

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0032306**

**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           | 16/10/2017                          | Time in     | N/A        | Out | N/A |
| Assessment type              | Report/Data Review                  |             |            |     |     |
| Parts of the permit assessed | Improvement Conditions              |             |            |     |     |
| Lead officer's name          | Griffiths, Toby                     |             |            |     |     |
| Accompanied by               |                                     |             |            |     |     |
| Recipient's name/position    | Paul Searle/ Environmental Engineer | Date issued | 16/10/2017 |     |     |

### 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 |
|----------------------------------------------------------------------------------------------------------------|--------------|-----------------------|
| A1 - Specified by permit                                                                                       | A            |                       |
| C2 - General Management - Management system and operating procedures                                           | 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.

|                                    |          |                                                                     |          |
|------------------------------------|----------|---------------------------------------------------------------------|----------|
| <b>Number of breaches recorded</b> | <b>0</b> | <b>Total compliance score</b><br>(see section 5 for scoring scheme) | <b>0</b> |
|------------------------------------|----------|---------------------------------------------------------------------|----------|

**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

### Improvement Conditions update IC4, IC5, IC6

A CAR form was issued on 6<sup>th</sup> January 2017, ref: CAR\_NRW0026854 in relation to Improvement Conditions IC4, IC5 and IC6. An update was requested by NRW for IC4 and IC6 (Part 2) by 31st March 2017. IC5 was extended until July 2017 to allow for further assessment work. NRW assesses the status of the conditions as follows:

#### IC4

*The Operator shall submit a report in writing to Natural Resources Wales for approval. The report shall define and provide a written justification of the “minimum start up load” and “minimum shut-down load”, for each unit within the LCP as required by the Implementing Decision 2012/249/EU in terms of:*

- i. The output load (i.e. electricity, heat or power generated) (MW); and*
- ii. This output load as a percentage of the rated thermal output of the combustion plant (%).*

*And / Or*

*iii. At least three criteria (operational parameters and / or discrete processes as detailed in the Annex) or equivalent operational parameters that suit the technical characteristics of the plant, which can be met at the end of start-up or start of shut-down as detailed in Article (9) 2012/249/EU.*

An initial response was received on 7<sup>th</sup> June 2016, which met the requirements as a proposal. An update was requested following the implementation of the criteria to ensure that the criteria were being applied correctly. However, in place of the update, NRW intends to audit the criteria during the Operator Monitoring Assessment audit (OMA) which is planned before April 2018. NRW considers this Improvement Condition to be complete on the proviso that the OMA audit verifies the evidence supplied.

#### IC5

*The Operator shall submit a report in writing to Natural Resources Wales for approval. The report shall review BAT options for achievement of the IED Chapter III Annex V ELVs for CO emissions from the gas-fired high pressure boiler (A2) and provide proposals and timescales for implementation of an option that represents BAT.*

A response was received on 28<sup>th</sup> July 2017 as agreed. This confirmed that following the fitting of a variable speed drive (VSD) unit, the HP boiler (A2) could achieve the Annex V ELVs for CO. Additionally, evidence was submitted on 31<sup>st</sup> March 2017 to demonstrate that the correct oxygen correction of 3% was now being applied at A2. NRW intends to audit the monitoring data as part of the Operator Monitoring Assessment audit (OMA) which is planned before April 2018. NRW considers this Improvement Condition to be complete on the proviso that the OMA audit verifies the evidence supplied.

#### IC6

*The Operator shall submit two reports in writing to Natural Resources Wales for approval. The first report*

*shall provide proposals for interim reporting of emissions in accordance with IED Chapter III Annex V, Parts 3 and 4 as far as practicable using existing data logging supplemented with manual data processing.*

**COMPLETE**

*The second report shall provide details of a programme to fully implement IED Chapter III Annex V reporting, reference periods and conditions and start up and shut down criteria.*

Information was provided in the report received on 2<sup>nd</sup> June 2017 for condition 4.2.2a, which confirmed that an automated system had been put in place which met the IED reporting requirements. NRW intends to audit these requirements on site during the Operator Monitoring Assessment audit (OMA) which is planned before April 2018. NRW considers this Improvement Condition to be complete on the proviso that the OMA audit verifies the evidence supplied.

END

## EPR Compliance Assessment Report

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|                        |              |            |            |
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| Site                   | Barry CHP    | Permit Ref | JP3632ZH   |
| Operator/Permit holder | Engie FM Ltd | Date       | 16/10/2017 |

### 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.

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](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.