

	EPR Compliance Assessment Report		Report ID: 05951	
This form will report compliance with your permit as determined by an NRW officer				
Site	Baglan Operations		Permit Ref	BJ7891IT
Operator/ Permit holder	Baglan Operations Limited			
Date	2nd June 2015 and 3rd July 2015		Time in	10:00
			Out	14:00
What parts of the permit were assessed	LCP Regulation 60 information and changes to company details.			
Assessment	Choose an item.	EPR Activity:	Installation	X
			Waste Op	
			Water Discharge	
Recipient's name/position	Craig Scott			
Officer's name	Gary Evans		Date issued	28 July 2015

Section 1 - Compliance Assessment Summary				
This is based on the requirements of the permit under the Environmental Permitting Regulations. 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)	N		
	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	NA		
	4. Storage handling, labelling, segregation	NA		
d) Incident management	1. Site security	N		
	2. Accident, emergency & incident planning	N		
e) Emissions	1. Air	A		
	2. Land & Groundwater	NA		
	3. Surface water	NA		
	4. Sewer	NA		
	5. Waste	NA		
f) Amenity	1. Odour	NA		
	2. Noise	NA		
	3. Dust/fibres/particulates	NA		
	4. Pests, birds & scavengers	NA		
	5. Deposits on road	NA		
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	A		
	2. Records of activity, site diary, journal & events	A		
	3. Maintenance records	N		
	4. Reporting & notification	C4	5.1.4 Notification	
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 or assessed in part (no evidence of non-compliance), N = Not assessed, NA = Not Applicable				

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	0.1
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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

The two inspections have involved discussions around the Reg 60 on the following points.

1. Q5 of the notice:-

- ☐ Provide the method by which you derived the net rated thermal input figure.

Note: - we will accept the guarantee performance test figure from when the LCP was first commissioned or if undertaken after plant upgrade. Confirm when this was undertaken, by whom and to which standard / code.

2. Q6 in the notice:-

- ☐ Provide details of how you derived the Minimum Start-Up Load and Minimum Shutdown Load. This must be made with reference to the Implementing Decision 2012/249/EU:-

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012D0249&qid=1430229220585&from=EN>

You have based MSUL / MSDL on three criteria as defined in Article 9 of the Implementing Decision document. Provide a justification, supported by site-specific data, (spreadsheet / graphical format) for all of the criteria options identified in the Implementing Decision Document, and a demonstration why the criteria you have chosen adequately demonstrate when the LCP is out of start-up / into shutdown.

3. Q9 in the notice:-

- ☐ For each compliance route you have chosen, provide justification for the ELVs you have requested. This must be supported by a summary of emissions data.
- ☐ You have requested the Annex V 1,500hr derogation for the LM2500 gas turbine and hence the ELVs associated with that option. Your current ELVs and emissions performance for the LM2500 gas turbine are significantly better than those you propose. Provide a justification as to why you think your proposal demonstrates Best Available Techniques (BAT).
- ☐ You have requested the Annex V 1,500hr derogation for the auxiliary boiler and hence the ELVs associated with that option. However, that option is not applicable to boilers and you must propose an alternative applicable compliance option.
- ☐ You have proposed ELVs for operation between Minimum Start-up Load (MSUL) / Minimum Shutdown Load (MSDL) and 70% load. Provide justification for the ELVs you have requested. This must be supported by a summary of emissions data.

Baglan Operations have supplied extra information to answer the above points. NRW will be reviewing the information provided to update the permit in line with Large Combustion Plant aspects outlined in the Industrial Emissions Directive.

NRW will be issuing the company with a draft permit for comment prior to issue, in the coming months. This will also be another opportunity to review the permitted option chosen and whether they are appropriate for the type of operation the planned for the facility.

Change of Company Information

The EPR Permit for Baglan Operations Limited specifies under condition 5.1.4 the following:-

- 5.1.4 The Operator shall notify the following matters to the Agency, in writing, within 14 days of their occurrence:
- i any change in the Operator's trading name, registered name or registered office address;
 - ii a change to any particulars of the Operator's ultimate holding company (including details of an ultimate holding company where the Operator has become a subsidiary);
 - iii any steps taken with a view to the Operator going into administration, entering into a company voluntary arrangement or being wound up.

It has been noted that the company details have changed, however due to the slight delay in notification to NRW, the company will be issued with a warning on this CAR1 Form for the minor permit breach.

The new company details are detailed below.

CALON ENERGY LIMITED

Severn Power Station
West Nash Road
Newport
NP18 2BZ

Company No : 09020390

BAGLAN OPERATIONS LIMITED

Registered office as for Calon Energy Limited
Company No. 03882153

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		BJ7891IT
		28 July 2015

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

Section 4- Action(s)			
Where a 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			
5.1.4	CCS4	No further action	NA

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.

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 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.

Section 6 – General Information

Data protection notice

The information on this form will be processed by Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). 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 (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.

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

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 twenty 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 the officer's line managers. 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) 601 0987**.