

	EPR Compliance Assessment Report	Report ID: AP3139FT/0256851		
This form will report compliance with your permit as determined by an NRW officer				
Site	Five Fords WwTW CHP Facility	Permit Ref	AP3139FT	
Operator/ Permit holder	Dwr Cymru (Welsh Water)			
Date	04/11/2015	Time in		Out
What parts of the permit were assessed	VOC results, monitoring returns			
Assessment	Report/data review	EPR Activity:	Installation	X
		Waste Op		Water Discharge
Recipient's name/position	Jonathon Dean			
Officer's name	Julia Frost	Date issued	20/04/2016	

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	C3	3.1.2
	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	C4	4.3.2 and 4.2.3
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 (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	4.2
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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

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Part A / B Notification

A part A was received on 11 January 2016 in relation to a VOC emission limit breach on 4 November 2015. Whilst Natural Resources Wales were notified by email of the breach on 6 November 2015, the Part A notification was not received within the timescales specified by permit condition 4.3.2, **CCS 4 breach**. The Part B was submitted on 29 March 2016.

The Part B response does not include any detail into the cause of the emission limit breach. (Discussed further in CHP emission assessment below).

2015 Returns

Monitoring returns submitted on 26 February 2016, outside of the deadline required by the Permit. Breach of permit condition 4.2.3, **CCS category 4**.

The VOC results for both A1 and A2 were in excess of the limits specified in the permit. **CCS 3 breach**, permit condition 3.1.2.

The Operator should ensure that the procedures within the sites' EMS are robust enough to secure compliance with the permit conditions relating to reporting and notification.

CHP Emission Assessment

Natural Resources Wales wrote to the Operator in July 2015 requesting that an assessment, along the lines of that required by improvement conditions included in the original permit when it was issued in 2012, was carried out using the monitoring results to date. I have the following comments to the response received on 29th March 2016:

- Please can you clarify how the figures for flow and concentration used in the assessment have been arrived at? The figures used do not appear to represent the worst case. For example the most recent analysis showed the VOC in A1 to be 3016 mg/m³ but the figure used in the assessment was much lower
- You conclude that the impact from the VOCs is insignificant and therefore suggest that no further action is required (although as comment above, this does not appear to be based on worst case scenario)
- The permit emission limit value of 1000 mg/m³ still stands, therefore any result in excess of this (after the removal of the uncertainty factor) will be considered a breach. Your response does not include any detail on how you propose to secure compliance with the permit moving forward.
- No investigation appears to have been carried out into the root cause of the recent deterioration of the emissions from the CHP
- Has there been any change in the input biogas or load that has led to the significantly higher results
- Have you reviewed the existing maintenance to ensure that it is adequate on the abatement associated with VOC removal

In summary you should investigate the root cause for the apparent deterioration of the quality of emissions from the CHP plant at Five Fords. Improvements should be put in place to bring the levels down to those that the CHP are designed to achieve. Please investigate the cause for the recent decrease in performance and feedback to Natural Resources Wales by the end of May 2016. Another round of monitoring should be carried out by the end of June 2016 to demonstrate whether the improvements have been successful.

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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 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			
E1	C3	Investigate the cause of the deterioration in VOC emissions, make necessary improvements and resample to ensure levels have improved.	30/06/2016
G4	C4	Ensure procedures are adequate enough to secure compliance in relation to reporting and notification	31/05/2016

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 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 the Natural Resources Wales (NRW) to fulfill 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 (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.

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 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 607 0987.