carry out Dye tracing of all drainage points of clamps, mainly the ACO drains and the leachate pipe network.

2. Excavate areas local to the contaminated stream (North East of site) to identify / intercept any potential contamination source and isolate.

3. Design a more suitable drainage system for the front of the clamps to replace the ACO drain system already shows signs of defects/weakness, design to be forwarded on to NRW for review/approval.

4. Repair surface water system to stop infiltration of contaminated water.

5. Continue to monitor all watercourses local to site on a daily basis, to include Cae Eithin and the NE watercourse.

The findings will be reported to NRW by 30th of November 2018.

Permit Transfer

During the inspection it was reported that 4DAD Services Ltd has gone into administration and that the new plant operator is now Optimal Biogas Ltd.

The permit must be transferred to the new operator immediately or the new operator will be operating without a permit.

Please submit a transfer application to NRW by no later than 23rd November 2018

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0034175**

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Operator/Permit holder	4 D AD Services Ltd	Date	18/10/2018

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			
E2	C3	Refer details section	30/11/2018

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. 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.