

Compliance Assessment Report

Report ID:
CAR_NRW0026920

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	13/01/2017	Time in	13:00	Out	15:30	
Assessment type	Audit					
Parts of the permit assessed	See Agenda					
Lead officer's name	Jenkins, Nicholas					
Accompanied by						
Recipient's name/position	John Williams/ Construction Manager	Date issued	20/02/2017			

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
A1 - Infrastructure - Specified by permit	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

Agenda

- Any outstanding actions
- Overview of pre-operational conditions
- Update on commissioning of plant
- NRW visit 3 February 2017
- AOB

Outstanding actions

The table below is a dynamic table which was originally produced following the compliance visit to the site in October 2015. As further meetings have taken place, additional action/recommendations have been added or removed.

Action/Recommendation	To be completed by:
Action – Operator to submit reporting forms to NRW for review	ONGOING
Recommendation – Operator to ensure that waste contractors are in place before operating, particularly for the disposal/recovery of bottom and fly ash	ONGOING

Action - Reporting forms would have been issued to the operator on receipt of their environmental permit. The forms are referenced in Table S4.4 of the permit and are dated 20/11/14. These forms have subsequently been provided and we would expect these to be submitted in line with the reporting requirements of the permit. This action is now closed.

Recommendation – Although there is no requirement within the permit to specify an appropriate waste contractor, the emphasis is for the operator to ensure that there is an approved protocol for the sampling and testing of bottom ash and waste acceptance procedures. This recommendation was included to highlight the necessity for waste contractors to be in place before waste is removed from the installation.

Overview of pre-operational conditions

Permit condition 2.5.1 of the environmental permit states that:

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

The date of submission on the pre-operational conditions (PO) are based on the completion of commissioning and as discussed in previous meetings, the original date for cold commissioning was specified as early December 2016 with hot commissioning to start around early February 2017. This has now been extended out by approximately 11 weeks. Table 1 below provides an overview of the POs and the associated comments. This table will be reviewed at the next opportunity.

Table 1

Reference	Pre-operational measure	Comments
PO1	Within 1 month of permit issue, the Operator shall submit to Natural Resources Wales for approval, a written proposal for	CLOSED

	<p>reassessing the potential noise impact of the site. The proposed noise impact assessment shall use the BS4142:2014 standard and shall have regard to the Welsh Government Noise Action Plan 2013 – 2018. The assessment shall be based on the manufacturers stated sound power level for all fixed and mobile noise sources from the plant as built. On site traffic movements and loading / unloading activities shall be included as noise sources in the impact assessment. The background noise measurements ($L_{A90,T}$) and residual noise level ($L_{Aeq,T}$) (including tonal noise), shall be measured over a time period that is sufficiently long enough to obtain typical background noise levels which are representative of the area in which the installation is located. Typical background noise levels shall be obtained for all times when the installation will be operational, including day time and night time for both week days and weekends.</p>	
PO2	<p>Following Natural Resources Wales approval of the written proposal provided in response to PO1 and at least 1 month prior to the commencement of construction, the Operator shall measure the background noise level ($L_{A90,T}$) and residual noise level ($L_{Aeq,T}$) (including tonal noise), in order to obtain typical background noise levels which are representative of the area in which the installation is located. The results of this exercise shall be submitted in the form of a written report for approval to Natural Resources Wales.</p>	CLOSED
PO3	<p>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.</p>	CLOSED - Submitted 03/02/17
PO4	<p>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.</p>	CLOSED - Submitted 03/02/17
PO5	<p>Following Natural Resources Wales approval of the written proposal provided in response to PO1, and at least 12 months prior to the commencement of commissioning, the Operator shall conduct the noise impact assessment using the background, residual and tonal noise level data collected in response to PO2 and submit the findings in the form of a written report and electronic modelling files for approval by Natural Resources Wales.</p>	<p>ONGOING – Report has been submitted and the model validated by NRW's modelling team but we have sought clarification from the operator as to whether there is a likelihood of impulsive sound to be generated from the operational phase. This was not included in the PO5 response and we were informed by email that we would be receiving a formal response. This has not been received. We would expect a formal response no later than 5 February 2017.</p>
PO6	<p>At least 4 months prior to the commencement of commissioning, The Operator shall submit the written protocol referenced in condition 3.1.4 for the monitoring of soil and groundwater for approval by Natural Resources Wales. The protocol shall demonstrate how the Operator will meet the requirements of Articles 14(1)(b), 14(1)(e) and 16(2) of the IED. The procedure shall be implemented in accordance with the written approval from Natural Resources Wales.</p>	ONGOING - Submitted 03/02/17 awaiting approval from NRW
PO7	<p>At least 3 months prior to the commencement of commissioning, the Operator shall submit a written report to Natural Resources Wales which confirms whether Flue Gas Recirculation (FGR) has been included within the final design of the installation. The report shall demonstrate how the chosen design will minimise the impact on the environment</p>	ONGOING

	(including waste generated / raw material usage).	
PO8	After completion of furnace design and at least three calendar months before any furnace operation; the operator shall submit a written report to Natural Resources Wales of the details of the computational fluid dynamic (CFD) modelling. The report shall demonstrate whether the design combustion conditions comply with the residence time and temperature requirements as defined by the Industrial Emissions Directive.	CLOSED – Submitted 16/01/17
PO9	At least 2 months prior to the commencement of commissioning; the Operator shall provide a written commissioning plan, including timelines for completion, for approval by Natural Resources Wales. The commissioning plan shall include the expected emissions to the environment during the different stages of commissioning, the expected durations of commissioning activities and the actions to be taken to protect the environment and report to Natural Resources Wales in the event that actual emissions exceed expected emissions. Commissioning shall be carried out in accordance with the commissioning plan as approved.	TO BE SUBMITTED
PO10	At least 2 months prior to the commencement of commissioning, the Operator shall submit a written report to Natural Resources Wales which confirms and justifies the selection of the reagent to be used within the SNCR system. The report shall also include details of the procedures in place for the safe handling and management of the reagent.	TO BE SUBMITTED
PO11	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.	TO BE SUBMITTED
PO12	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.	TO BE SUBMITTED

Update on commissioning of plant

As discussed in the previous section, the 11 week delay is still in effect and discussions with the operator gave no indication that this was to be extended or reduced. The operator has been successful in attaining a 24 hour construction permission from Neath Port Talbot council planning department to try and recover some of the delayed time.

There is an expectation that a commissioning plan will be submitted to NRW for approval within 2 months of the completion of commissioning and this will need to be approved by NRW. This is outlined in PO9.

The operator advised that it was satisfied that all outstanding POs will be submitted in accordance with timeframes outlined in table S1.4.

NRW Visit

The operator advised that it was willing to host a number of NRW staff and to provide an overview of the operations and a tour of the installation. Invitations will be sent to the SW and SE industry regulation teams as well as the waste regulation team who regulate the operations that are likely to be involved in the chain of supplying waste wood to the installation. We welcome the invite and would ask that the operator provides a suitable time and any special requirements/PPE that are necessary before staff go onto the construction site.

AOB

We discussed the definitions of start-up and shut down as there is limited information outlined in schedule 6 of their environmental permit. Discussions between NRW and the Environment Agency have taken place to clarify the

definitions which will be provided once agreement has been made.

Site Tour

NRW and the operator toured around the site to build up the catalogue of photographs as the progress has continued to commissioning and eventual operation of the plant. Below are some photographs showing the key parts of the process.



Photo 1 - View of boiler building



Photo 2 - View of wood storage building



Photo 3 - Inside the wood storage building



Photo 4 - Inside the turbine hall

[END]

EPR Compliance Assessment Report

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Operator/Permit holder	Margam Green Energy Ltd	Date	13/01/2017

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. 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.