

## Compliance Assessment Report

Report ID:  
CAR\_NRW0032116

This form will report compliance with your permit as determined by an NRW officer

|                              |                                                                  |             |            |     |       |  |
|------------------------------|------------------------------------------------------------------|-------------|------------|-----|-------|--|
| Site                         | Mwyndy Solid Fuel Briquette<br>Manufacturer EA/EPR/VP3132LJ/V002 | Permit Ref  | VP3132LJ   |     |       |  |
| Operator/Permit holder       | Maxibrite Ltd                                                    |             |            |     |       |  |
| Regime                       | Installations                                                    |             |            |     |       |  |
| Date of assessment           | 05/09/2017                                                       | Time in     | 10:00      | Out | 11:30 |  |
| Assessment type              | Audit                                                            |             |            |     |       |  |
| Parts of the permit assessed | Permit transfer, water quality, dust                             |             |            |     |       |  |
| Lead officer's name          | Griffiths, Toby                                                  |             |            |     |       |  |
| Accompanied by               | McLoughlin, Mark,Lewis, Kirsty                                   |             |            |     |       |  |
| Recipient's name/position    | Simon Gilbody/ Operations Manager                                | Date issued | 05/09/2017 |     |       |  |

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

| Permit conditions and compliance summary                         | CCS Category | Condition(s) breached |
|------------------------------------------------------------------|--------------|-----------------------|
| B3 - Infrastructure - Site drainage engineering (clean and foul) | A            |                       |
| E1 - Emissions - Air                                             | A            |                       |
| E3 - Emissions - Surface water                                   | X            |                       |
|                                                                  | A            |                       |
| F3 - Amenity - Dust/fibres/particulates and litter               | C3           | 3.3.1                 |

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

**O** = Ongoing non-compliance, not scored.

|                             |   |                                                              |   |
|-----------------------------|---|--------------------------------------------------------------|---|
| Number of breaches recorded | 1 | Total compliance score<br>(see section 5 for scoring scheme) | 4 |
|-----------------------------|---|--------------------------------------------------------------|---|

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

### Maxibrite visits of 23<sup>rd</sup> August and 5<sup>th</sup> September 2017

#### Meeting to discuss permit changes

Gareth Purnell (Environmental Health Officer, RCTCBC) GP  
Mike Littleford, Operations Director ML  
Graeme Lightbody (SHE Manager) GL  
Simon Gilbody (Operations Manager) SG  
Nick Upperdyne will be supporting SG in site management

#### Process changes and permitting requirements

GP attended site to explain the permitting requirements of the move to a Part B permit for the new cold process operation of approximately 80,000 tonnes of product per year. This will include a new bagging plant. The coal fine feed hoppers will be located close to the storage area, meaning less fines escaping onto yard areas. Staff restructuring has been completed ahead of the new process which requires fewer staff. Current timescales for commissioning is the first week of October. However, the hot process has now ceased on site. This means the potential for odour is greatly reduced. The potential for gas turbine / engine for future site power generation and export was mentioned as an option. The implications of the Medium Combustion Plant were briefly discussed. Lagoon 1 has sustained some damage during the recent digging out. As such it has been drained and isolated until a repair has been affected.

#### Dust, Condition 3.3.1

The new binder likely to create a stronger briquette, meaning less fugitive emissions of dust. Improvement Condition IC12, which remains outstanding was discussed. This relates to the monitoring of dust emissions and the techniques used. Although Maxibrite already carry out boundary dust monitoring, the validity of the method has yet to be fully verified. NRW will discuss this with the Local Authority, as dust aspects would be covered under the Part B permit. GP was familiar with monitoring regimes used at similar industrial sites. Dust was again noted to have tracked out of the site entrance during the visit of 23<sup>rd</sup> August. Maxibrite have previously been using a road sweeper, but due to noise complaints, have reduced this activity. This remains an issue to be resolved and as such a minor non-compliance has been issued. Dust control needs to be reviewed again as the process changes. Dust on the road has been raised a number of times previously.

**ACTION 1.** Please review procedures and controls in relation to dust management, in particular to prevent dust tracking out onto the main road and provide an update by **31st October 2017**.

#### Water Quality , Condition 3.1.2

In terms of the water discharge (W1), the need for a discharge permit from NRW was discussed. Given the small size of the receiving water (Mywndy Brook), and its current poor ecological status, the emission

limits are likely to be challenging for Maxibrite. Further discussion will be held, which will include the NRW water quality permitting team. A key priority for Maxibrite will be to significantly reduce the level of fines entering the lagoons to achieve the expected limits. This will require a complete re-working of the way the stocks, yard areas and lagoons are managed. It is expected that the new process layout will go a long way towards this outcome.

NRW has shared the results of the 23<sup>rd</sup> May 2017 lagoon samples with Maxibrite. There are some concerns over the metals content, BOD and other determinands which will require further investigation. Additional samples were collected on 5<sup>th</sup> September 2017 by NRW, this time of effluent which had been through the filter press. Samples were also taken of the Mwyndy Brook upstream and downstream of Maxibrite as part of wider investigations into pollution in the River Clun catchment. NRW may request that Maxibrite undertakes further monitoring to determine the improvement in effluent quality offered following the new process. Improvement Conditions IC4 and IC5 remain outstanding, as these relate to the ongoing improvements to the water discharge. Some of these requirements may be carried over into the discharge permit. During the visit of 5<sup>th</sup> September, the use of flocculants and coagulants were discussed. On both visits, W1 was not discharging and Mwyndy Brook was noted to of varying turbidity.

**ACTION 2:** Please provide full details of the flocculants and coagulants used, including the dosing regime and controls in place. Of importance is how the dosing is metered to achieve good settlement, without overdosing. Please provide this by **22nd September 2017**.

#### **Permit Surrender**

The permit will surrender and transfer to Part B was discussed. NRW will provide further information on the likely requirements in due course, in consultation with RCTCBC.

END

## EPR Compliance Assessment Report

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|                        |                                                                     |            |            |
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| Site                   | Mwyndy Solid Fuel Briquette<br>Manufacturer<br>EA/EPR/VP3132LJ/V002 | Permit Ref | VP3132LJ   |
| Operator/Permit holder | Maxibrite Ltd                                                       | Date       | 05/09/2017 |

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

| Criteria Ref.       | CCS Category | Action required/advised                                                                                                                                                                                           | Due Date   |
|---------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| See Section 1 above |              |                                                                                                                                                                                                                   |            |
| E3                  | X            | Please provide full details of the flocculants and coagulants used, including the dosing regime and controls in place. Of importance is how the dosing is metered to achieve good settlement, without overdosing. | 22/09/2017 |
| F3                  | C3           | Please review controls in relation to dust management and provide an update.                                                                                                                                      | 31/10/2017 |

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

| CCS category | Description                                                          | Score |
|--------------|----------------------------------------------------------------------|-------|
| C1           | A non-compliance that could have a major environmental effect        | 60    |
| C2           | A non-compliance which could have a significant environmental effect | 31    |
| C3           | A non-compliance which could have a minor environmental effect       | 4     |
| C4           | A non-compliance which has no potential environmental effect         | 0.1   |

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.