

Compliance Assessment Report

Report ID:
CAR_NRW0033452

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

Site	Barry CHP	Permit Ref	JP3632ZH		
Operator/Permit holder	Dow Silicones UK Limited				
Regime	Installations				
Date of assessment	04/06/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	As detailed				
Lead officer's name	Griffiths, Toby				
Accompanied by					
Recipient's name/position	Judith Sartor/ Environmental Specialist	Date issued	04/06/2018		

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
D2 - Incident Management - Accidents, emergency and incident planning	A	
E1 - Emissions - Air	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

RESPONSE TO REPORTS for Q4 2016, 2017 and Q1 2018

CAR form NRW0032696 Responses to CAR form (actions 1, 5 and 6) received on 6th February 2018.

Action 2, received 28th March 2018, Action 3, received 6th February 2018.

Received on 24th April 2018, response to car Action 4 (and CAR ref NRW0032929), confirming that A4 and A5 monitoring will be carried out on a 6-monthly basis until the calculation method is agreed with NRW. CAR NRW0033000, Action update on O₂ sensor received on 28th March 2018.

Actions closed out, although progress with some items be reviewed at the next visit.

2018

Quarterly:

Q1 forms received on 24th April 2018, AR1 (not required) RTA1, CON2, CEM.

AR1 is annual, therefore not required on a quarterly basis.

2017

Quarterly:

Q4 forms, received on 9th and 12th February 2018, RTA1 (resubmitted).

Q3 forms, received on 27th October 2017, CON2 and RTA1 and resubmission of Q3 RTA1 form 9th November 2017.

Q2 forms received on 13th July 2017, CON2, RTA1

Q1 forms received on 21st April 2017, CON2 and RTA1.

Also on 27th October 2017, CEM1 (no need to submit), CON2 forms. AR1 was received but this is should be annual only.

6 monthly:

Received on 18th August 2017, PM1 forms for A1, A2, A3.

Received on 16th February 2018, PM1 for A4 and A5 (concentrations of NOX, SO₂, dust)

Received on 25th February 2018, revised PM1 containing data for SO₂ and dust.

Annual:

Received on 9th February 2018, CON2, HR1, CEM1 (not required)

Permit condition 4.2.2, annual summary report. Waste disposal information not included (see table , although if this is duplicated in the E-PRTR reporting, NRW does not require this information.

AR1 forms for 2017 (annual Table S4.3 information)

Please ensure the AR1 forms include: Rated Thermal input, Annual energy input (TJ) and by fuel i.e. gas and liquid fuels.

2016

Quarterly:

Q4 (2016) forms received on 27th January 2017, CON2, RTA1 and received on 22nd February 2017, remaining forms form annual submission. HR1, AR1, PM1.

Received on 2nd June 2017, permit condition 4.2.2 (annual) report, received late.

Overall, reporting has been compliant, although there have been some minor issues during the transition from Engie to Dow and the interpretation of the newer IED permit.

Permit reporting requirements (summary provided below)

Permit condition	Requirement	Frequency	Expected Format
1.2.1(c)	Energy efficiency review	4 years	Retain record of the review
1.3.1(c)	Raw materials review	4 years	Retain record of the review
1.4.2	Waste review	4 years	Retain record of the review
3.1.4	Groundwater	5 years, unless based on risk assessment	Retain reports as appropriate
3.1.4	Soil	10 years, unless based on risk assessment	Retain reports as appropriate
3.2.2	Management plan for non ELV emissions	If notified by NRW	Submission of management plan
3.3.2	Management plan for odour	If notified by NRW	Submission of management plan
3.4.1	Management plan for odour	If notified by NRW	Submission of management plan
3.6.2(a)	Invalidation review >10 days/year	Annual (if threshold exceeded)	Report to NRW
3.6.3 & 3.6.6	Annual Surveillance Test	Annual	Send a copy to NRW
4.2.2 (a, b, c)	Performance report for previous year	Annual Tables S4.2, S4.3 and S4.4	Submit report to NRW
4.2.3 (a, b, c)	Monitoring	As specified in Tables S3.1 (a, b, c, d, e),	Submission of forms as specified

		S3.2, S3.3, S4.1 and S4.4, (Quarterly, 6 monthly and annually) see below	in table.
4.2.4	Review of appropriate measures	If notified via a notice	Submission of a report
4.2.5	Air quality risk assessment	Within 10 days of failure of abatement, malfunction of breakdown	Submission of assessment report
4.2.6	TNP reporting (mass emissions)	Quarterly	RTA1 (Table S4.4)
4.3	Various notification requirements	Refer to conditions 4.3.1 to 4.3.8 inclusive	As specified and using the appropriate forms if listed

Quarterly

Emission point	Parameter	Form
A1, A2, A3	NOx, CO	CON2
LCP60	Invalidation log	CEM (not required for submission, but retain for inspection)
	TNP Mass emissions summary	RTA1, and submission to the TNP registry

6 monthly

Emission point	Parameter	Form
A1, A2, A3	Concentrations of NOx, SO2, Dust (calculations via protocol)	PM1
A4 & A5	Concentrations NOx, CO *	PM1
	SO ₂ , dust #	PM1

**At least one sample per year should be by monitoring. The other 6 monthly can be by calculation if agreed with NRW. # Protocol assumes zero for dust (gas fired). SO₂ is based on an emissions factor approach.*

Annually

Emission point	Parameter	Form
LCP60, Table S4.1 and S4.2 and S4.3	Waste disposal	Include in annual performance report (4.2.2)
	Mass emissions of NOx, CO, SO2 and dust	AR1
	Thermal input capacity	AR1
	Fuel usage	AR1
	Operating hours	HR1
	Rolling annual malfunction /	BD1

	breakdown hours	
	Concentrations during malfunction / BD (for any day)	MF1
END		

EPR Compliance Assessment Report

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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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			

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.