

## Compliance Assessment Report

Report ID:  
CAR\_NRW0033088

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	26/03/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Pre-operational conditions 11 and 12				
Lead officer's name	Jenkins, Nicholas				
Accompanied by					
Recipient's name/position	John Williams/ Construction Manager	Date issued	26/03/2018		

### 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
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**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 re-submission of PO11 and PO12. Initially, a response was received 22 November 2017 and a compliance assessment report form was created and issued (CAR\_NRW0032725). We identified some concerns in the submission and therefore did not approve the reports. We requested the operator to review our comments and re-submit. The operator submitted its comments 20 February 2018.

These preoperational 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>PO12</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.

### PO11

In our initial response to report B&W-UK-MAR-SOP-101 we stated that *"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"*.

MGE has considered our comments and will continue with its coding of incinerator bottom ash as EWC 19-

01-11 unless it can be categorised as non-hazardous. We re-iterate that it is the responsibility of the waste producer to categorise its waste correctly to ensure that it can be accepted at the receiving permitted site.

**All aspects of the submission for PO11 are satisfied.**

## **PO12**

*In our initial response to report to this preoperational condition we stated that: 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 supplier's 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.*

MGE has considered our comments and provided the following to address:

*The Fuel supply agreement between MGEL and Stobart Ltd (SBL) states the following;*

*The Buyer or such parties as the Buyer shall nominate shall have the right to visit the Seller's premises and any Supply Depot at reasonable notice and on a reasonable frequency to inspect the Seller's operations and working methods, including quality management systems and procedures, to ensure that the Wood supplied to the Plant by the Seller complies with the Specification provided that, when inspecting the Seller's premises and any Supply Depot in accordance with this clause 4.5, the Buyer or such parties as the Buyer shall nominate shall comply with all site safety procedures and otherwise not unduly interrupt or disturb operations at the Seller's premises or Supply Depots.*

*ECO2 Ltd undertake quarterly visits to the supply sites and produce a report. If a load is visually inspected and rejected, then the source site will be visited to investigate the issue and carry out an investigation report.*

*If the load is accepted and the fuel is found to be outside of the allowable limits (Class C P63 <10% fines) through chemical analysis which is carried out on the fuel, then again the source site will be visited to investigate the issue and carry out an investigation report.*

*Every load that enters Margam will have four (4) samples taken 500g each these are used for moisture and chemical analysis.*

*It should also be noted that the weighbridge staff are experienced personnel and the Supplier (SBL) has a responsibility to test and verify the waste wood prior to supplying Margam. As part of our visits to the source sites, audits will be carried out to verify this is being completed.*

We are encouraged by the additional information provided to satisfy the condition but request that the points above are included in the relevant procedures. We would also request that persistent organic pollutants are included in the monitoring suite for analysis of accepted wood waste.

**All aspects of PO12 are satisfied.**

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#### Conclusion

MGE has reviewed our comments following the initial review but we now expect the amendments to be implemented into the relevant procedures. We have also requested additional sampling of persistent organic pollutants within the incoming waste.

[END]

## EPR Compliance Assessment Report

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Operator/Permit holder	Margam Green Energy Ltd	Date	26/03/2018

### 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.

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			

## 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.