

**Environmental Permitting (England and Wales) Regulations 2016  
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A  
BREACH OF PERMIT CONDITION(S)**

To: Newbridge Energy Ltd  
Brickfield Lane  
Denbigh Road  
Ruthin  
Denbighshire  
LL15 2TN

**Environmental permit:** PAN-005141  
**Regulated facility:** Newbridge Energy Ltd  
Brickfield Lane  
Denbigh Road  
Ruthin  
Denbighshire  
LL15 2TN

**Natural Resources Wales** considers that the following conditions of the environmental permit are being contravened:

- 1.1.1- The operator shall manage and operate the activities :
- (a) In accordance with a written management system that identifies and minimises risks of pollution, so far as is reasonably practicable, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention to the operator as a result of complaints; and
  - (b) Using sufficient competent persons and resources
- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1, table S1.1 (the 'activities').
- 2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.
- 3.1.2, Schedule 3, Table S3.1 Particulate Emission Limit Value 50mg/Nm<sup>3</sup>

because

- Fuel for the Combined Heat and Power (CHP) Biomass Boiler has been accepted which does not meet the manufacturers specifications in that fuels contained contamination e.g. plastic, rubber and electrical wires. This highlights that aspects of the site Environmental Management System (EMS) are not being followed- Site Operating Procedures (SOPs) for Material Acceptance (BFLSP-SW-010-0013OP004 Issue date 24.03.21 Issue number 1) and Waste acceptance, pre-acceptance and rejection procedure (NBEP038, 19.04.21).
- Fuel for the CHP is being mixed and stored outside which highlights that aspects of the site EMS are not being followed-SOP for Fuel Blending (BFLSP-SW-010-001SOP006 April 2021 Issue 1).
- Between 14.09.21-15.09.21 data from the site Supervisory Control and Data Acquisition (SCADA) system/ site production log records indicate that the CHP unit was operational despite an issue with the abatement system (bag filters). These records were viewed by NRW officers during a site inspection 20.09.21.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention

*Frost*

**Date: 24 Sept 2021**

**Signed:**

**Julia Frost**

**Arweinydd Tim/ Team Leader**

**Tim Rheoliad Diwydiant Gogledd Ddwyrain / Industry Regulation Team North East**

Cyfoeth Naturiol Cymru/ Natural Resources Wales

Ffordd Caer, Bwcle, Sir Y Fflint, CH7 3AJ/ Chester Road, Buckley, Flintshire CH7 3AJ

**Please see over for notes.**

## Environmental Permitting (England and Wales) Regulations 2016

### Regulation 36

#### Notes:

##### General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

##### Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate  
Crown Building  
Cathays Park  
CARDIFF  
CF10 3NQ

Tel: 029 2082 3866

Email: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

##### Legislation note

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

**Environmental Permitting (England and Wales) Regulations 2016**  
**Regulation 36**

<b>SCHEDULE 1</b> <b>STEPS TO BE TAKEN</b>		
<b>Condition number</b>	<b>Steps to be taken</b>	<b>By date</b>
1.1.1 & 2.1.1	Fuel for the CHP Biomass Boiler shall only be accepted on site and used in the CHP Biomass Boiler if it is listed in the environmental permit (Virgin woodchip and untreated waste wood listed in Schedule 2 Table S2.1), free of contaminants and conforms to the manufacturers specifications (Uniconfort biomass boilers and CHP plants, Combustor standard,E,Manual for Installation, Maintenance, Storage, ED03/2017-nev.00).	24.09.21
1.1.1 , 2.1.1 & 2.3.1	<p>Remove all fuel for the CHP that is stored at the site that is not authorised by the environmental permit, contains contaminants and does not conform to the manufacturer's specifications (Uniconfort biomass boilers and CHP plants, Combustor standard,E,Manual for Installation, Maintenance, Storage, ED03/2017-nev.00).</p> <p>The removal should specifically include the fuel material stored in the first outside fuel bay on 20.09.21 which contained contaminants including plastic, rubber and electrical wires.</p> <p>Ensure this material is taken to a site authorised to accept it and completed duty of care documentation e.g. waste transfer notes are provided to NRW by the date specified.</p>	15.10.21
1.1.1 & 2.3.1	Ensure the fuel mix for the CHP Biomass Boiler is stored undercover in line with SOP Fuel Blending (BFLSP-SW-010-001SOP006 April 2021 Issue 1).	Prior to CHP biomass boiler restarting following the planned shutdown.
1.1.1 & 2.3.1	Ensure staff follow the site EMS and relevant SOPs including Material Acceptance (BFLSP-SW-010-0013OP004 Issue date 24.03.21 Issue number 1) and Waste acceptance, pre-acceptance and rejection procedure (NBEP038, 19.04.21).	24.09.21

1.1.1 3.1.2	<p>a) During normal operating conditions exhaust gases from the combustion unit shall be abated via the installed fabric filter (bag house) to comply with the Emission Limit Value of 50mg/Nm<sup>3</sup>.</p> <p>b) The fabric filter shall be maintained in good operating condition.</p> <p>c) The performance of the fabric filter shall be monitored during plant operation using suitable process monitoring techniques (including but not limited to filter differential pressure) and reviewed at least hourly by a suitably competent process operator. Where process monitoring data indicates a deterioration in filter performance that may lead to, or is likely to be causing an emission limit value exceedance, then an investigation shall be carried out immediately by suitably competent personnel and remedial measures taken to prevent and where that is not possible, minimise an emission limit breach.</p> <p>Provide evidence to demonstrate that steps a,b &amp; c have been achieved by the date specified.</p>	<p>a,b &amp; c 24.09.21</p> <p>Within 1 week of scheduled CHP biomass boiler restart following the planned shutdown.</p>
----------------	---	--