

Compliance Assessment Report CAR_NRW0043439

Permit being assessed: DP3137EG.

For: Margam Green Energy Plant, **held by:** Margam Green Energy Ltd

At: Land off Longlands Lane, Margam, Port Talbot, Neath Port Talbot, SA13 2NR.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: Please see details.

NRW Lead Officer: Michael Launder.

Report sent to: Paul Fitzsimmons, General Manager, on 21/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	Assessed (A)	
IR4C - Information - Notification	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2

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

Total non-compliances recorded	Total non-compliance score
3	12

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
IR3A	Operator to provide to NRW a summary of remedial actions	15/03/2024

Criteria	Action needed	Complete by
	taken to prevent a recurrence of the conditions that led to the boiler trip.	
IR3A	See action identified above for Q3 CO breach.	15/03/2024
IR3A	See action identified above for Q3 CO breach.	15/03/2024

Compliance 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

Introduction

This Compliance Assessment Report is a review of the Q3 & Q4 and annual returns for Margam Green Energy Ltd.

Q3 July to September 2023

The Q3 submission included all the results for quarterly parameters required over this period.

The reported emissions were within the emission limits specified in the permit for the monitoring period, with the exception of the Schedule 5 reports for exceedances of emission limits outlined below.

A Schedule 5 notification submitted to NRW on 17 July 2023 gives a measured half-hourly carbon monoxide result for 15 July 2023 at A1 as 152.3 mg/Nm³ against a permit limit of 150 mg/Nm³.

The same notification gives a measured half-hourly total organic carbon (TOC) result for 15 July at A1 as 48.2 mg/Nm³ against a permit limit of 30 mg/Nm³.

The cause of the breaches was reported to be a boiler trip, later found to be due to a tube leak in the boiler. The plant was taken offline until the boiler tube was repaired.

A Schedule 5 notification submitted to NRW on 8 August 2023 gives a measured half-hourly TOC result for 31 July 2023 at A1 as 313.9 mg/Nm³ against a permit limit of 30 mg/Nm³.

The operator reported that the plant was immediately shut down at the time of the breach by a boiler trip, which caused the TOC spike. The trip was caused by a high drum water level, due to a failure of a control valve. After the control valve was repaired, the plant was brought back online.

Compliance: The above results are in exceedance of the emission limits set in the permit for A1 and in breach of condition 3.1.2. Non-compliance categories of C3 against criteria IR3A Emissions to water, air or land has been allocated to each of these breaches over the Q3 2023 July to September reporting period.

We have consolidated the non-compliances for the TOC emission limit breaches into one for the Q3 reporting period.

Action: Operator to provide to NRW a summary of remedial actions taken to prevent a recurrence of the conditions that led to the boiler trip.

Q4 October to December 2023

The Q4 submission included all the results for quarterly parameters required over this period.

The reported emissions were within the emission limits specified in the permit for the monitoring period.

A Schedule 5 notification submitted to NRW on 3 October 2023 gives a measured half-hourly CO result for 2 October 2023 at A1 as 177.4 mg/Nm³ against a permit limit of 150 mg/Nm³.

The operator reported that the high drum level protection switches activated, causing the boiler to trip leading to a spike in CO. The plant was subsequently shutdown for repairs.

A Schedule 5 notification submitted to NRW on 31 October 2023 gives a measured half-hourly CO result for 30 October 2023 at A1 as 153.3 mg/Nm³ against a permit limit of 150 mg/Nm³.

The operator reported that a boiler trip led to a spike in CO. The boiler trip was caused by a low level in the steam drum, caused by pumps tripping during an attempted maintenance switchover.

Compliance: The above results are in exceedance of the emission limits set in the permit for A1 and in breach of condition 3.1.2. Non-compliance categories of C3 against criteria IR3A Emissions to water, air or land has been allocated to each of these breaches over the Q4 2023 October to December reporting period.

We have consolidated the non-compliances for the CO emission limit breaches into one for the Q4 reporting period.

Action: Operator to provide to NRW a summary of remedial actions taken to prevent a recurrence of the conditions that led to the boiler trip.

2023 Annual Returns

The annual submission included all the results for annual parameters required over this period.

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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 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.