

## Compliance Assessment Report CAR\_NRW0040013

**Permit being assessed:** ZP3939GL.

For: Western Wood Energy Plant, held by Western Bio-energy Ltd

At: Longland Lane , Margam, PORT TALBOT, West Glamorgan, SA13 2NR.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 24/05/2022 between 10:00 and 15:00.

Parts of permit assessed: Monitoring / FPMP

**NRW Lead Officer:** Lee Mills, accompanied by Ieuan Davies.

**Report sent to:** Simon Thomas, Plant Manager on 13/06/2022.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Assessed (A)	
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

No action required.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

### **Attendees**

- Simon Thomas – Plant Manager (Western Bio Energy Limited, Margam)
- Rod Lerwell – CEO (Western Bio Energy Limited, Margam)
- Peter Jones – Director (Circular Waste Solutions)
- Lee Mills – Industry Regulation Officer (Natural Resources Wales)
- Ieuan Davies – Industry Regulation Officer (Natural Resources Wales)

### **Introduction**

This Compliance Assessment Report was completed following a site visit undertaken by Lee Mills and Ieuan Davies on 24<sup>th</sup> May 2022. Lee Mills has recently been allocated the Western Bio Energy biomass installation based in Margam and will be the regulatory officer for all Environmental Permitting Regulation (EPR) matters going forward on behalf of Natural Resources Wales. The main purpose of the site visit was to provide Lee Mills and Ieuan Davies with a process overview of site operations and to meet the technical team at Western Bio Energy Limited. An agenda was shared with the Operator prior to the site visit.

### **Site history and current challenges**

Following initial introductions Rod Lerwell provided an extensive historical overview of the site management, process changes and details of company ownership and infrastructure. The operational challenges that the pandemic caused WBE were discussed and more recently the war in Ukraine pushing up prices for some materials.

### **Fire Prevention and Mitigation Plan (FPMP)**

Improvement Condition 10 (IC10) that is included in WBE's most recent permit variation (V005) states –

IC10	<p>The Operator shall submit a Fire Prevention and Mitigation Plan (FPMP) to Natural Resources Wales for approval. The FPMP shall meet the requirements of Natural Resources Wales Guidance Note 16 and shall cover all wastes used on site, and shall also include a proposed timetable for implementation of any improvement actions identified as necessary.</p> <p>If required by Natural Resources Wales, the operator shall submit further revisions to the FPMP, and/or responses to specific questions, for approval, within a time required by Natural Resources Wales.</p> <p>The operator shall implement any improvement actions identified as necessary according to a timetable set or approved by Natural Resources Wales, and in any case within 12 months of approval of the FPMP. If necessary, the Operator shall submit an updated Fire Prevention and Mitigation Plan (FPMP) to Natural Resources Wales for approval on completion of these works</p> <p>The improvement condition will be considered complete when any required improvements are completed, and a final FPMP approved by Natural Resources Wales</p> <p><a href="https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en">https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en</a></p>	<p>FPMP to be submitted within 6 months of permit variation V005</p> <p>Improvements (if required) to be completed to approved timetable and at least within 12 months of approval of the FPMP.</p> <p>Revised FPMP (if required) to be completed within 3 months of completion of improvements</p>
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A FPMP was submitted to NRW by WBE on 26<sup>th</sup> October 2021. Land and Mineral Management have produced the FPMP on behalf of Western Bio-Energy Limited. The plan provided was discussed with Lee Mills advising that NRW were in the final stages assessing the plan but it had accepted the FPMP as adequate. The operator is responsible as document owner to ensure it is reviewed and modified as required and changes to legislation and guidance are included as required. The operator explained that some of the internal storage areas noted in the plan may be altered to allow vehicles to turn around safely.

**Action:** Operator to ensure FPMP is shared and consulted with FRS on all control measures in line with the appropriate regulations so the FRS can update their operational risk assessments. Operator to provide evidence to NRW that FRS have been consulted.

**Action:** Operator to inform NRW if any of the storage area dimensions will be altered to allow for vehicles turning around and any changes to the FPMP will be communicated to the FRS.

**Operator Monitoring Assessment (OMA)**

The Regulatory Officer introduced the subject of OMA's to WBE specifically OMA for air that will need to be conducted by NRW, the timing of which is still to be determined. The OMA for air is broken down into 4 elements consisting of –

OMA 1 – Management of monitoring

OMA 2 – Periodic monitoring and test laboratories

OMA 3 – Continuous monitoring

OMA 4 – Quality assurance

Each element will be assessed and scored by NRW. It was agreed that NRW would provide sufficient notice and support prior to the assessment.

**Action:** NRW to provide guidance on how to carry out an OMA to WBE and liaise with the operator in

relation to when the OMA would be conducted.

#### **Planned outage**

The Operator provided NRW with details of a planned outage to take place for approximately 8 – 10 weeks from late August 2022 – October 2022 to conduct essential maintenance and planned refurbishment works.

#### **UK Pollutant Release and Transfer Register (PRTR) queries**

Lee Mills had received 3 queries internally in relation to data provided by the Operator, specifically releases to air of carbon dioxide (CO<sub>2</sub>), dioxins and furans and nitrogen oxides (NO<sub>x</sub>). These queries were resolved on site and attributed to changes to stability in plant operation and types of fuel used for the combustion process. It is important to note that these queries were not in any way breaches of any permit conditions.

#### **Waste Incineration BREF Review**

It was relayed to the operator that NRW is currently working via a technical working group to support NRW's Permitting Team. The aim of this group is to resolve any complex queries, sign off a permit template and inform the organisation on the permit review progress. Lee Mills advised that he would discuss with permitting colleagues internally and relay information back to WBE on how the permit review process will be managed and communicated.

#### **Process overview – site tour**

The Operator provided NRW officers with a comprehensive process overview covering all aspects of plant operations. The tour also concentrated on areas of the Fire Prevention and Mitigation Plan and the work conducted by the site including new bays separated by new concrete blocks. The new Selective Non-Catalytic Reduction process that was issued in a recent permit variation was explained to the officers. The SNCR reduces NO<sub>x</sub> by injecting a reducing reagent into the flue gas which reacts with NO<sub>x</sub> to make nitrogen gas and water vapour at temperatures between 850 and 1000°C. The officers were taken into the control room to view how the SNCR system is operated by technical personnel. The area where the reagent (urea) is stored was also shown to the NRW officers.

**Recommendation:** Operator to review CIRIA guidance on containment systems for the prevention of pollutions and ensure that the guidance is implemented for any operations where it is relevant. Operator to also consider optimum storage capacity in line with operational activities.

#### **Conclusion**

The site appeared to be well managed and the housekeeping was excellent. The main objective of the visit was for the new inspector to gain an understanding of site operations and establish links with the site management.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.