Environment Agency	**EPR Compliance Assessment Report**	Report ID: YP3236RW/0511406

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

Site	Teesside AD Power Plant EPR/YP3236RW			Permit Ref	YP3236RW		
Operator/ Permit holder	DURANTA TEESSIDE LIMITED						
Date	08/07/2024			Time in	10:55	Out	13:00
What parts of the permit were assessed	Permitted area						
Assessment	Site Inspection	EPR Activity:	Installation X	Waste Op	Water Discharge		
Recipient's name/position	Site Manager						
Officer's name	Robert Potts, James Waddington			Date issued	17/07/2024		

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	A		
b) Infrastructure	**1.** Engineering for prevention & control of pollution	A		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	A		
	4. Containment of stored materials	N		
	5. Plant and equipment	A		
c) General management	**1.** Staff competency/ training	N		
	2. Management system & operating procedures	N		
	3. Materials acceptance	A		
	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	A		
	3. Dust/fibres/particulates & litter	A		
	4. Pests, birds & scavengers	A		
	5. Deposits on road	A		
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	A		
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:

Duranta Teeside Ltd has the permit YP3236RW to operate the treatment of waste via anaerobic digestion, with combustion of resultant biogas at the installation located at Forty Foot Road, Middlesbrough. Site inspection took place on Monday 8th July 2024 by Environment Officers Robert Potts and Waste Regulation Specialist James Waddington. The purpose of the inspection was to carry out a routine site inspection, Officers were shown around the whole permitted area by the site manager, the sites processes explained and the SCADA system was viewed.

On arrival to site a notice of powers and rights was completed and signed by the site manager.

Permit breaches

None

Compliance Summary

The following provides a summary of your activities which were assessed as compliant.

A1- Permitted Activities

The activities observed on site were in accordance with those authorised by the permit.

B1 – Engineering for prevention & control of pollution

Table S3.3 of the permit requires that all tanks at the site that are over 600m3
in volume must be subject to internal visual assessment by a suitably qualified structural engineer after 5 years from the end of commissioning and then subsequently every 3 years.

On the 22.03.2024 the EA received a proposal to increase the current 3 yearly tank inspection permit condition to a 5 yearly frequency – "DURANTA TEESSIDE LIMITED TANK INTERNAL INSPECTION FREQUENCY JANUARY 2024".

The report states "*It is the operator's view that it is reasonable and proportionate to propose that the tanks are next drained down and opened for internal inspection 5 years after the date of the last inspection (autumn 2026) rather than 3 years after the last inspection (autumn 2024). This is in view of a number of factors, including the recommendations following the most recent assessment and various other measures in place at the site to minimise risk of loss of containment. The various measures in place that minimise risk are outlined in the next section."*

"The operator has carried out a review of the measures in place at the sites in accordance with this best practice checklist for inspection and maintenance and the EA appropriate measures guidance. The site EMS makes facility where relevant for the measures identified in the checklist and the operator can demonstrate that the measures are addressed in the site EMS and that the inspection and maintenance measures are therefore in accordance with good practice. The operator retains an

up-to-date P&ID showing all process instrumentation controls and equipment."

"The operator therefore proposes the following;
1. That the next internal inspection of Fermenter 1, Fermenter 2, and the Post Fermenter at the Duranta Teesside Limited AD site can take place in autumn 2026 as a proportionate and reasonable time frame for inspection based on the information provided.
2. That following the inspection proposed for 2026, the operator will undertake to submit the findings of the inspection report to the EA and agree with them the timing of the next inspection based on the risk factors and regulatory context apparent at that time and recommendations of the tank inspection company following the inspections."

Further comment

The report does not detail levels of sediment/ grit. You must be able to demonstrate the tank does not have an excessive, detrimental, build-up of sediment and that you have monitoring processes in place. Please provide further assessment details to demonstrate previous and current grit levels and tank capacity. Please provide any updated management systems in support of the proposal which demonstrates grit levels, management of grit, monitoring processes, tank management to prevent loss of volume and accident management system updates.

Based on the submitted proposal and further reassurance once the above information has been received and reviewed by the EA, it would be appropriate to accept the proposal and advise that the operator submits an application to vary the permit. The operator is advised that by accepting a proposal at area level this does not guarantee a permit variation will be duly made. Further information may also be required by permitting to determine the variation.

B3 - Site drainage:

Surface water which contained traces of Pas 110 digestate was observed pooling at the digestate offtake bay. The operator explained that the drainage in this location does not directly link to the on-site enclosed drainage system and to manage the effluent levels at this location a pump is used to suck out water during digestate collection. There is a risk of odour if contaminated surface water cannot enter the enclosed drainage system and is left for long periods of time open to the environment. Further considerations to manage this should be taken which may include: multiple daily checks of the area and wash downs. This will ensure the build-up does not become excessive, especially during periods of heavy rainfall and periods when digestate is not collected.

B5 - Plant and Equipment

There were no reports of plant breakdown/issues at the time of inspection.

C3 – Materials Acceptance

All of the material types on site were in accordance with those permitted within the permit

F1-Odour

On arrival to site, no odour was detected at the site entrance or car park. Officers did not conduct an off-site odour assessment prior to the inspecting and no complaints had been received by the EA to warrant an odour investigation. Very low odours were detected on site and was localised to tanks, valves and waste storage areas. These odours were not at levels likely to cause off site pollution.

The odour both on and off site has vastly reduced since the last inspection, this appears to be from both an improved housekeeping regime and enhanced measures to reduce odour at the digestate offtake pipe.

F2- Noise

There was no excessive noise observed during the inspection.

F3 - Dust/Fibres/Particulates/Litter

There was no issue of dust or litter leaving the site boundary at the time of the inspection.

F4 - Pests, Bird and Scavengers

Officers observed rats in and around the solid feed bay. Rats were able to enter this storage area due to the door being slightly open as a result of silage spilling out. The operator explained that a new motor for the solid feeder had recently been fitted and was still to be commissioned which meant silage could not be processed. Once the motor was commissioned the silage would be treated quickly allowing the storage door to be closed.

Action:

Due to the increased potential for odour pollution occurring and pests being observed you must take immediate action to ensure the solid storage bay door can be closed.

F5 - Deposits on Road

There were no deposits on road outside site.

G4 - Reporting and notification

No issues were noted.

Section 3- Enforcement Response	**Only one of the boxes below should be ticked**
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 may request an appeal of the regulatory decision by emailing enquiries@environment-agency.gov.uk within 14 days of receipt of the outcome.

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.