

Compliance Assessment Report

Report ID:
CAR_NRW0033756

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

Site	Mwyndy Solid Fuel Briquette Manufacturer EA/EPR/VP3132LJ/V002	Permit Ref	VP3132LJ		
Operator/Permit holder	Maxibrite Ltd				
Regime	Installations				
Date of assessment	01/08/2018	Time in	13:30	Out	15:05
Assessment type	Audit				
Parts of the permit assessed	as detailed				
Lead officer's name	Griffiths, Toby				
Accompanied by	Kirsty Lewis				
Recipient's name/position	Simon Gilbody/ Operations Manager	Date issued	06/08/2018		

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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C2 - General Management - Management system and operating procedures	X	
C4 - General Management - Storage, handling labelling and Segregation	A	
E3 - Emissions - Surface water	X	
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 (see section 5 for scoring scheme)	4
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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

Visit of 1st Augusts 2018

Kirsty Lewis (NRW), Simon Gilbody (Maxibrite)

1. Introduction

An unannounced visit was arranged to inspect the water abstraction permit conditions, and to follow up on progress with the site transition to the new cold cure process. The Part B permit application is progressing with the Local Authority. Maxibrite intend to focus on the water discharge permit, once the Part B permit application is complete. Stocks of finished coal briquettes were seen stored in the finished product yard areas. These were confirmed as cold cure products.

The abstraction permit inspection is recorded on a separate CAR form. Ref: 21/57/31/0043

2. Dust Management

Following a recent complaint of dust, the control of dust was reviewed with reference to permit condition 3.3.1. It was noted that the complaint was the first in some time and was likely to be related to the long period of dry weather, combined with periods of easterly wind.

Upon arrival at site, it was noted that some coal fines had been carried out of the site entrance on vehicle wheels and onto the roadway. Subsequent vehicles were then kicking up dust as they drove through it. The issue of dust at the site entrance has been raised previously. A road sweeper is on contract, though was not operating on this occasion. Maxibrite do have their own sweeping unit which can also be used. Once notified, Maxibrite dampened the material with water. However, there are surface water drains in the entrance area, meaning any contaminated water could enter the drains. NRW recommends that other methods such as sweeping are used. Maxibrite should also consider on-site wheel cleaning to prevent material from leaving site. The response via email on 31/10/2017 noted that road sweeping, or other measures would be used based on internal inspections. Clearly on this occasion, the issue was not identified.

A minor non-compliance has been recorded.

ACTION 1: Please review dust control to prevent dust at the site entrance and consider options with reference to BAT.

3. Process changes

The site is operational using the cold cure process (though was on shut down during the visit), however there is still building work and other modifications under way. There is still some way to go before works are complete. There is significantly less raw material on site, and stockpiles are being created in the new covered areas. There remains one main remaining historical stockpile which is being cleared over time. Once clear, the majority of raw material will be under cover which will help to reduce the potential for windblown dust. Water is still used to dampen down the yard areas which carries material into Lagoons

1&2. In future, it is expected that less material will escape onto the yard, enabling easier dust management and less loading on the lagoons. Some material is still carried by a shovel loader into the new hoppers. This does create the potential for some spillage onto the yard as it is carried from the stock piles. Options to reduce this potential were discussed with Maxibrite.

ACTION 2: Please consider how best to route traffic and shovel loading, to avoid spillages of coal fines onto yard areas, or to contain spillages to reduce the need for yard cleaning.

4. Water treatment and discharge from W1

There was no discharge to Mwyndy Brook, which looked clear. Given the long period of dry weather Maxibrite do not need to discharge from the lagoons, as the water is recycled for use on site for cleaning etc. It was confirmed that Maxibrite do not need to discharge just to provide a monthly sample. If there is no discharge during a month, this can simply be recorded on the monitoring form.

A "silt buster" and clarifying unit are now on site, although are not connected up. Maxibrite plan to use these in combination with the existing settlement system to achieve lower emissions at W1. Additional monitoring of the W1 discharge (or of lagoon 3) is needed to characterise all potential contaminants arising from the new process. This will then determine what emission limits are specified in the permit. It is anticipated that the limit for ammonia will no longer be required as this is no longer used in the process.

ACTION 3: Please submit proposals to undertake monitoring of the water discharge (or lagoon 3) to characterise all the potential contaminants from the new process. Sufficient samples should be taken to ensure that all process conditions are captured.

Please reply to the actions by **31st August 2018**

END

EPR Compliance Assessment Report

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Operator/Permit holder	Maxibrite Ltd	Date	01/08/2018

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	ACTION 3: Please submit proposals to undertake monitoring of the water discharge (or lagoon 3) to characterise all the potential contaminants from the new process. Sufficient samples should be taken to ensure that all process conditions are captured.	31/08/2018
C2	X	ACTION 2: Please consider how best to route traffic and shovel loading, to avoid spillages of coal fines onto yard areas, or to contain spillages to reduce the need for yard cleaning.	31/08/2018
F3	C3	ACTION 1: Please review dust control to prevent dust at the site entrance and consider options with reference to BAT.	31/08/2018

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. 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.