Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0033000

This form will report compliance with your permit as determined by an NRW officer					
Site	Barry CHP	Permit Ref	JP3632ZH		
Operator/Permit holder	Engie FM Ltd				
Regime	Installations				
Date of assessment	06/03/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Detailed below				
Lead officer's name	Griffiths, Toby				
Accompanied by					
Recipient's name/position	Wayne Bajjada/ Utilities Engineer	Date issued	07/03/2018		

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	X	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	

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

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

NRW response to recent reports:

CAR_NRW0032696, Action 2: Commissioning and calibration of new O_2 sensor

The sensor had been awaiting calibration due to delays in the supply of calibration gases. A response was received on 22/02/18 (Paul Searle of Engie) which noted that the calibration had failed and the new sensor was deemed to be faulty. A new sensor was stated to be on order. Clearly, there have been significant delays regarding the procurement of a new sensor in 2017 and its subsequent commissioning. This latest news from Engie is disappointing. NRW accepts that the changeover in site ownership and staff changes will be a contributory factor. However, the installation of an operational sensor should be expedited, given its important role in combustion control. Further delays may incur potential enforcement action. Please provide an update on the status of the O_2 sensor by **2nd April 2018**.

CAR_NRW0032696, Action 3: Smoke incident report

An incident investigation report was received on 6th February 2018. This detailed the events leading up to the smoke emission and identified the root causes. The faulty O_2 sensor is identified as one of the causes. The improvements to the temporary oxygen control working procedure are acknowledged and NRW agrees that a replacement sensor should be seen as a priority as noted above.

Engie responses to OMA audit of 15/02/2018 (Engie in italics)

OMA 3 – C – Calibration Methods. Please explain why 5 was not achieved. The recommendation is noted but at present the calibration gas is suitable for plant.

Although it wasn't included in the Observations & Recommendations section, on the day of the OMA audit, we were given to understand that the frequency of QAL3 was monthly and the QAL3 charts we observed had missing data points. We were informed that there was additional data available that had not yet been included in the charts. While not a significant issue per se, it does show a breakdown in the procedure as the charts are required to monitor fluctuations in analyser performance and identify drift. To the best of my knowledge, updated charts including the missing monthly data points were not provided prior to issue of the OMA report. In addition, document "*PA7-DOW-002HP boiler land calibration.doc*" provided in support of QAL3 requirements appears to be a calibration procedure rather than a QAL3 procedure. A QAL3 doesn't require small adjustments to the CEM unless drift has been identified using the control charts. Clarification of QAL3 requirements are detailed in the Environment Agency's Technical Guidance Note M20 Section 4.

OMA3 – F – Breakdown response. Attached is a copy of the 2017 contract, as can be seen the callout payment was removed and callouts were paid for as required. There is no mention of response times in this, or any other contract. As can be seen from their website brochure, they do *not stipulate a time response (nor would they) since it is dependent on many factors. They do have 24/7 telephone support which, you will note, is part of the service contract. If telephone support could not solve the issue, then a field tech would be sent to the site and a payment schedule is in place to allow for this. Site carries full list of recommended spares and the capacity to change the items along with a full service manual. The only thing the contract lacks is a pre-paid call out feature (also attached is the initial contract proposal including the callout). This allowed for only one call-out, we removed this feature as it did not, add any significant benefit to the contract. Our experience with Land in 2017 showed that we triggered a called out 3 times and on each occasion response was within 24hrs.*

It should be noted that the 2017 documents provided to date only consist of quotations for service contracts. No details of an actual service contract has been provided for the CEMs instruments to date. To achieve a score of 3, the OMA guidance requires evidence that a breakdown service can provide repairs within 48 hours or have a standby CEM available.

OMA4 – D – Auditing of Monitoring. A score of 1 does not show that the ECL have been audited as part of the vendor verification process and that Dow regularly audit Engie for compliance. Whilst no specific documentation could be provided to show any oversite, they were watched and questioned throughout the process and their documentation and results compared to previous years.

Scoring on this element complies with the OMA guidance available via the gov.uk website. To achieve a score of 3, procedures for 3rd party auditing must be available and integrated into a wider management procedure to ensure ongoing quality of emissions monitoring. We are unable to accept verbal confirmation that auditing is undertaken as evidence of compliance with this OMA element.

OMA4 – F – (In conjunction with OMA2 – F). 6 Monthly reporting of A4 & A5 was carried out by extractive test in 2016 with no calculative report given. This was due to documented information from ECL and within the Environmental documentation that annual extractive testing was only required (please see Quarter 3 2015 report as an example). These documents have been submitted to NRW for several years and those responsible for reporting it in 2016 were in discussion with NRW to this effect. Due to staff changes 2016 calculated form PM1 was not submitted (but could be if required). 2017 form PM1 is submitted (pending acceptance). I feel that saying this is not being done is not reflective of the situation, you could state that 2016 data return was incomplete but corrected for 2017. I would like to think that this is reflective of better monitoring and as such should be considered a positive.

The monitoring requirements for A4 and A5 changed when the newer (IED compliant) permit was issued on 30/12/2015. This required 6 monthly reporting of concentrations (mg/m^3) of NO_x, CO, SO_2 and dust for A4 and A5. SO_2 and dust for gas fired operation can be based on agreed emissions factors (JEP protocol). Currently, ECL are doing annual monitoring and we would prefer at least one of the 6 monthly samples to be based on measured data. We discussed that the other 6 monthly results for NO_x and CO could be based on calculation, if supported by data. For example, a good agreement between load / fuel use and emissions. As the monitoring and reporting was not fully compliant with the permit conditions at the time of the audit, we were obliged to record a minor non-compliance. Paul Seale submitted retrospective 6 monthly PM1 forms on 25/02/18 (for 2016 and 2017), which included the correct determinands, however we have still not agreed the basis of the calculations. This is currently outstanding (reference CAR_NRW0032696, Action 4 and CAR_NRW0032929 due **30/03/2018**).

END

This form will report compliance with your permit as determined by an NRW officer			
Site	Barry CHP	Permit Ref	JP3632ZH
Operator/Permit holder	Engie FM Ltd	Date	06/03/2018

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.

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			
G1	X	See previous actions regarding A4 and A5 monitoring.	30/03/2018
B1	X	Please provide an update on the status of the O2 sensor	02/04/2018

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.