

## Compliance Assessment Report CAR\_NRW0037550

<b>Permit number</b>	ZP3939GL	<b>Operator name</b>	Western Bio-Energy Limited
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<b>Site name</b>	Western Wood Energy Plant - Margam
<b>Site address</b>	Longlands Lane, Margam, Port Talbot, SA13 2NR
<b>Assessment type</b>	Assessment of monitoring and reporting requirements

<b>Date of assessment</b>	10 February 2021	<b>Time in</b>	N/A	<b>Time out</b>	N/A
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<b>Parts of permit assessed</b>	See section 4
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<b>NRW Lead officer</b>	Guy Baskerville	<b>Accompanied by</b>	N/A
<b>Report sent to – Name and position</b>	Roderic Lerwell	<b>Date</b>	10 February 2021

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment	C4 No environmental impact	2.10.1
G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales	Assessed or assessed in part (A)	4.1.2

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

### 2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

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 Western Bio-Energy Limited's (hereafter *Western Bio*) **Q4** and **Annual** [2020] monitoring and reporting requirements. NRW's assessment of Western Bio'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.

N.B. On 21 May 2020 the operator advised NRW via email that all permitted operations ceased on 27 March 2020 and no emissions monitoring was undertaken after this date. The operator is still required to make submissions as required by the environmental permit but this submission may contain no data and is termed a *nil return*.

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 the Agency, 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 5 table S5.1;*
- (b) for the reporting periods specified in schedule 5 table S5.1 and using the forms specified in schedule 5 table S5.4; and*
- (c) giving the information from such results and assessments as may be required by the forms specified in those tables.*

Table S5.1 of Schedule 5 to the environmental permit is partially reproduced below.

<b>Table S5.1 Reporting of monitoring data</b>		
<b>Parameter</b>	<b>Emission or monitoring point/reference</b>	<b>Reporting period</b>
Continuously monitored emissions to air of NO <sub>x</sub> , particulate and CO as required by condition 3.5.1.	A1	Every 3 months
Extractive sampled emissions to air of SO <sub>2</sub> , NO <sub>x</sub> , HCl, particulate and CO, metals and Dioxins/Furans as required by condition 3.5.1.	A1	Every 3 months in first year of operation, then annually thereafter.
TOC, Metals and Dioxins, Furans and dioxin-like PCBs as required by condition 3.5.1.	Bottom Ash	Every 3 months in first year of operation, then annually thereafter
Metals and Dioxins, Furans and dioxin-like PCBs as required by condition 3.5.1.	Flue Gas Residues from abatement plant	Every 3 months in first year of operation, then annually thereafter

Table S5.4 of Schedule 5 to the environmental permit is partially reproduced below.

<b>Table S5.4 Reporting forms</b>		
<b>Parameter</b>	<b>Form Number</b>	<b>Date of Form</b>
Air	Form Air 1 (Continuous Monitoring) or other form as agreed in writing by the Agency	01/05/09
Air	Form Air 2 (Periodic Monitoring) or other form as agreed in writing by the Agency	01/05/09

The monitoring returns were submitted via email on 27 January 2021

The monitoring returns submission was made inside the reporting window which represents **compliance** with the environmental permit.

The monitoring returns submitted do not include reporting of monitoring carried out in respect of the parameters and emission points specified in table S5.1 of schedule 5 which represents **non-compliance** with the environmental permit.

The monitoring returns submissions failed to report against quarterly extractive monitoring of air emissions during Q1 2020. The installation was operational up until 27 March 2020 meaning the operator had the opportunity to undertake the quarterly extractive monitoring of emissions to air during Q1 2020 as required by condition 3.5.1.

On 21 May 2020, Western Bio contacted NRW via email advising that they had been unable to undertake the quarterly extractive monitoring during Q1 2020 due to complications arising from the coronavirus pandemic.

We recognise that the coronavirus pandemic and the restrictions imposed to control its spread has had far reaching effects on all sectors of industry. This recognition extends to our approach to permit breaches which arise from an operator's inability to fully comply with their monitoring and reporting requirements because of these restrictions. This approach has been formalised via the application of the Regulatory Decision ref. RBB C19 001. Details of Regulatory Decision ref. RBB C19 001 may be found on our website here:

<https://naturalresources.wales/about-us/news-and-events/statements/regulatory-decisions-for-monitoring-and-reporting/?lang=en#>

**As a result of this non-compliance a CCS Score C4 has been recorded against compliance sub-criteria (G)(1).**

**HOWEVER, the above CCS Score is suspended as per Regulatory Decision ref. RBB C19 001.**

We remind the operator that they are required to submit *nil returns* against all parameters and emission points specified in table S5.1 of schedule 5 (i.e. nil returns should have been submitted against continuous (quarterly reporting using reporting form Air 1) and extractive (annual reporting using form Air 2) monitoring of air emissions throughout 2020.

Furthermore, the monitoring returns submissions failed to report against quarterly monitoring of bottom ash and flue gas residues during Q1 2020. The installation was operational up until 27 March 2020 meaning the operator had the opportunity to undertake the quarterly monitoring of bottom ash and flue gas residues during Q1 2020 as required by condition 3.5.1.

However, I have identified some irregularities with the NRW issued reporting forms. None of the reporting forms listed in Table S5.4 of Schedule 5 to the environmental permit provide for the reporting of quarterly monitoring of bottom ash and flue gas residues. Having reviewed our records it appears that an appropriate reporting form was developed (Residue 1), but was not listed in Table S5.4 of Schedule 5.

This breach of permit condition 3.5.1 would typically attract a CCS Score C4 but given the administrative error concerning the exclusion of an appropriate reporting form we are unable to levy the score.

I will contact you before the end of the next reporting window with a view to agreeing revised reporting form(s) for the reporting of quarterly monitoring of bottom ash and flue gas residues.

Should the permitted operation not recommence prior to the agreeing of revised reporting form(s) you will be required to submit nil returns against quarterly monitoring of bottom ash and flue gas residues.

The monitoring returns submitted are for the reporting periods specified in table S5.1 of schedule 5 which represents **compliance** with the environmental permit.

The monitoring returns have been submitted using the forms specified in table S5.4 of schedule 5 which represents **compliance** with the environmental permit.

The monitoring returns submitted include results and assessments as required by the forms specified in table S3 of schedule 3 which represents **compliance** with the environmental permit.

Condition 3.5.1(a) of the environmental permit states:

*The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring specified in the following tables in schedule 4 to this permit:*

(a) point source emissions specified in tables S4.1, S4.2 and S4.3.  
 (b) process monitoring specified in table S4.4.

Table S4.1 of the environmental permit is partially reproduced below.

<b>Table S4.1 Point source emissions to air from boiler plant – emission limits and monitoring requirements</b>						
<b>Emission point ref &amp; location</b>	<b>Parameter</b>	<b>Source</b>	<b>Limit (including unit)</b>	<b>Reference Period</b>	<b>Monitoring Frequency</b>	<b>Monitoring Method</b>
A1 [Point A1 on site plan in Schedule 2]	Oxides of Nitrogen (NO and NO <sub>2</sub> expressed as NO <sub>2</sub> )	Boiler Plant fired on biomass	250 mg/m <sup>3</sup>	95% of validated hourly averages within a calendar year do not exceed 200% of ELV	Continuously	MCERTS
A1 [Point A1 on site plan in Schedule 2]	Oxides of Nitrogen (NO and NO <sub>2</sub> expressed as NO <sub>2</sub> )	Boiler Plant fired on biomass	300 mg/m <sup>3</sup>	Extractive periodic sample over a minimum 1 hour period	Quarterly	BS EN 14792
A1 [Point A1 on site plan in Schedule 2]	Particulate matter	Boiler Plant fired on biomass	10 mg/m <sup>3</sup>	95% of validated hourly averages within a calendar year do not exceed 200% of ELV	Continuously	MCERTS
A1 [Point A1 on site plan in Schedule 2]	Particulate matter	Boiler Plant fired on biomass	15 mg/m <sup>3</sup>	Extractive periodic sample over a minimum 1 hour period	Quarterly	BS EN 13284-2
A1 [Point A1 on site plan in Schedule 2]	Carbon Monoxide	Boiler Plant fired on biomass	250 mg/m <sup>3</sup>	95% of validated hourly averages within a calendar year do not exceed 200% of ELV	Continuously	MCERTS
A1 [Point A1 on site plan in Schedule 2]	Carbon Monoxide	Boiler Plant fired on biomass	250 mg/m <sup>3</sup>	Extractive periodic sample over a minimum 1 hour period	Quarterly	BS EN 15058
A1 [Point A1 on site plan in Schedule 2]	Sulphur Dioxide	Boiler plant fired on biomass	No limit set	Extractive periodic sample over a minimum 4 hour period	Quarterly	BS EN 14791
A1[Point A1 on site plan in schedule 2]	Hydrogen Chloride	Boiler plant fired on biomass	No limit set	Extractive periodic sample over a minimum 1 hour period	Quarterly	BS EN 1911
A1[Point A1 on site plan in schedule 2]	Cadmium & thallium and their compounds (total)	Boiler plant fired on biomass	No limit set	Extractive periodic over minimum 30 minute, maximum 8 hour period	Quarterly	BS EN 14385
A1[Point A1 on site plan in schedule 2]	Mercury and its compounds	Boiler plant fired on biomass	No limit set	Extractive periodic over minimum 30 minute, maximum 8 hour period	Quarterly	BS EN 13211
A1[Point A1 on site plan in schedule 2]	Dioxins / furans (I-TEQ)	Incinerator abatement plant	No limit set	Extractive periodic over minimum 6 hours, maximum 8 hour period	Quarterly	BS EN 1948 1-3

The monitoring returns submitted do not include reporting of monitoring carried out in respect of the parameters and emission points specified in table S4.1 of schedule 4 which represents **non-compliance** with the environmental permit. This non-compliance has been addressed via assessment of reporting requirements earlier in this CAR.

N.B. Tables S4.2 and S4.3 describe monitoring requirements for point source emissions to water and sewer respectively. There are no reporting requirements associated with these emissions.

Table S4.4 of the environmental permit is partially reproduced below.

<b>Table S4.4 Process monitoring requirements</b>			
<b>Emission point reference or source or description of point of measurement</b>	<b>Parameter</b>	<b>Monitoring Frequency</b>	<b>Monitoring Method</b>
Bottom Ash	Total Organic Carbon (TOC)	Quarterly	Ash sampling protocol to be agreed in writing by the Agency
Bottom Ash	Metals	Quarterly	Ash sampling protocol to be agreed in writing by the Agency
Bottom Ash	Dioxins, Furans and dioxin-like PCBs	Quarterly	Residue sampling protocol to be agreed in writing by the Agency
Flue Gas Residues from abatement plant	Metals	Quarterly	Residue sampling protocol to be agreed in writing by the Agency

The monitoring returns submitted do not include reporting of monitoring carried out in respect of the parameters and emission points specified in table S4.4 of schedule 4 which represents **non-compliance** with the environmental permit. This non-compliance has been addressed via assessment of reporting requirements earlier in this CAR.

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[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

### 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](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.