

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032725

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

Site	Margam Green Energy Plant EPR/DP3137EG	Permit Ref	DP3137EG		
Operator/Permit holder	Margam Green Energy Ltd				
Regime	Installations				
Date of assessment	16/01/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Pre-operational condntions 11 and 12				
Lead officer's name	Jenkins, Nicholas				
Accompanied by					
Recipient's name/position	John Williams/ Construction Manager	Date issued	16/01/2018		

### 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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

**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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Margam Green Energy Plant (MGE) is controlled by an environmental permit to incinerate non-hazardous waste. The permit implements the requirements of the European Union Directive on Industrial Emissions and section 2.5.1 of that permit specifies that:

*The activities shall not be brought into operation until the measures specified in schedule 1 table S1.4 have been completed.*

Twelve pre-operational conditions (PO) were specified in the permit and this compliance assessment report form has been produced to acknowledge the submission of PO11 and PO12.

These conditions are produced below:

<b>P011</b>	At least 1 month prior to the commencement of commissioning, the Operator shall submit to Natural Resources Wales for approval a protocol for the sampling and testing of co-incinerator bottom ash for the purposes of assessing its hazard status. Sampling and testing shall be carried out in accordance with the protocol as approved.
<b>P012</b>	At least 1 month prior to the commencement of commissioning, the Operator shall submit a written report to Natural Resources Wales detailing the waste acceptance procedure to be used at the site. The waste acceptance procedure shall include the process and systems by which wastes unsuitable for co-incineration at the site will be controlled.  The procedure shall be implemented in accordance with the written approval from Natural Resources Wales.

22 November 2017, MGE submitted responses in accordance with the requirements specified in the permit.

PO11 - Two reports were submitted:

1. B&W-UK-MAR-SOP-EHS-001 IBA Initial Classification
2. B&W-MAR-SOP-902 IBA Residue Sampling

PO12 - Two reports were submitted:

1. B&W-UK-MAR-SOP-101 Waste Acceptance and Waste Management
2. Waste Management - Waste Rejection Process Flowchart.

Guidance was sought from NRW's senior waste advisor to review the submissions of which our comments are presented below.

B&W-UK-MAR-SOP-EHS-001 IBA Initial Classification - In its classification of European Waste Catalogue codes for incinerator bottom ash, MGE have referenced H codes rather than HPs which assumes that has considered WM2 guidance for waste classification rather than WM3 which was last updated in

2015 - [http://www.esauk.org/esa\\_reports/20160224\\_ESA\\_IBA\\_Protocol\\_24\\_February\\_2016.pdf](http://www.esauk.org/esa_reports/20160224_ESA_IBA_Protocol_24_February_2016.pdf) . There is another version in draft at the moment and we would recommend that MGE are aware of any developments

B&W-MAR-SOP-902 IBA Residue Sampling - Similar comments apply for this submission as above i.e reference to WM2 not WM3.

B&W-UK-MAR-SOP-101 - We disagree with MGE regarding the coding of the residues. Based on the permitted schedule 1 operation i.e. section 5.1 (co-incineration) we consider the residue should be reconsidered as 10 01 XX as it is not an incineration plant. We recommend MGE undertakes an additional WM3 assessment to satisfy this comment.

Waste Management – Waste Rejection Process Flow charts - We are concerned with the inherent difficulties presented by visually inspecting wood to establish whether it is hazardous / non-hazardous. There is a requirement that MGE should control acceptance at the producer end and understand the sources of wood going into their suppliers sites rather than trying to manage it once it gets to them. But also as a minimum they should include confirmatory sampling / analysis on an appropriate frequency.

It is worth noting RPS 207 link attached <https://www.gov.uk/government/publications/classifying-waste-wood-from-mixed-waste-wood-sources-rps-207/classifying-waste-wood-from-mixed-waste-wood-sources-rps-207> which we are recommending adoption. We recommend MGE, if it is not aware of the position statement that it reviews how it could affect the operation of the installation.

#### Conclusion

MGE has submitted reports which include references to out of date guidance. MGE has quite rightly assessed its IBA waste category however, we believe that the EWC code used does not necessarily fit the appropriate chapter which could have an impact on the receiving site.

These are not approved until further information is submitted to clarify the points discussed above.

[END]

## EPR Compliance Assessment Report

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Operator/Permit holder	Margam Green Energy Ltd	Date	16/01/2018

### 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.

### 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			

## 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](mailto: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.