

## Compliance Assessment Report CAR\_NRW0039920

**Permit being assessed:** BB3790FX.

For: ALUK (GB) LTD, held by ALUK (GB) Ltd

At: Aluk GB Ltd, Newhouse Farm Industrial Estate, Mathern, Chepstow, Monmouthshire, NP16 6UD.

**Type of assessment carried out:** Audit, Reason: Routine.

On 16/05/2022 between 14:00 and 16:00.

Parts of permit assessed: 1.1 Management System & 3.5 Monitoring

**NRW Lead Officer:** Rebecca Green, accompanied by Gareth Richards.

**Report sent to:** Shane McDonald, EHS Manager on 20/05/2022.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C1 - General Management - Staff competency/training	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
C2	See text in CAR form	30/06/2022
G3	See text in CAR form	30/06/2022

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**At this time, we do not intend to take any further action.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

**4. Details of our assessment**

Following concerns relating to ALUK's failure to complete actions in CAR\_NRW0039156 and 0039741, Natural Resources Wales (NRW) requested a meeting with ALUK to discuss the Environmental Management System and the maintenance of the effluent treatment plant. The meeting took place on 16<sup>th</sup> May 2022.

**Agenda**

1. Introductions
2. Written Environmental Management System (EMS)  
Overview, ownership and review.
3. Maintenance, effluent treatment plant (ETP) –  
Planned preventative maintenance programme (PPMP);  
Critical equipment list (CEL).
4. Monitoring aluminium (Al) emissions to sewer –  
Update on monitoring methods.
5. AOB and meeting close.

Present for all or part of the meeting:-

SM, EHS Manager, ALUK;

AP, Process Development Scientist, ALUK;

AD, Maintenance Manager, ALUK;

HN, EHS Assistant, ALUK;

MM, Quality Engineer, ALUK;

Gareth Richards, Lead Specialist Industry Regulation (IR), South East (SE), NRW;

Rebecca Green, Senior Officer IR, SE, NRW.

**2. EMS**

The internal auditing section of the EMS was reviewed. It appears that ALUK only audit to the clauses of ISO14001, they do not audit to the requirements of an EPR permit, (see How to Comply with your Environmental Permit). No evidence of internal audits having been carried out on the ETP, the production processes, maintenance or monitoring and reporting was seen. The internal audit schedule was insufficient. The general view seemed to be that, as long as the site's ISO audit was satisfactory, the EMS would be compliant with the EPR permit's requirements. This is not so, since the emphasis and documentation required by ISO14001 is not the same as that required by the EPR permit.

The EMS is "owned" by the Quality Department. There seems to be little awareness of or input to the system by other departments. All personnel should be aware of the EMS and how their particular function fits into it, feeling free to challenge and improve it so that it becomes a dynamic system, fully reflective of site operations.

Review of the EMS system was confined to communications received from NRW, in particular CAR forms containing actions with a due date. There does not seem to be a formal review process and it appears the Quality Department is not always involved. There does not appear to be a formal system to ensure that actions are completed by the due date.

This review of the EMS has revealed several significant weaknesses in the system which would

normally result in the issuing of at least two category 3 non-compliances. NRW are prepared to give ALUK some time to bring the EMS up to the required standard, but may take enforcement action if the improvements are not in place by the due date.

**Action 1: Relevant personnel to read and understand "How to Comply with your Environmental Permit". A copy has already been emailed to those present at this meeting.**

**Action 2: Prepare an internal audit schedule, complying with the guidance above, which includes as a minimum, maintenance, the ETP, production processes and monitoring. A copy to be received by NRW by 30<sup>th</sup> June 2022.**

**Action 3: Evidence of a completed audit should be received by NRW by 30<sup>th</sup> June 2022.**

**Action 4: Improve and formalise CAR review process, ensuring all relevant personnel are included.**

### **3. Maintenance, ETP**

This plant is critical in ensuring that discharges to sewer are compliant with the emission limit values (ELV) given in the permit. Maintenance appears to be largely reactive, although some evidence of proactive maintenance was seen.

Evidence of a PPMP for the plant was not seen.

The CEL was incomplete. It does list some parts for the ETP and those entries gave stock levels, supplier and lead times, amongst other information. This is the standard that NRW expect for all components identified as critical to the site's operation and control (not just the ETP).

The lack of a PPMP and an incomplete CEL are significant and would normally warrant the issuing of at least one category 3 non-compliance. Comments under item 2 above also apply here.

**Action 5: Identify plant, equipment and components critical to the site's operation, control and environmental performance. Add to the CEL with the necessary information. NRW to receive confirmation that this has been completed by 30<sup>th</sup> June 2022.**

**Action 6: Update the PPMP to include all critical equipment, components and plant identified in Action 5 above. NRW to receive confirmation by 30<sup>th</sup> June 2022.**

ALUK are reminded that compliance with EPR permit conditions is mandatory; it is not discretionary.

NRW will consider all its enforcement options should an operator be persistently non-compliant in respect of any of the conditions in its EPR permit.

### **4. Monitoring Al emissions to sewer**

The spectrometric method is unlikely to be useful as a day to day method for measuring Al emissions to sewer. It is quite lengthy and requires a skilled operator.

The new method proposed for the in-line Al monitor has proved to be unsuitable. Results from the monitor continue to be unreliable when compared with laboratory analysis for samples taken at the same time. It controls the recirculation system and so sometimes effluent below the ELV will be recirculated unnecessarily or discharges above the ELV may be emitted to sewer. The flowmeter registers discharge volume whether it is going to sewer or being recirculated; ALUK may therefore be paying twice for discharge of the same effluent.

All samples taken by Dwr Cymru Welsh Water this year have been less than ALUK's consent limit. Laboratory analysis of samples taken twice weekly this year has only shown two samples which were above the ELV. This is most encouraging, demonstrating that ALUK have improved their control of the ETP. Emissions from the ETP are now much less likely to be above the ELV.

The problem of having reliable results from daily monitoring remains. NRW suggested using a composite sampler. This would give a more representative view of the Al emissions to sewer and would smooth the peaks and troughs currently seen with the Al monitor. Many designs are available

and some are MCERTS approved. ALUK may investigate whether the in-line AI monitor could be used as a periodic sampling device. There is scope to change the monitoring and reporting requirements specified in the permit.

Significant shortcomings in the EMS, PPMP and CEL were identified during this visit. NRW are confident that ALUK understand the importance of these omissions and will ensure that they are rectified in a timely manner. Failure to do so may result in NRW taking further action.

**END.**

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.