

EPR Compliance Assessment Report

Report ID: 6111

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

Site	Margam Green Energy Plant				Permit Ref	DP3137EG		
Operator/ Permit holder	Margam Green Energy Limited							
Date	12/02/16				Time in	11:30	Out	13:00
What parts of the permit were assessed	See below							
Assessment	Multiple assessment type	EPR Activity:	Installation	X	Waste Op		Water Discharge	
Officer's name	Nick Jenkins				Date issued		16/02/16	

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	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
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

0

Total compliance score

(see section 5 for scoring scheme)

0

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

Attendees

John Williams – Construction Manager (eco2)

Nick Jenkins – PPC Officer (Natural Resources Wales)

Agenda

1. Discussion of CAR form (6068) – visit 29/10/15 and associated actions
2. Pre-operational condition 5 (PO5)
3. AOB

1. Discussion of CAR form and associated actions

The purpose of the meeting was to meet and greet John Williams (construction manager) for eco2. John reports directly to David Fisher, the director of technical services for eco2.

The following table of actions and recommendations was produced following Natural Resources Wales (NRW) visit to the site 29 October 2015 (For greater detail regarding the reasoning for the actions being produced please see CAR 6068).

Table 1 – Actions/Recommendations produced following site visit 29/10/15

Reference	Action/Recommendation	To be completed by:
A1	ACTION - eco2 to provide a definitive timetable for the programme of works [commissioning].	End of January 2016 - ONGOING
A2	ACTION – Operator to submit a proposal for the re-siting of A1 CEMS.	End of January 2016 – COMPLETE and AGREED
R1	Recommendation – Operator to consider acquiring a portable air quality monitor (MCERTS) in the event of CEMS failure	-
A3	ACTION – Operator to confirm the height of the stack [A1].	End of January 2016 - COMPLETE
R2	Recommendation – Operator to consider how fire water can be recycled onsite during an incident.	-
A4	ACTION – Operator to submit proposal dates for submission of pre-operational conditions and improvement conditions based on their commissioning timetable.	End of January 2016 - ONGOING
A5	ACTION – Operator to provide an overview of how they will satisfy the requirements of IC4.	End of January 2016 - ONGOING

A1 - Eco2 provided an overview of their commissioning plan but was not able to provide a copy for NRW, which had been requested on a number of occasions. We discussed the brief timetable which was created following the meeting in October and whether any of the dates had been extended or reduced. All stages, with the exception of cold and hot commissioning were as discussed. Cold commissioning has been extended until December 2016 with hot commissioning extended for around 4 weeks to the end of February/beginning of March 2017.

Table 2 – NRW's interpretation of eco2's commissioning plan

Date	Description of Activity
23 January 2015	Commencement of site preparation
August 2016	Pressure test of essential operations
23 September 2016	Grid connection
Autumn 2016 – DECEMBER 2016	Cold commissioning - EXTENDED
November 2016	First delivery of wood chip
Beginning of January/February 2017 – END FEB/BEGINNING MARCH	First fire of the boiler - EXTENDED
March 2017	Export to grid connection
23 May 2017	Handover to client (Plant operating within Emission Limit Values)

A2 - 22 December 2015, eco2 submitted a report entitled 'CFD modelling of FLOWSIC100' which identified the high accuracy of the flow sensor (CEMS) at the horizontal measuring channel rather than the vertical duct, as specified in their application.

The report was reviewed by NRW's Air Quality Modelling Risk Assessment Team who agreed with the findings of the report. As such, the agreement to re-locate the CEMS was provided with the following comments:

[the agreement is] however based on modelling of flow, not on the actual measurements of the pollutants within the stack. The CEMS location, as well as fulfilling the requirements of TGN M1 (or to an equivalent standard, which is what they are trying to show in this proposal) is that the stack gas measured at the location of the CEMS should be homogenous. This can only be determined through monitoring once the plant is up and running.

As long as the stack gas can be shown to be homogenous within this horizontal section of duct (sampling plane), then the proposed location for the CEM sampling ports will be fine. Homogeneity testing would be in accordance with the standard BS EN 15259. If the CEM location fulfils the requirements of M1, then it is probable the stack gas is homogenous. As the CEMS measurements would be from a location that deviates from the M1 specifications, they would need to prove homogeneity of the stack gas pollutants at this particular point. Based on the flow modelling (which indicates the flow should be homogenous), the stack gas should also be homogenous, but they would need to measure this to be sure.

R1 – NRW advised that the purchasing of a portable CEMS would be a recommendation and not a requirement of the permit. Eco2 were not able to provide any further information regarding whether they were considering this option but did see the benefit.

A3 – eco2 provided confirmation using drawing No 101-0-3815 Plan B produced by Steelcon that stack A1 is 65 metres but also that the diameter is 2650/2400mm.

R2 – eco2 was not able to provide any further information regarding NRW's recommendation to consider the recycling of fire water during an incident.

A4 – eco2 was not able to provide any further information to provide a timetable for the submission of per-operational and improvement conditions based on their commissioning dates.

A5 – No information was provided to satisfy this action.

2. Pre operational condition 5 (PO5) – eco2 advised that Noise Vibration Consultants Ltd will provide information to satisfy this PO as required i.e. at least 12 months prior to the commencement of commissioning. Based on the timetable discussed the latest this report can be submitted is the end of February/beginning of March 2016. Eco2 advised that this can be achieved and the report will be submitted as expected. Eco2 also confirmed that all POs and Improvement conditions will be submitted as agreed,

Although not specified as an action in the last CAR form, there were additional considerations:

- the submission of reporting forms - Eco2 agreed to submit the reporting forms and NRW will review in line with the schedule 4 of the permit;
- the request for waste contractors in place for the removal of bottom and fly ash from the installation. Eco2 to provide an update at next opportunity.

3. AOB - A meeting has been scheduled for week commencing 15 February 2016 with the client, the local authority i.e. Martin Hooper (pollution control officer) and Paul Coleman (planning officer) and NRW to discuss any outstanding issues particularly condition 14 of the planning permission (P2014/0705). This condition requires the applicant to deploy instrumentation to monitor ambient concentrations of nitrogen dioxide (NOx) 12

months prior to and at least two years after commissioning. Eco2 are querying this condition but this was not a request by NRW and therefore we recommend the client to raise their concerns directly with the local authority.

Eco2 requested a copy of the permit. This will be attached to the CAR form in the associated email.


Conclusion

The intention of the meeting was to meet and greet John Williams and to discuss progress with the actions specified in the CAR report created following the visit to the installation in October 2015. Eco2 were not able to provide all the required information which was discussed in the October 2015 meeting and requested by the end of January 2016. Eco2 have committed to providing the information prior to the meeting Thursday 18 February 2016.

Additional actions

- **Eco 2 to submit reporting forms for NRW review**
- **Eco2 to ensure that waste contractors are in place before operating particularly for the disposal/recovery of bottom and fly ash**
- **NRW to provide a copy of the permit**

[END]

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Operator/ Permit	Margam Green Energy Limited	Date	12/02/16

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.~~

~~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			
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**.