Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0034371

This form will report compliance with your permit as determined by an NRW officer					
Site	Asgard Renewables Ltd	Permit Ref	AB3097FU		
Operator/Permit holder	Asgard Renewables Limited				
Regime	Waste Operations				
Date of assessment	07/12/2018	Time in	10:30	Out	12:30
Assessment type	Audit				
Parts of the permit assessed	All				
Lead officer's name	Dines, Malcolm				
Accompanied by					
Recipient's name/position	Tom Chaloner/ Site Manager	Date issued	19/12/2018		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	C2 - Suspended	1.1.1

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)	0

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 visit was carried out by Malcolm Dines who met with, and was accompanied by Tom Chandler the new site manager, for the duration of the visit.

The visit was arranged to coincide with a second ground investigation into the structural integrity of the tankfarm bund. The initial visit had highlighted a lot of problems with the bund and had recommended that the entire bund needed to be rebuilt and reinforced. However, a site meeting between the operator, the original contractor, consultants acting for the operator and the consultants who directed the ground investigation, along with photographs taken by the original contractor indicated that the initial ground investigation report was not reliable and so was set aside and a second investigation contracted. The operator briefly explained what had happened with the initial report, and what was being done now and supplied a brief report detailing the timeline that occurred and decisions made as to why the initial report was set aside.

The site was not operating at the time of the compliance visit as the mixing pit had been re-lined as was drying. When originally constructed it had not been lined and due to the acidic nature of the material being processed at the site, the concrete had to begun to dissolve and rebar was starting to become visible.

In the tankfarm, the pasteurisation unit had been clad in a polythene and scaffold shell prior to a purpose-built shed being constructed.

Once the ground investigation is completed a second report will be complied and submitted before 1st February 2019. As the initial action required by CAR form ref. NRW0033838 has not been completed this means that there is still a breach of permit condition 1.1.1 relating to section 3.1 of the Environmental Management System (EMS). However, as this work is on-going and has been delayed in the interests of ensuring that the tankfarm bund is fully protective, this non-compliance is suspended pending submission of the second ground investigation report.

There were several outstanding actions from compliance visits earlier in the year. The digestate collection point was required to be moved from the tankfarm to the front of the reception building, where it had been originally. At the time of this compliance visit the this work had now been carried out. The new collection point was complete with a locked valve, an isolation switch that needs to be activated before digestate can be pumped up from the storage tank. The collection point needs some kerbing and humps to ensure that any spills are fully contained and can't contaminate surface water drains. This is not a compliance requirement, but NRW agree that completing this work will result in a much better pollution prevention arrangement.

The operator has also installed a filter at the collection point to filter out as much plastic as possible from the final product as the digestate contained more plastics than the operator wanted. The operator indicated that they are looking at installing another filter earlier in the process in order to remove even more plastics to produce an even better quality digestate product. However, by claiming the PAS110 standard the operator is able to export the digestate as a non-waste. Therefore the operator has to ensure that they are meeting the requirements of the PAS110 standards. Paragraph 6.2 of the Standards states, "...The pre-treatment shall use reasonable endeavours to remove non-biodegradable packaging prior to loading those biowastes/biodegradable materials into the digestion system". Given that the operator has installed a filter at the end of the process could indicate that the criteria for using "reasonable measures" to remove non-biodegradable material prior to the digestion process is either not being met, or could be improved upon.

Evidence sufficient to fulfil the pre-treatment requirements are listed as:

• machinery in place that is capable of removing non-biodegradable packaging;

• a staff member competent in operating the machinery;

• machinery is working effectively and that a staff member is responsible for checking it regularly;

• regular servicing of the machinery in line with the servicing schedule

The operator needs to review the pre-treatment equipment and process to ensure that all "reasonable measures" are being taken to ensure that plastics and other non-biodegradable materials are being prevented from entering the digestion process.

CAR form ref. NRW0033356 required that holes in the wall of the reception hall be repaired to ensure that the building cqan operate under negative-pressure so that the bioaerosol filters work as designed. It has been noted that the repairs have been completed as required.

CAR Form ref. NRW0033356 also required that the locking mechanism for the surface water drain in the tankfarm be repaired. This has been done as required.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0034371**

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Operator/Permit holder	Asgard Renewables Limited	Date	07/12/2018

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.

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			
B1	C2	Submit ground investigation report into suitability and integrity of tankfarm bund	31/01/2019

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. 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.