

Compliance Assessment Report CAR_NRW0043662

Permit number	AB3092ZE	Operator name	Bryn Power Limited
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Site name	Bryn Power Limited
Site address	Gelliargwellt Farm Anaerobic Digester Facility, Gelliargwellt Farm, Gelligaer, Hengoed, CF82 8FY
Assessment type	Report/Data Review

Date of assessment	28 February 2024	Time in	N/A	Time out	N/A
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Parts of permit assessed	Monitoring and reporting requirements
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NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Jennifer Price AD Plant Manager	Date	29 February 2024

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR4B - Information - Reporting	C4 No environmental impact	4.2.3

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

2. What action is required?

Criteria	Action needed	Complete by
IR4B - Information - Reporting	Operator to submit future monitoring and performance reports inside reporting window.	N/A
IR4B - Information - Reporting	Operator to submit monitoring report(s) for emissions to water	29 March 2024

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

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

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter NRW) assessment against Bryn Power Limited's (hereafter 'Bryn Power') **annual** [2023] monitoring and reporting requirements. NRW's assessment of Bryn Power's monitoring returns data is outside the scope of this CAR and any non-compliance arising from an exceedance of a permitted emission limit will be recorded in a separate CAR.

Condition 4.2.3 of the environmental permit states:

Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;*
- (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.4; and*
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.*

Table S4.1 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Emissions to air Parameters as required by condition 3.5.1	A1 CHP Exhaust, A5 CHP Exhaust and A2 Flare Stack	Annually	1 January
Emissions to water Parameters as required by condition 3.5.1	W1	Every 12 months	1 January

Table S4.4 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.4 Reporting forms		
Media/parameter	Reporting format	Date of form
Air	Form Air 1 or other form as agreed in writing by Natural Resources Wales	11/02/20
Water discharge	Form Water 1 or other form as agreed in writing by Natural Resources Wales	11/02/20

Monitoring report(s) for emissions to air were submitted via email on 31 January 2024. Monitoring report(s) for emissions to water had not been submitted by the date of assessment.

The monitoring report(s) submission was not made inside the reporting window which represents non-compliance with the environmental permit.

The monitoring report(s) submitted do not include all reporting of monitoring carried out in respect of the parameters and emission points specified in schedule 4(a) table S4.1 which represents non-compliance with the environmental permit.

The monitoring report(s) submitted are for the reporting periods specified in schedule 4(a) table S4.1 which represents compliance with the environmental permit.

The monitoring report(s) have been submitted using the forms specified in schedule 4(a) table 4.4 which represents compliance with the environmental permit.

The monitoring report(s) submitted include results and assessments as required by the forms specified in schedule 4(a) table 4.4 which represents compliance with the environmental permit.

As a result of the non-compliance detailed above, a CCS Score [C4] has been recorded against compliance sub-criteria IR4B - Information – Reporting.

Action : Operator to submit future monitoring reports inside reporting window.

Action : Operator to submit monitoring report(s) for emissions to water.

Condition 4.2.2 of the environmental permit states:

A report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data;*
- (b) the annual production/treatment data set out in schedule 4 table S4.2; and*
- (c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.*

Table S4.2 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.2 Annual production/treatment	
Parameter	Units
Biogas produced by AD facility	m ³
Total amount of waste treated	Tonnes

Table S4.3 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.3 Performance parameters		
Parameter	Frequency of Assessment	Units
Power output - Electricity	Annually	MWh
Energy efficiency	Annually	MWh/m ³ biogas
Electrical energy exported to the grid	Annually	MWh
Electrical energy drawn from the grid	Annually	MWh
Water usage	Annually	m ³
Operational time of emergency flare	Annually	% of operational time
Amount of biogas sent to emergency flare	Annually	m ³
Amount of biogas combusted in the CHP unit per day	Annually	m ³ /day

Table S4.4 of Schedule 4(a) to the environmental permit is partially reproduced below.

Table S4.4 Reporting forms		
Media/parameter	Reporting format	Date of form
Air	Form Air 1 or other form as agreed in writing by Natural Resources Wales	11/02/20
Water discharge	Form Water 1 or other form as agreed in writing by Natural Resources Wales	11/02/20

Performance indicators	Form Performance 1 or other form as agreed in writing by Natural Resources Wales	11/02/20
Water usage	Form Water usage 1 or other form as agreed in writing by Natural Resources Wales	10/06/21
Energy usage	Form energy 1 or other form as agreed in writing by Natural Resources Wales	10/06/21
Bioaerosol monitoring	As specified in the "M9 – Technical Guidance Note (Monitoring) – Environmental monitoring of bioaerosols at regulated facilities 2018 Version2" or as agreed in writing by Natural Resources Wales	N/A

Performance report(s) were submitted via email on 31 January 2024.

The performance report(s) submission was made inside the reporting window which represents compliance with the environmental permit.

The performance report(s) submitted includes a partial a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data which represents compliance with the environmental permit.

The performance report(s) submitted include the annual production/treatment data set out in schedule 4 table S4.2 which represents compliance with the environmental permit.

The performance report(s) submitted include the performance parameters set out in schedule 4 table S4.3 which represents compliance with the environmental permit.

The performance report(s) have been submitted using the forms specified in schedule 4 table 4.4 which represents compliance with the environmental permit.

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

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

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 – 18:00), or email 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

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.