

Compliance Assessment Report

Report ID:
CAR_NRW0032624

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

Site	Bryn Power AD Facility	Permit Ref	AB3092ZE		
Operator/Permit holder	Bryn Power Limited				
Regime	Installations				
Date of assessment	18/12/2017	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Specified Activied and Emissions				
Lead officer's name	Ward, Adam				
Accompanied by					
Recipient's name/position	Jennifer Morgan/ Director & TCM	Date issued	18/12/2017		

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
C2 - General Management - Management system and operating procedures	C3	1.1.1(a)
E1 - Emissions - Air	C3	3.1.1. & 3.1.2.

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	2	Total compliance score (see section 5 for scoring scheme)	8
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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

Bryn Power - Emissions Data Audit

This audit has been conducted in response to your submissions of emissions monitoring data as required by your permit. Thank you for submitting the data to NRW.

A1 CHP Exhaust – Clarke Engine

The emissions data for the Clarke engine indicated a high TVOC level (1699mg/cm³, with a 1000mg/cm³ limit). Although this is a snapshot of the actual emissions from the exhaust, it is uncertain how long the limits have been breached for. Considering the 40% uncertainty factor provided by our LFTGN08 guidance document, the result may be between 1020mg/cm³ and 2378mg/cm³. However, the contractor who has taken the emissions results has specified an uncertainty factor of 3%, which suggests the emission range could be much narrower and therefore well above the threshold. You are advised to clarify this point with the contractor.

You have since provided evidence that an engineer has recalibrated the engine to reduce the TVOC's (although this may have implications by increasing NO₂) and this has been taken into consideration in the **Compliance** section below.

CHP Exhaust 2 – Edina Engine

You are currently using a second 0.5MWe engine to burn excess biogas, rather than using the flare and pressure valves and/or reducing throughput of food waste. This second engine has not been permitted and it is important that you submit a variation of the existing permit as soon as practicable. Additional risk assessments and air quality modelling will be required to ensure you are not breaching air quality standards and adversely impacting sensitive receptors.

Compliance

E1) Emissions – Air

Permit Condition 3.1.2. – states that ‘the limits given in Schedule 3 shall not be exceeded’. **You have therefore been scored a category 3 breach of the permit.** We may have to review this categorisation should further information come to light pending future screening/air quality modelling that may be required.

Action: Ensure maintenance procedures are followed on a regular basis to reduce the risk of these issues arising again in future. These procedures will be audited at a future site inspection.

E1) Emissions – Air

Permit Condition 3.1.1. – states that ‘there shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2’. By using a second CHP engine, you are adding an additional emission point that is not included in the permit. It is reasonably foreseeable that the additional emissions could cause a Category 3, minor impact on air quality and additional air quality modelling will be required to ensure you are not breaching air quality standards. **You have therefore been scored a Category 3 breach against this permit condition.**

Action: Please submit a permit variation application to include the additional CHP engine and associated emission point. Please complete in line with the proposed action plan.

C2) Management – Management Systems and Operating Procedures

Permit Condition 1.1.1(a) – states that ‘The operator shall manage and operate the activities; in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.’ **You have been scored a Category 3 breach against this permit condition as the Root Cause for the breaches of the emission conditions of the permit as above.** Please ensure your written procedures are updated so that the risk of non-compliances with your permit are reduced in future.

Action: Please update management system with appropriate maintenance, monitoring and calibration procedures to ensure that the risk of breaching emission limits is reduced in future. You should also details plans for your required permit variation. Please submit this element of the updated EMS within 3 months of receiving this CAR form.

Action Plan

NRW is offering to implement an action plan that will allow us to suspend future scoring of the above breaches for a specified period. An action plan has also been offered via CAR form reference **CAR_NRW0032082**, which also specified the requirement for a variation to include an additional activity for a waste wood recycling and transfer station.

A meeting with Bryn Group Directors and NRW will need to take place in due course to discuss appropriate timescales for submitting the variation. The action plan can then be signed off and scored and will be suspended for a specified period.

If you have any questions relating to this CAR form or the proposed Action Plan, please contact Adam Ward on 03000 653149 or via email on adam.ward@naturalresourceswales.gov.uk

EPR Compliance Assessment Report

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Site	Bryn Power AD Facility	Permit Ref	AB3092ZE
Operator/Permit holder	Bryn Power Limited	Date	18/12/2017

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			
C2	C3	Please update management system with appropriate maintenance, monitoring and calibration procedures to ensure that the risk of breaching emission limits is reduced in future. You should also details plans for your required permit variation. Please submit this element of the updated EMS within 3 months of receiving this CAR form.	30/03/2018
E1	C3	Ensure maintenance procedures are followed on a regular basis to reduce the risk of these issues arising again in future. These procedures will be audited at a future site inspection. Please submit a permit variation application to include the additional CHP engine and associated emission point. Please complete in line with a proposed action plan.	31/01/2018

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.