

Compliance Assessment Report CAR_NRW0039498

Permit being assessed: AB3090CC.

For: Argoed Farm AD Facility, held by Derwent Renewable Power Ltd

At: Argoed, Trefeglwys, Caersws, Powys, SY17 5QT.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 03/03/2022.

Parts of permit assessed: Management System, Technical Competent Management, Notifications

NRW Lead Officer: Liz Park.

Report sent to: Roger Hughes, TCM on 10/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	12

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
C2	Comply with a management system that meet the criteria of the permit condition with immediate effect	04/03/2022
C1	Book a continuing competency test by due date, forward copy of booking and forward copy of certificate once completed	18/03/2022
G4	Submit all waste returns for 2020 and 2021	31/03/2022

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

A desktop review has been undertaken by Liz Park concerning the outstanding actions on previous CAR forms.

Review of CAR_NRW0038728 which contained the following actions:***E3 - Surface water emission - Permit Condition 3.2.1***

Action: Put procedures in place to ensure that digestate does not enter the surface water drainage system

C2 - Management System - Permit Condition 1.1.1

Action: Review and update all the management system document and provide electronic copies to NRW.

On 30 September 2021, Roger Hughes provided Liz Park with photographs of the incident where digestate had been able to enter a watercourse and a review and update of the management system. The full management document was not provided.

The incident was caused by the gearbox for the separator being removed for repair. The liquid digestate was re-routed to a sump, and was being pumped by the "sump pump" which was unable to cope with the unseparated digestate leading to a blockage and overflow into the surface water drainage system.

A new gearbox has been fitted and spare parts are available. The site also has a bung that can be used on the yard, presumably to prevent any contaminated effluent going into the surface water drainage system.

However, there is no mention on any checks, maintenance checks or other procedures that have been put in place to prevent a re-occurrence.

The full current management system, as required by permit condition 1.1.1, has not been provided to Natural Resources Wales (NRW) for review.

The most recent version held by NRW according to the Version control procedure shows that most documents are as original as created on 11/08/2016, or reviewed and updated on 10/09/2018.

Therefore this version was reviewed, and there are checks on the daily check spreadsheet that if undertaken, would have prevented the incident occurring. It is therefore considered that you are failing to comply with your own management system and that this is the root

cause of the incident occurring. Therefore you have been given the following breach.

C2 - Management System - Permit Condition 1.1.1 - CCS Cat 3

Failure to comply with management system.

ACTION: Fully comply with your environment management system in accordance with permit condition 1.1.1. with immediate effect.

ACTION: Provide a copy of the most recent version of the FULL environment management system to NRW for review by 31 March 2022.

C1 - Staff competency/ Training - Permit Condition 1.1.4 - CCS Cat 3

Roger Hughes originally had his continuing competence test for booked for 6 January 2021. This was cancelled by Pearson Vue due to the COVID-19 restrictions in place at the time. Roger forwarded a copy of the cancellation email. He was given until the 3 May 2021 to complete his continuing competence, and if unable to do so, he was required to notify NRW.

On 7 January 2022, Liz Park asked Roger Hughes to send a copy of his continuing competence certificate by return as the test centres had been open since spring 2021. A blank email was sent by return. On 26 January 2022, Roger sent an email stating he was trying to send a copy of the cancellation email, that he was in the process of re-booking, and that he will send confirmation as this has been completed.

To date, no confirmation email of a test booking or continuing competence certificate has been received. Therefore you are in breach of permit condition 1.1.4.

ACTION: Book continuing competence test by 18 March 2022, and send confirmation of booking to Liz Park. Undertake test and send continuing competence certificate to Liz Park.

G4 - Reporting and notification to Natural Resources Wales - Permit Condition 4.2.2 - CCS Cat 3

Two CARs have been issued concerning the breach of permit condition 4.2.2 for the cessation of waste returns being submitted since Q4 2019 by Lucy Downes, the former principle TCM from Marshes Biogas Ltd.

CAR_NRW0037452 Issued on 08/02/2021

CAR_NRW0037894 Issued on 29/02/2021

No waste returns have been submitted for the whole of 2020 and the whole of 2022.

ACTION: Submit all missing waste returns by 31 March 2022 and continue to submit all future waste returns on time.

The lack of compliance with the management system resulting in a preventable incident,

lack of compliant TCM and ongoing failure to submit waste returns is concerning. Failure to comply with the above actions may result in an escalation of our enforcement response in accordance with Natural Resources Wales's Enforcement and Prosecution Policy.

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.