

Compliance Assessment Report

Report ID:
CAR_NRW0031353

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	08/03/2017	Time in	N/A
Assessment type	Site Inspection	Out	N/A
Parts of the permit assessed	Management, Emissions and Reporting		
Lead officer's name	Ward, Adam		
Accompanied by			
Recipient's name/position	Jennifer Morgan/ Director	Date issued	09/03/2017

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	C4	2.4.1.
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4	3.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.1, 4.2, 4.3

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	3	Total compliance score (see section 5 for scoring scheme)	0.3
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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 Audit – 8th March 2017

Introduction

This audit was conducted to ensure that conditions of the permit relating to pre-operational measures, emissions monitoring and reporting were complied with. Thank you for taking the time to submit the documents associated with the permit conditions below.

Compliance

C2) Management – Management Systems and Operating Techniques

Permit Condition 2.4.1. – states that, 'The activities shall not be brought into operation until the measures specified in schedule 1 table S1.3 have been completed.'

These measures include the submission of a completed Environment Management System (POM1), the submission of an approved commissioning plan (POM2) and the completion of actions specified by Hunter Acoustics Environmental Noise Assessment Report – Ref 3781/Nia1_Rev1 (POM3).

POM1 – An audit was conducted on your EMS on 15th March 2016 (CAR Reference: 160315 – Bryn Power AD EMS Audit). A number of inaccuracies were highlighted and a request was made to cross reference associated documents such as the Site Operating Procedures (SOP) and Hazard Analysis and Critical Control Points (HACCP). Submission of the updated EMS was requested by 8th July 2016. The EMS (named Integrated Management System) was later submitted on 6th February 2017 but we accept that this document was completed at an earlier date.

POM2 – The commissioning of the plant was completed by April 2016 as illustrated by the Gant Chart submitted to NRW (Reference MB512).

POM3 – The report by Hunter Acoustics recommended attenuation measure in section 7 and section 5 stated that additional monitoring at the 4 nearest sensitive receptors would be required. The latter requirement was also written into the permit under **Table 1.4**. A submission was required within 6 months from operations commencing (operations commenced 21st January 2016).

As of 20th February 2017, the noise monitoring has not been completed. However, you have been in contact with NRW regarding the proposed monitoring techniques as there are concerns that other activities at the premises such as the cattle farm, waste transfer station and composting operation will affect results at the nearest receptors. We have requested that some basic monitoring is conducted at the receptors to identify potential sources of noise from other sources so that you are able to justify near field monitoring at the AD plant to extrapolate the required results.

You have been scored a **Category 4 breach** of the permit for failing to complete the noise monitoring within 6 months of becoming operational.

G1) Monitoring and records, maintenance and reporting – Monitoring of emissions & environment

Permit Condition 3.3.1 – states that ‘The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

(a) point source emissions specified in tables S3.1,

(b) process monitoring specified in table S3.2;

As of 8th March 2017, the emissions monitoring has not been completed. As outlined in the permit conditions below, the deadline for completing the emissions monitoring was 21st January 2017. You have therefore been scored a **Category 4 breach** of the permit against this condition.

G4) Monitoring and records, maintenance and reporting – Reporting & Notification

Permit Conditions within sections 4.1, 4.2 and 4.3 – detail the requirements for Records, Reporting and Notifications respectively. In detail, you are required to submit all monitoring data in line with Tables S4.1, S4.2, S4.3, S4.4 (details also provided in Permit Condition 3.3.1, 3.3.2 and 3.3.3) by the 21st January 2017.

For the failure to submit this information on time, we have scored a **Category 4 breach** against these permit conditions.

Other Comments

We recognise that this is your first year of operation and therefore there are a number of factors in the delay in issuing the required information. On this occasion, we would like to agree an alternate date for the data submission with normal reporting continuing as detailed in the permit resuming for the next year (e.g. by 21st January 2018).

Having discussed this issue with you, you have agreed that the required monitoring data will be submitted by 31st March 2017. NRW will then be able to conduct the appropriate assessment of the data submission before issuing a follow-up CAR form.

To ensure you are compliant with the various submissions deadlines required by your permit in future, we have provided the table below for reference.

Table. 1.

Condition		What	When
1.1.1	EMS / Accident management plan	Review	Annually
1.2.1	Energy Efficiency	Report	Every 4 years
1.3.1	Efficient use of raw materials	Report	Every 4 years
1.4.2	Avoidance, recovery etc	Report	Every 4 years
3.1.3	Groundwater monitoring	Monitoring	Every 5 years
3.1.3	Soil monitoring	Monitoring	Every 10 years
3.4.1	Odour management plan	Review	Annually
4.1.1	Records	Retain for 6 years	
4.2.2	Performance	Report	Yearly
4.2.3	Emissions to air	A1 and A2	Annually
4.2.5	Waste returns	Returns	Quarterly
	Process monitoring	Data	Quarterly
	PRTR	Returns	Annually

If you have any questions regarding this Compliance Assessment Report form, please do not hesitate to contact Adam Ward on 0300 653149 or via email on adam.ward@naturalresourceswales.gov.uk

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EPR Compliance Assessment Report

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Site	Bryn Power AD Facility	Permit Ref	AB3092ZE
Operator/Permit holder	Bryn Power Limited	Date	08/03/2017

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	C4	Complete and submit the results of the noise monitoring required by pre-operational measure 3 (POM 3) by 31st March 2017.	31/03/2017
G4	C4	Submit data required by these conditions to NRW by 31st March 2017.	31/03/2017
G1	C4	Complete emissions monitoring and submit data required to NRW by 31st March 2017.	31/03/2017

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 Information⁶ 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.

