

Compliance Assessment Report CAR_NRW0043444

Permit being assessed: ZP3032KQ.

For: Afan Combined Heat And Power Facility, held by Dwr Cymru Cyfyngedig
At: Afan Combined Heat And Power Facility, Phoenix Walk, Port Talbot, SA13 1RA.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 31/12/2023.

Parts of permit assessed: All

NRW Lead Officer: Daren Pike.

Report sent to: Ian Hullin, Energy Analyst (Renewable Generation)Energy Analyst
(Renewable Generation) on 20/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor (Suspended)	Failure to get emissions to air data for A1 & A2 within 2023.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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
1	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?

Criteria	Action needed	Complete by
G1	The alternator that has been removed is currently being repaired and we have a spare alternator for our 1.56MW CHP fleet on order with our engine maintenance contractor. We are also currently making improvements to the biogas feed line to improve engine reliability, and atmospheric filtration to improve alternator reliability.	30/04/2024

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 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

This Compliance Assessment Report (CAR) has been issued in response to the submission of the Annual 2023 monitoring returns by Dwr Cymru Welsh Water for activities at the Afan CHP facility, Afan Waste Water Treatment works, Harbour Road, Phoenix Walk, Port Talbot Steelworks, Port Talbot, SA13 1RA under permit EPR ZP3032KQ.

The Operator is required to report to NRW annually as per clause 4.2.2, and has submitted in compliance with that requirement.

4.2.2 A report or reports on the performance of the activities over the previous year shall be submitted to the Environment Agency (NRW) by 31 January (or other date agreed in writing by the Environment Agency (NRW)) each year. The reports(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 interpretative review of that data; (note)**
- (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.**

Report is attached.

The Operator has reported a Schedule 5 Notification as per clause 4.3.1 as follows:

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	EPR/ZP3032KQ
Name of operator	Dwr Cymru Welsh Water
Location of Facility	Afan WwTW

Time and date of the detection	20/12/2023 10:19
(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 24 hours of detection	
Date and time of the event	20/12/2023 10:19
Reference or description of the location of the event	We have had confirmation that our emissions testing contractor will be unable to carry out any further testing within the permitted timeframe for 2023 meaning we will not be able to submit any data for emission point references A1 or A2 that was taken within this reporting period. The engines have had numerous barriers to running this year with engine 2 being out of service from early January to late August and engine 1 being unavailable since early September, both due to alternator failures. As such windows for testing have been small and attempts to test the engines were impeded by their ability to keep generating.
Description of where any release into the environment took place	Emission points A1 and A2 as defined in the permit.
Substances(s) potentially released	Oxides of Nitrogen, Carbon Monoxide, Sulphur Dioxide.
Best estimate of the quantity or rate of release of substances	Unable to ascertain due to plant reliability under testing and in general.
Measures taken, or intended to be taken, to stop any emission	The alternator that has been removed is currently being repaired and we have a spare alternator for our 1.56MW CHP fleet on order with our engine maintenance contractor. We are also currently making improvements to the biogas feed line to improve engine reliability, and atmospheric filtration to improve alternator reliability.
Description of the failure or accident.	Failure to get emissions to air data for A1 & A2 within 2023.
(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Permit number EPR/ZP3032KQ/A001		12
Time periods for notification following detection of a breach of a limit		
Parameter	Notification period	
(c) Notification requirements for the detection of any significant adverse environmental effect		
To be notified within 24 hours of detection		
Description of where the effect on the environment was detected		
Substances(s) detected		
Concentrations of substances detected		
Date of monitoring/sampling		
Part B – to be submitted as soon as practicable		
Any more accurate information on the matters for notification under Part A.		
Measures taken, or intended to be taken, to prevent a recurrence of the incident		
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission		
The dates of any unauthorised emissions from the facility in the preceding 24 months.		
Name*	Ian Hullin	
Post	Energy Analyst (Generation)	
Signature	Ian Hullin	
Date	20/12/2023	

* authorised to sign on behalf of the operator

This compliance assessment was undertaken on the 14 February 2024. However, to ensure that the CCS score is attributed to the correct financial year (for billing) the date on CARS system has been altered to 31 December 2023.

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 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.