

Compliance Assessment Report

Report ID:
CAR_NRW0000151

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

Site	Bryn Power AD Facility	Permit Ref	AB3092ZE			
Operator/Permit holder	Bryn Power Limited					
Regime	Installations					
Date of assessment	15/03/2016	Time in	10:00	Out	11:00	
Assessment type	Site Inspection					
Parts of the permit assessed	Management					
Lead officer's name	Ward, Adam					
Accompanied by	Davies, Eleanor					
Recipient's name/position	Alun Price/ Director	Date issued	11/04/2016			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C2 - General Management - Management system and operating procedures	A	

KEY: See Section 4 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **N** = Not Assessed, **X** = Action only

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Bryn Power AD EMS Audit

Introduction

This audit was conducted to ensure the Environmental Management System (EMS) for the new Bryn Power AD Plant Permit was accurate and fit for purpose. The audit consisted of a desk based review before discussing the finding during an on-site meeting.

During the meeting, it was found that the majority of the issues highlighted with inaccurate or missing information in the EMS was due to the fact that no cross-referencing was made to other active documents associated with the permitted activities. These include the Site Operating Procedures (SOP) and Accident Management Plan (AMP) documents, as well as the Hazard Analysis Critical Control Point (HACCP) document required by the Animal and Plant Health Agency (APHA).

You have therefore agreed to update the EMS to rectify inaccuracies and to cross-reference specific sections of the SOP and HACCP for the facility to ensure the EMS is comprehensive and robust. On this occasion, NRW accepts that the necessary information is available in associated documents and therefore no breaches of the permit will be scored. Please see the action and the summary of the desk based review below;

Action: Please submit the update EMS within the 3 months of receiving this Compliance Assessment Report (CAR) Form (08/07/2016).

Summary of Desk-based Review

Introduction

- Check that the waste feedstocks correct - no mention of Human Sewage or Green Waste.
- Confirmed that PAS110 mixed with slurry remains non-waste, providing that the slurry is produced on farm. Where are the written procedures to demonstrate compliance with PAS and QP requirements?
- Noted that any digestate causing an impact to the environment or human health will be considered not compliant with the QP and therefore a waste.

Site Engineering

- Does not clearly define co-mingled waste enters IVC permitted area of the building nor any separation techniques.
- Drainage system is not clearly defined.
- No mention of digestate lagoon, including aeration pumps, lining etc.

Site Operations

- No mention of split reception hall and split processes. Co-mingled waste may affect PAS110/QP.
- How are contaminants identified and where are they stored?
- Contingency plan – what tonnages can Agrivert accept in the event of an emergency? More detailed contingency plans required. Increased food waste entering the IVC are likely to cause compliance and odour issues. Category 2 impact may result in enforcement action. If increased food enters IVC, provide contingency by increasing IVC tunnel times. Stick with the plan of reducing food waste compost as much as practicable.
- No mention of landspreading of waste or PAS110/QP digestate. OMP required.

Accident Management Plan

- Is this available? Needs to be cross-referenced.
- Clarify number of pumps in operation – pumps should be included in infrastructure section including any maintenance procedures required.

Other comments

- Would like to see monitoring limits / parameters for PAS110/QP and ABP embedded into EMS for ease of access.
- OMP required for the AD Plant – will accept combined OMP for spreading of digestate.
- Mixing waste (non PAS110/QP) digestate with slurry will make the entire body of material a waste. Waste must be spread under deployment.
- No risk assessment provided. DSEAR risk assessment is in the process of the being developed. This should be references in the EMS.
- Waste Wood chip issue – issue will be rectified within 6 months.

If you have any queries regarding this Compliance Assessment Report (CAR) form, please do not hesitate to contact Adam Ward on 03000 653149 or adam.ward@naturalresourcewales.gov.uk

EPR Compliance Assessment Report

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Site	Bryn Power AD Facility	Permit Ref	AB3092ZE
Operator/Permit holder	Bryn Power Limited	Date	15/03/2016

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.