

Compliance Assessment Report

Report ID:
CAR_NRW0026299

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

Site	Port Talbot Steel Works EPR/BL7108IM	Permit Ref	BL7108IM		
Operator/Permit holder	Tata Steel UK Limited				
Regime	Installations				
Date of assessment	22/08/2016	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	2 Operations; 3 Emissions and monitoring; 4 Information				
Lead officer's name	Broom, Mark				
Accompanied by	Cowie, Douglas				
Recipient's name/position	Fiona Abbott/ Environment Manager	Date issued	19/09/2016		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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	X	
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

Site description

Tata Steel UK Ltd (Tata) operates an integrated iron and steel works at Port Talbot, Neath Port Talbot. The site is permitted as an installation under the Environmental Permitting Regulations (EPR). The steelworks has several identifiable permitted processes which are carried out sequentially across the installation to convert raw iron ores and coal to semi finished (slab) and finished steel products (such as hot rolled, pickled and oiled, cold rolled and annealed). The permit also covers coke making and the reception, stockpiling and blending of raw iron making materials. Three other companies, Cambrian Stone, Harsco Metals and ICL, undertake separately-permitted slag handling, iron plating and cold mill effluent treatment activities at the steelworks on Tata's behalf.

Purpose of assessment

To assess Tata's submission in response to the requirements of Improvement Condition (IC) 6 relating to IED Emission Limit Values (ELVs) for emission points A51, A53 and A62.

IC6

Tata's response to IC6 was received by NRW on 30 December 2015 within the deadline specified in permit BL7108IM. IC6 requests the following:

IC6	For emission points A51, A53 and A62 the Operator shall submit for written approval by NRW emission limit values in accordance with Article 30 (Emission Limit Values) of the Industrial Emissions Directive post 30 th June 2020.	31 st December 2015
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Tata's proposed ELVs are as follows:

Boiler	A51 Boiler 5			A53 Mitchell Boiler			A62 Boiler 3		
	Parts mg/Nm ³	SO ₂ mg/Nm ³	NO _x mg/Nm ³	Parts mg/Nm ³	SO ₂ mg/Nm ³	NO _x mg/Nm ³	Parts mg/Nm ³	SO ₂ mg/Nm ³	NO _x mg/Nm ³
LCPD Fuel-waited ELV	15	500	250	15	300	250	15	300	200
Daily Limit 121% ELV	18.2	605	302.5	18.2	605	302.5	18.2	605	242
Annual 95% hourly mean 200% ELV	30	1,000	500	30	1,000	500	30	600	400

Tata's submission is short and it provides fixed monthly mean ELVs for three parameters (SO₂, NO_x and particulates) for three boilers (A51 – Boiler 5, A53 – Mitchell Boiler and A62 – Boiler 3). Tata has used a daily mean ELV based on 121% of the fixed monthly mean ELV and an annual 95th percentile of the hourly means based on 200% of the fixed monthly mean ELV.

ELVs for multi-fuel firing

When the Industrial Emissions Directive (IED) was published, it replaced the requirements of the Large Combustion Plant Directive (LCPD) with those specified in Annex V of IED. Certain

combustion plant do not have to comply with the IED limits if they are in the Transitional National Plan (TNP).

The TNP acts as a stepping stone between performance under the LCPD and its associated reduction plan [The National Emissions Reduction Plan (NERP)] and meeting the new requirements of Annex V of IED. The TNP is due to end on 30 June 2020 and IED Annex V requirements must be met for all qualifying combustion plant after that date.

Tata has one boiler that lies outside the TNP – Boiler 3 (A62). Tata's remaining six boilers are in the TNP [Service Boilers 4 & 5 (A50A & A50B), Boiler 5 (A51), Boiler 6 (A52A), Boiler 7 (A52B) and the Mitchell Boiler (A53)].

The aim of IC6 was for Tata to describe how they can meet the requirements of the ELVs in IED Annex V for Boiler 5 (A51), the Mitchell Boiler (A53) and Boiler 3 (A62). The IED compliance position post-TNP for Tata's remaining boilers (Service Boilers, Boilers 6 and 7) was clearer prior to the inclusion of IC6 in Tata's permit. The remaining boilers were therefore not included under IC6.

NRW's regulatory position is clear on multi-fuel firing (MFF) for boilers that can burn more than one type of fuel at any one time: **IED Article 40(1) explains how ELVs have to be calculated**. Article 40(1) refers to the limit values for each fuel in Annex V of IED. The MFF ELV is based on the fuel weighting depending on the fuels being burnt.

IED also has three ELV averaging times: daily, monthly and annual:

1. The monthly ELV is calculated for MFF according to IED Article 40(1) using the fuels burnt that month;
2. The daily ELV is based on the fuels burnt that day using Article 40(1) and a factor of 1.1 {in Annex V Part 4, 1, b}; similarly
3. The annual averaging time is calculated by using the fuels burnt that year using article 40(1) and a factor of 2 {in Annex V Part 4, 1, d}.

This approach generates a **dynamic** ELV that changes according to the changes in fuels being burnt within the relevant time frame. Compliance with the ELVs is assessed using Tata's measured and validated daily, monthly and annual mean (average) values for its combustion plant emissions. NRW has previously outlined this when it reviewed Tata's NERP 2014 submissions – see CAR report 5833.

The table below summarises Tata and NRW's current positions for each Combustion plant with CEMS:

	Tata proposal (IC6)	NRW position
Daily mean ELV	121% of monthly mean ELV	110% of the ELV calculated using the fuel weighting method in IED Article 40(1) based on the fuels burnt in that <u>day</u> in the Combustion plant
Monthly mean ELV	LCPD fuel-weighted ELV	ELV calculated using the fuel weighting method in IED Article 40(1) based on the fuels burnt in that <u>month</u> in the Combustion plant
95 th percentile of hourly means in a year	200% of monthly mean ELV	200% of the ELV calculated using the fuel weighting method in IED Article 40(1) based on the fuels burnt in that <u>year</u> in the Combustion plant

Conclusions and further actions required

It appears that there has been a misunderstanding over the application of ELVs for combustion plant outside the TNP (Boiler 3) and post-TNP (Boiler 5, Mitchell Boiler). IED is clear that ELVs for multi-fuel fired (MFF) combustion plant must be calculated in a set way [IED Article 40(1)]. The averaging times for these ELVs are also set out in the IED Annex V, Part 4.

In light of the difference between Tata's approach and NRW's regulatory position, Tata now needs to review its IC6 submission against the requirements of IED Article 40(1). For its boilers fitted with Continuous Emission Monitoring Systems (CEMS) that will fall under the post-TNP requirements, Tata needs to see what level of compliance there is for SO₂, NO_x and particulates against each of the three averaging times in IED Annex V and develop an improvement plan to meet these requirements.

The draft BAT conclusions for the combustion sector currently have BAT-AELs set as daily and annual mean concentrations. Tata should also consider carrying out two additional assessments for SO₂, NO_x and particulates for its boilers fitted with CEMS:

1. against the measured daily mean; and
2. against the measured annual mean levels

These two assessments may place Tata in a stronger, more prepared position when NRW comes to assess BAT and determine achievable ELVs following publication of the revised combustion BREF.

EPR Compliance Assessment Report

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Site	Port Talbot Steel Works EPR/BL7108IM	Permit Ref	BL7108IM
Operator/Permit holder	Tata Steel UK Limited	Date	22/08/2016

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.

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			
A1	X	Tata Steel to review its IC6 submission against the requirements of IED Article 40(1). For boilers with CEMS that will fall under the post-TNP requirements, Tata needs to see what level of compliance there is for SO ₂ , NO _x and particulates against each of the three averaging times in IED Annex V and develop an improvement plan to meet these requirements.	30/11/2016

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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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.