



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

Site	Emerald Biogas Energy Park EA/EPR/BP3133TC/A001				Permit Ref	BP3133TC		
Operator/ Permit holder	WARRENS EMERALD BIOGAS LTD							
Date	10/08/2023				Time in	13:30	Out	14:25
What parts of the permit were assessed	Site odour assessment following complaints							
Assessment	Site Inspection	EPR Activity:	Installation	X	Waste Op		Water Discharge	
Recipient's name/position	[REDACTED]							
Officer's name	Jevon Crawley, Don Mason				Date issued	23/08/2023		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), **N** = Not assessed, **NA** = Not Applicable, **O** = Ongoing non-compliance – not scored

MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Introduction

The Environment Agency received reports of odour pollution in the vicinity of Emerald Bio on the 9th of August 2023 and on the 10th of August 2023. As an incident response officers attended the site to substantiate and assess the reported odour pollution both on and offsite and to investigate with the operator the possible sources of the odour. The reported odours referred to both silage and to rotten food smells. We met onsite with the site manager and their TCM. The weather conditions were mild with a south westerly wind. The site was open and operational and operating under normal conditions with no issues brought forward to us by the site manager.

F1 - Odour

Odour assessment was conducted offsite first to attempt to substantiate any of the claims.

No odours were found to the south of the plant on Preston Road.

A slight odour of silage was detected 30m of either side of the site entrance of silage rated at a 1-2/6 by both officers. The smell barely carried and was only present with the south westerly wind. The area was a low receptor due to it being just the footpath at the site entrance and didn't carry into any of the industrial estates or other businesses. This odour was detected downwind of the site at the time.

A faint smell of something likened to food was found to the northeast of the site, Hurworth Road, rated again at a 1/6 it was inoffensive and infrequent. There was no consistency to the detection of this scent, and it came and went and often difficult to detect at all. This detection was upwind of the site with the south westerly wind. The area is a medium receptor area due to the businesses in the locale.

Officers then conducted odour assessment onsite with the help of the TCM. It was discussed that they were conducting odour checks every morning, utilising a member of staff who was less used to the odours prevalent on site. They mentioned they had noticed a smell to the northeast of the site that they believed to be a garlic odour.

The TCM stated that they believe that a cause of the complaints may be around the 28 tonnes of garlic they had received the day before, the day that the complaints began. They took the bulbs at roughly 1:30 and processed them that evening. They had already had discussions with a member of their sales team to ensure that they no longer took these garlic loads onto site as they were now causing more issues than the relative gain was worth.

Officers continued the assessment onsite and found that the smell they had noted at the site entrance was faint in the car park at a 1-2/6 again but was only detectable with the wind and often not noticeable at all. The smells of some form of food were noted closer to the unloading bays (see **image 1**) but no stronger than a 2/6 It was noted that all doors on the unloading bay are kept closed unless actively unloading. No smells were able to be detected upwind of the site.

An effluent tank near the rear of the site had a leak in (see **image 2**) which liquid was escaping into a bunded area. Officers noted an odour coming from the liquids at a 2/6 but was only detectable very close to the leaking valve. The operator said they were waiting for engineering to come and tighten the valve to fix the concern. Officers determined that although this may be a contributing factor to any smells on site it was not the main source of the incidents raised.

Action

Send a photo of the tightened valve no longer leaking to jevon.crawley@environment-agency.gov.uk.

Deadline: 28/8/2023

Before the issuing of this CAR form the operator was able to send a photo (see **image 3**) of the fixed valve no longer leaking any fluids.

Summary

Overall, the source of the smell was likely to be the load of garlic that had been accepted on the 9th of August 2023 and had now been fully processed. The site is now no longer taking in any loads of garlic onsite due to the issues caused. Future proactive monitoring will be taking place to ensure the site is acting within its permits and that they are following their odour management processes that have been previously agreed upon.



Image 1 – Unloading bays



Image 2 – Leaking effluent tank



Image 3 – Fixed Effluent tank

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.

**Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

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.

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

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 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.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

A breach of permit condition **MSA, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

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 which 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.

MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

MSA requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

MSB requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

TCM requires the submission of technical competence information.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 28 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?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder can raise a dispute through our official [complaints procedure](#).

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#), phone their helpline on 0345 015 4033.