

## Compliance Assessment Report CAR\_NRW0043492

**Permit being assessed:** NP3037AF.

**For:** Connah's Quay Power Station , **held by:** Uniper UK Limited

**At:** Connah's Quay Power Station Kelsterton Road , Connah's Quay, Flintshire, CH5 4BP.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 31/12/2023.

**Parts of permit assessed:** Routine Emissions Monitoring & Reporting.

**NRW Lead Officer:** Stuart Ross.

**Report sent to:** Andy Black, Environmental Advisor, on 07/03/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	C4 No impact	4.2.3
IR4B - Information - Reporting	Action only (X)	

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

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

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
IR1A	Provide NRW with a copy of Uniper Technologies' DAHS verification report findings and the revised Local Management Instructions for the DAHS.	01/04/2024
IR4B	Ensure emissions monitoring returns are submitted to NRW	07/03/2024

Criteria	Action needed	Complete by
	within the time scales specified in the permit.	
IR4B	Review and resubmit -  a) form AR1 for emissions released in 2022.  b) the 2022 annual mass emission result for CO and NOx for the PRTR (plus any other impacted data)	01/04/2024

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.

#### **You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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 follows a review of issues associated with the Operator's Data Acquisition and Handling Software, a review of routine quarterly emissions monitoring returns during Quarter 4 (1<sup>st</sup> October – 31<sup>st</sup> December 2023) and annual returns.

#### **a) Data Acquisition and Handling Software**

##### **Mass Emissions Reporting**

Following a query from NRW as to the validity of Carbon Monoxide mass emissions reporting for the 2022 PRTR return, Uniper investigated and subsequently identified an issue with the calculation of mass emissions within the MCERTS Data Acquisition and Handling Software (DAHS) that serves the 4 LCP units.

*In December 2023, Uniper reported that '...it was determined that the values for CO and NOx reported in 2022 by the Envirosoft DAHS were inaccurate. This discrepancy was attributed to a configuration error within the DAHS files responsible for calculating stack flow rate, which falls under the direct control of Envirosoft. Prior to submission of this data in early 2023, the error was not picked up due to an oversight regarding the inclusion of Start Up & Shut Down emissions. Uniper investigated the mass emission reporting error, manually calculated the expected emissions for 2022, and communicated these findings to Envirosoft. Envirosoft, in turn, compared these manually calculated figures with their configuration and subsequently corrected the error'.*

**Action 1 - Review and resubmit**

a) form AR1 for emissions released in 2022.

b) the 2022 annual mass emission result for CO and NO<sub>x</sub> for the PRTR (plus any other impacted data)

Please do so by 01/04/24.

On 25/01/24, Uniper reported that the DAHS is undergoing a verification exercise by Uniper Technologies and also that Local Management Instructions for the DAHS will be re-written to provide definitive guidance on its management and maintenance.

**Action 2** - Provide NRW with a copy of Uniper Technologies' DAHS verification report findings and the revised Local Management Instructions for the DAHS. Please do so by 01/04/24.

**Oxygen Correction**

In the Q4 (2023) return, Uniper reported that there had been a revision to the Q1 and Q2 (2023) monitoring reports for all four LCP Units. This was reportedly due to the DAHS having been updated in July 2023 to apply oxygen correction in line with the requirements of the latest revision of EN 17255-1. This change caused the DAHS to retrospectively recalculate the emissions data for Q1 and Q2 and also applied the change to all data going forward into Q3, Q4 and beyond.

Following dialogue between NRW and Uniper this change is deemed acceptable in lieu of changes to the MCERTS performance standard.

Emissions for 2023 remain significantly below their respective Emission Limit Values (ELVs) and there are no exceedances.

**b) Emissions to Air****Units 1- 4**

Emission points A1 - A4. All emissions were compliant with the permitted ELVs throughout Q4. In response to the changes to the DAHS, emissions data was revisited for Q1 and Q2 – emissions remain compliant.

2023 emissions were compliant with their respective annual ELVs.

**Auxiliary Boilers**

Emission points A10A - A10E, annual extractive NO<sub>x</sub> and CO monitoring was completed 19 – 30 June 2023 – emissions typical in comparison to previous monitoring data.

The report was received 3 weeks after the submission deadline and this in breach of permit condition 4.2.3, attracting a non-compliance score of C4.

**Action 4** – Ensure emissions monitoring returns are submitted to NRW within the time scales specified in the permit.

**c) Emissions to Water**

Emission points W1, W2 & W3 - all parameters within permitted limits.

**d) Annual Reports**

- Annual Reporting Forms for 2023 were supplied as required, including AR1 & HR1.
- 2023 CEMs invalidation logs record zero invalid hours for any unit. This follows the installation of new CEMS and demonstrates reliability.
- 2023 End of Year Review received, 100% ELV compliance achieved during 2023, no notifiable incidents reported.

**e) Noise Monitoring**

Permit condition 3.4.3 requires that –

*'The operator shall carry out a noise monitoring and assessment exercise from the site (over a calendar year period) at the nearest sensitive receptors during day time and night time hours as per BS4142:2014 at least every 4 years. A full report together with any recommendations shall be submitted to Natural Resources Wales as soon as reasonably practicable following the report being made available'.*

The most recent BS4142 report provided in accordance with this condition was completed in June 2019 and submitted to NRW 03/10/19.

Uniper advise that a survey was completed in 2023 and it will be made available to NRW as soon as reasonably practicable.

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.