

## Compliance Assessment Report CAR\_NRW0042880

**Permit being assessed:** AB3790ZB.

**For:** Barry Energy Production Facility, **held by:** Biomass UK No. 2 Ltd

**At:** Woodham Rd, Barry, CF63 4JE.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 25/10/2023 between 14:00 and 16:00.

**Parts of permit assessed:** Improvement Conditions.

**NRW Lead Officer:** Geraint Harris.

**Report sent to:** Randall Smith , Technical Director, on 28/11/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	

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

Total 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

### **Biomass UK**

#### **EPR/AB3790ZB**

The facility is currently being preserved pending the outcome of the planning committee meeting being held later in November. Should the planning committee outcome enable the plant to commence operations, NRW and Biomass No2 Ltd considered it prudent to discuss the proposed commissioning programme and the associated improvement conditions within the permit, since Biomass No2 Ltd intentions are, if successful, to commence operations as soon as possible. Therefore, I visited the site on the 25th of October 2023 to discuss the restart/commissioning program. The plant hasn't operated since 2021 but has been suitably maintained ready for a potential restart (please see compliance reports CAR\_NRW0038745 and CAR\_NRW0041063).

Should the site start operating again the next phase is referred to as cold commissioning and it involves further testing to ensure each part is operating and working as expected. At this stage, it does not involve the use of wood as fuel. We would then expect the site to continue from the cold commissioning to the hot commissioning phase. This will involve the gradual introduction of wood to the plant to begin the main operations. It is NRW's intention to visit the site prior to the introduction of waste wood. This activity is carried out gradually to ensure the plant is being run efficiently, effectively and within the conditions of its permit. Observers may notice increased emissions of steam being released from a temporary vent in the boiler house during the early stages. This is undertaken to allow the steam quality to be checked and pipework to be tested to prevent damage of the turbine when it first starts up. The steam is produced by the plant boiler using the diesel start up fuel at very low heat loads and the associated emissions from the plant stack are much lower than the full operation emissions that have already been assessed as safe. Abatement systems are in place to ensure that no black smoke emissions will be observed during this period.

Should the plant start up, Biomass UK Ltd have confirmed that the continuous emissions monitor (CEM) is ready to commence operating, has been maintained throughout the stoppage period and the calibration gases have been replaced. Biomass UK have also stated that they have been undertaking weekly QAL3's. QAL3's are undertaken by operators to track the stability performance of the CEMs.

Evero (previously B.I.G.) confirmed during the meeting that all operational staff have undergone refresher training ready for any potential restart.

#### **Wood Dust Analysis**

Following the Dust release incident on the 2nd of September 2021, Biomass UK No. 2 Ltd was asked to provide evidence that the wood dust was non-hazardous. Details of this can be seen in compliance report CAR\_NRW0041063. At the time when the samples were taken the site was undergoing limited operations with only small amounts of dust available for testing. Upon further discussion Biomass UK Ltd believe that the hazard codes identified during the initial WM3 analysis maybe a result of oil and grease contamination for various machinery including the conveyor system. Consequently, Biomass UK have agreed to undertake further testing should they restart their operations.

#### **Monitoring Returns**

The Q1, Q2 and Q3 2023 air monitoring and residue returns have been received on time. The site was non-operational during this period and has not produced any IBA/APCr or emissions to air monitoring data. These reports have been accepted.

End.

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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 compliance criteria** (used in section 1 and 2):

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 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.