

Compliance Assessment Report

Report ID:
CAR_NRW0033356

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	14/05/2018	Time in	11:30	Out	13:15	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Dines, Malcolm					
Accompanied by	Goddard, Jeremy					
Recipient's name/position	Ben Harries/ Site Manager/TCM	Date issued	13/06/2018			

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	C3 - Suspended	2.1.1; 1.1.1
	C2	1.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	3.2.1; 1.1.1
C2 - General Management - Management system and operating procedures	C2	1.1.1
C3 - General Management - Materials acceptance	C3	2.3.2
D1 - Incident Management - Site security	A	
D2 - Incident Management - Accidents, emergency and incident planning	C3	1.1.1
F1 - Amenity - Odour	C3	1.1.1
F3 - Amenity - Dust/fibres/particulates and litter	A	
F4 - Amenity - Pests/birds and scavengers	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	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	8	Total compliance score (see section 5 for scoring scheme)	82
-----------------------------	---	---	----

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

Officer were met on-site by Graham Owen who is the Anaerobic Digestion consultant for Asgard Renewables, he works as a contractor and holds an EPoC qualification. This means that he is not able to act as the Technically Competent Manager for the site and is there to provide expert advice on the performance of the site with regards to production of energy. The Technically Competent Manager is Ben Harries who was not working on the day that the compliance visit was carried out as he works a 4-day shift pattern.

On arrival at the site the roller shutter doors to the Reception Building were open and a vehicle was inside emptying it's load of waste. The doors were only shut once the vehicle had left the Reception Building. New storage containers have been installed in the reception hall since the last compliance visit. There are now two field tanks and a torpedo tank situated on the left of the hall that are there to hold whey. The storage in the reception hall is now slightly above the amount that was planned when there were to be six holding tanks, but only two were initially installed.

The torpedo tank is filled from below and does not have a level alarm or measure in it, the one that was fitted was blown out when the tank was filled to much. The only way to measure the amount of material in the torpedo tank is by dipping a measure into the top of the tank.

There is still a hole in the wall of the Reception Building above the mixing tank where pipework used to pass through and although this was highlighted following the compliance visit in 2017, it has not been covered. The Reception Hall is supposed to operate under negative pressure and a hole that was not designed to be there will not allow this to operate correctly.

The digestate collection point used to be at the front of the Reception Building, but adjacent to a surface water drain. This has now been moved to the tankfarm and the operator is using a converted service/cleaning valve on the side of the digestate store. This means that tankers a loaded under gravity pressure rather than the digestate being pumped to the tanker point. There is also only a single valve on the collection point which at the time of the compliance visit was not locked. A tanker had been to the site that morning.

The switch to open the valve on the tankfarm surface water drain has a locking mechanism when a padlock is put through a loop preventing the switch being "opened". At the time of the compliance visit, this loop for the padlock was broken and the padlock was placed on top of the switch box. According to the site manager is has been like this since towards the end of 2017 and the directors of the site have been made aware of the situation.

A discussion was had site regarding concerns about how suitable the bunds of the tankfarm are in light of recent Anaerobic Digestion plant failures that have resulted in pollution to the Afon Teifi. Immediately on the other side of the eastern boundary of the tankfarm is a tributary of the Afon Teifi.

There had been a spillage of digestate from the Pasteurisation Unit onto the floor of the tankfarm. This was due to a failure in the weighing mechanism that determines how much material is in each unit and then a miscommunication with the manufacturer resulted in a technician in Germany thinking the unit was empty when it wasn't and so they opened a valve releasing digestate. There was not a suitable spill kit or materials to soak up the spill on-site and so the site staff had to source waste wood from the adjacent waste operator to use to absorb the spilled material and prevent it entering the surface water drains.

Subsequent to the compliance visit a review of the waste returns for the financial year 2017-18 was carried out and 24,814.07 tonnes of waste had been accepted at the site in that period.

(B1) Engineering for prevention and control of emissions

Although the tankfarm is bunded, Natural Resources Wales (NRW) do not feel that the current bund is an appropriate measure to mitigate the risk of pollution, especially to the Afon Teifi. We also do not feel that the CIRIA report conducted by Burroughs address fully, or in enough detail, the risks posed by the site and as such this is a breach of permit condition 1.1.1 and is why the permit breaches relating to the tankfarm will receive CCS2 scores

Although the tankfarm is bunded, Natural Resources Wales (NRW) do not feel that the current bund is an appropriate measure to mitigate the risk of pollution, especially to the Afon Teifi. We also do not feel that

the CIRIA report conducted by Burroughs address fully, or in enough detail, the risks posed by the site and as such this is a breach of permit condition 1.1.1 and is why the permit breaches relating to the tankfarm will receive CCS2 scores

(B1) Engineering for prevention and control of emissions

There is a hole in the wall of the reception building above the mixing tank, where pipework used to pass out of the building but which has subsequently been removed. Breach of permit condition 2.1.1, where the site operations will be carried out in accordance with Table S1.1. this states that, "The biofilter and/or scrubbing system must be specifically designed to minimise the release of odour, bioaerosols and microorganisms, be maintained for the process undertaken and be fit for purpose."

The Reception Building must be repaired to ensure that it operates under negative pressure. The due date of this action is to provide a date by when this work will be completed

(B3) Site drainage engineering (clean and foul)

The locking mechanism on tankfarm surface water pump is broken, this means that anyone able to access the site can open the tankfarm drainage without the knowledge of site management. Having spoken to the site manager this matter occurred towards the end of 2017 and is believed to have been reported to the directors. Currently no action has yet been taken to repair or replace this lock.

Repair the lock and update the relevant section of the EMS. The due date for this action is for the operator to provide a date by which this work will be completed.

(C2) Management system and operating procedures

The collection point for the digestate has been moved from the front of the Reception Building to the tankfarm. This is a breach of permit condition 1.1.1 as the site is not being operated in accordance with the Environmental Management System (EMS). Section 3.1 of the EMS states that Operations at the site (site plan shown below) and take place in accordance with the conditions of the environmental regulatory documents listed in the Regulatory Documents Register in Appendix 2 and the procedures detailed below". The Site Plan shows that the Digestate Collection Point is outside the tankfarm, above the bund and to the rear of the Reception Building.

NRW require that the digestate collection point be located as set out in the permit application and the site plan in the EMS and with appropriate infrastructure to prevent pollution. The due date for this action is for the operator to provide a date by when this work will be completed.

(C3) Materials acceptance

A review of the Operator's site returns was carried out and shows that for the Financial Year 2017-2018 the site accepted 24,814.07 tonnes of waste. Permit condition 2.3.2 states that waste shall only be accepted if it is of a type and quantity listed in schedule 2 table(s) S2.1. Table S1.2 states that the site shall accept a maximum of 20,000 tonnes of waste per year. This compliance breach attracts a CCS3 score

Ensure that the site does not accept more than 20,000 tonnes of waste per annum, or vary the permit to allow more material to be accepted. But the tonnage limit must be adhered to until any variation for the tonnage limit is issued.

(D2) Accidents, emergency and incident planning

Approximately four weeks prior to the compliance visit there was a spill of digestate from the Pasteurisation Unit onto the floor of the tankfarm. The member of staff who was on site that day had to go to the neighbouring waste site and collect a JCB bucket full of waste wood chip to use to soak up the spilled digestate as there was nothing else adequate on-site. The EMS states that spill kits will be available on-site however, for a spill kit to be effective it needs to consist of a material of suitable type and quantity

to deal with a digestate spill. Waste wood is not a suitable material and it was not stored in a secure location following its use, it was just left in a pile on the floor of the tankfarm.

Ensure that adequate spill kits are maintained on-site and that the EMS is updated to reflect how site operations are run including the remote-controlling of the site via telemetry and how mis-communications will be avoided in the future. The due date for this action is for the operator to provide a date by when these actions will be completed

(F1) Odour

When NRW arrived at the site to carry out the compliance visit, a delivery of waste was being unloaded in the reception building. For the whole time that the vehicle was inside the building the roller shutter door was open. This is a breach of permit condition 1.1.1: Appendix B of the Odour Management Plan, which forms part of the EMS states, "Doors are kept closed at all times except during vehicle access and egress". This issue has been previously identified during a compliance visit when odours were noticeable at the site boundary and odours were again noticeable at the site boundary during this compliance visit.

Ensure that the EMS is complied with

(G4) Reporting and notification to Natural Resources Wales

The spillage from the Pasteurisation Unit was not notified to NRW. Section EMP.001.003 of the EMS states, "Any spillages or accidental releases will be dealt with in accordance with the spillage procedure EMP.002.002", which states that NRW will be notified in the event of a spillage. This is a breach of permit condition 1.1.1.

Ensure permit and EMS is complied with

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0033356**

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	Date	14/05/2018

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			
G4	C3	Ensure permit and EMS is complied with	28/05/2018
F1	C3	Ensure that the EMS is complied with	28/05/2018
D2	C3	Ensure that adequate spill kits are maintained on-site and that the EMS is updated to reflect how site operations are run including the remote-controlling of the site via telemetry and how mis-communications will be avoided in the future. The due date for this action is for the operator to provide a date by when these actions will be completed	10/06/2018
C3	C3	Ensure that the site does not accept more than 20,000 tonnes of waste per annum, or vary the permit to allow more material to be accepted. But the tonnage limit must be adhered to until any variation for the tonnage limit is issued.	28/05/2018
C2	C2	NRW require that the digestate collection point be located as set out in the permit application and the site plan in the EMS and with appropriate infrastructure to prevent pollution. The due date for this action is for the operator to provide a date by when this work will be completed.	10/06/2018
B3	C3	Repair the lock and update the relevant section of the EMS. The due date for this action is for the operator to provide a date by which this work will be completed.	10/06/2018
B1	C3	The Reception Building must be repaired to ensure that it operates under negative pressure. The due date of this action is to provide a date by when this work will be completed	10/06/2018
B1	C2	Please provide the following information: 1. An explanation as to why it is not felt that there could be an impact on the Afon Teifi 2. Why was an earth bund constructed when the original design was for a concrete bund? 3. A detailed explanation of how the earth bund has been reinforced as is stated in the Site Plan	10/06/2018

		4. An independent experts sign-off that the bund will hold in the event of the worst case scenario. The due date for this action is to provide a date by when these reports will be submitted	
--	--	---	--

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.