

## Compliance Assessment Report CAR\_NRW0037607

**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 31/12/2020.

Parts of permit assessed: 3.5 Monitoring 4.2 Reporting

**NRW Lead Officer:** Liane Bacon-Weekes.

**Report sent to:** Andrew Dixon, Energy Operations Manager (Generation) on 12/02/2021.

### 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)	3.5.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact (Suspended)	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
2	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 required monitoring has been completed albeit outside the 2020 period. This score has been suspended in accordance to the Covid RD	Already completed
G4	An emissions report was unable to be submitted within 28 day of the end of the reporting period. This score has been suspended in accordance to the Covid RD	Already completed

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**

The purpose of this Compliance Assessment Report (CAR) is to confirm receipt of the emissions monitoring for the 2020 period and to review and assess compliance.

**Condition 3.5.1 states:**

The operator shall unless otherwise agreed in writing by Natural Resources Wales undertake the monitoring specified in the following tables in schedule 3 to this permit:

- a. Point sources emissions specified in table S3.1; and
- b. Process monitoring specified in table S3.2.

Following a letter received on the 9<sup>th</sup> December 2020, it was noted that DCWW were experiencing difficulties in completing the annual emissions testing during 2020. This was the result of COVID-19 pandemic lockdown restrictions and minimal availability of emissions testing companies due to furloughed staff.

An emissions monitoring report was received on the 11<sup>th</sup> February providing the testing results for emission points A2 and A4 (sample taken on 3<sup>rd</sup> November 2020) and A1 and A3 (sample taken on 14<sup>th</sup> January 2021) with these latter samples taken outside the 2020 monitoring period.

NRW's position during the Covid 19 pandemic was communicated in the Covid 19 regulation briefing emailed on 23<sup>rd</sup> March 2020. In the briefing it advised:

*"As an operator of a regulated activity, we expect that you continue to meet the conditions of your permits and licences which includes developing contingency plans and putting appropriate measures in place to ensure that you can continue to do so. You must inform us if you identify any issues that are likely to result in non-compliance or increased environmental risk, at the earliest opportunity".*

A Regulatory Decision (RD) was issued by NRW regarding Covid related disruption but required prompt notification and clear justification and contingency planning to be considered.

DCWW promptly notified NRW of its inability to complete all the samples in the 2020 and subsequently completed the required testing. NRW is therefore satisfied that DCWW has met the requirements of the RD.

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**The breach of condition 3.5.1 has been recorded as a CCS3 under sub-criterion G1 (Monitoring and emissions) but the score has been suspended and will not impact the compliance banding.**

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**Emission testing results**

NRW has reviewed and assessed the sampling results and all the results are compliant with permitted emissions limits.

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**The submitted emission sampling results are compliant with permitted limits, this has been assessed as such and recorded under sub-criterion E1 (Air).**

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**Condition 4.2.3**

Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by the Environment 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 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.

As DCWW was unable to complete the sampling in 2020, the emission report was submitted on the 11<sup>th</sup> February 2021 which is outside the 28 days. As for the stated reasons above, the RD has been applied and the CCS4 score has been suspended and will not affect the compliance banding.

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**The breach of condition 4.2.3 has been recorded as a CCS4 under sub-criterion G4 (Reporting and notification to NRW) but the score has been suspended and will not impact the compliance banding.**

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In light of the difficulties experienced this year, it would be beneficial for DCWW to consider bringing the testing programme forward. Commencing testing earlier in the year would allow more time to complete the sampling and finalise the reports if similar issues arise again.

END.

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](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.