

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0026550**

**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	31/10/2016	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Pre-operational condition 3 & 4				
Lead officer's name	Jenkins, Nicholas				
Accompanied by					
Recipient's name/position	John Williams/ Construction Manager	Date issued	02/11/2016		

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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
C2 - General Management - Management system and operating procedures	C4	1.1.1(b)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	2.5.1

**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.

<b>Number of breaches recorded</b>	<b>2</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0.2</b>
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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

NRW was expecting the submission of two reports at the end of September 2016 to satisfy permit condition 2.5.1, which states that:

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

Table S1.4 outlines the list of pre-operational conditions (PO) which need to be submitted prior to the commencement of commissioning the installation including PO3 and PO4 which are detailed below:

<b>PO3</b>	At least 5 months prior to the commencement of commissioning, the Operator shall submit a report on the baseline conditions of soil and groundwater at the installation. The report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for in Article 22(3) of the IED. The report shall contain information, supplementary to that already provided in the application Site Condition Report, needed to meet the information requirements of Article 22(2) of the IED.
<b>PO4</b>	At least 5 months prior to the commencement of commissioning, the Operator shall submit a written report to Natural Resources Wales which provides a detailed summary of the site's hydrogeology, including groundwater flow direction and a brief description of aquifer properties (for example porosity and permeability). The report shall also include a detailed site drainage plan as built.

The POs were agreed with the operator and have been discussed at every opportunity to ensure that they are achievable. The time scales are based on the response times for the technical review of the relevant response. The expertise to review the two POs does not sit with the industry regulation team in SW and therefore we will require support from additional teams. It is for this reason why the lead in times have been developed i.e. to allow NRW to assess and respond in the detail required.

30 October 2016, Eco2 emailed NRW to request an extension to the submission of PO3 and PO4 until 2 December 2016 but it is at Eco2's risk that by delaying the submission could lead to the delay of commissioning/operating.

The failure to submit the POs by the required deadline is considered a breach of permit but in addition it has also failed to manage the activities using sufficient resources which is also considered a breach of their environmental permit i.e. 1.1.1(b). Both will be scored as category 4 (no impact).

[END]

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## EPR Compliance Assessment Report

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Operator/Permit holder	Margam Green Energy Ltd	Date	31/10/2016

### 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.

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.

### 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			
C2	C4	Pre-operational conditions 3 and 4 to be submitted as soon as practicable.	30/11/2016
G4	C4	Pre-operational conditions 3 and 4 are to be submitted as soon as practicable.	30/11/2016

## 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 reports 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 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.