

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

Site	Real Alloy UK Ltd	Permit Ref	EP3935UC		
Operator/Permit holder	Real Alloy UK Limited				
Regime	Installations				
Date of assessment	05/04/2017	Time in	10:00	Out	15:00
Assessment type	Audit				
Parts of the permit assessed	1.1, 1.5, 2.3, 2.8, 3.1,3.2, 3.4,				
Lead officer's name	Taylor, Richard				
Accompanied by	Jenkins, Nicholas				
Recipient's name/position	Helen Williams/ HSE Manager	Date issued	13/04/2017		

### 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
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.3.1(a)(iii)

**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>1</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	0.1
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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

### Real Alloy Site audit and OMA Air

5<sup>th</sup> April 2017.

Present – Helen Williams Real Alloy Health and Safety and Environment Officer. Richard Taylor, Natural Resources Wales, Nick Jenkins NRW SW Noise Lead.

The purpose of this audit was to address the permit site returns as well as conduct an OMA to Air assessed.

1. Observation – At the time of the Inspection, the HS&E Manager was covering her normal substantive post plus covering reception duties and also covering a third role for an absent colleague. Real Alloy should consider appointing a deputy to assist the HS&E supervisor with her duties. There is a permit condition (1.1.1(b) which requires the Operator to manage and operate the facility *'using sufficient competent persons and resources'*. We believe that personnel who are covering extra duties as well as their own job are more likely to be unable to manage and operate the facility than somebody who is only occupied in their substantive position.

**Recommendation1. – Real Alloy to consider appointing an assistant for the HS&E role to minimise the risk of a permit breach for the site not allocating sufficient resources to this role.**

2. Missing CEMS results – since Q1 2015. Site had not submitted any particulate results since Q1 2015. Site are required under permit condition 3.5.1 to carry out continuous monitoring of particulate matter. NRW had not received any quarterly data during this time. During the audit, it became clear that site do have a continuous monitor operating, and showed that they have access to data to cover the missing period which is available on their internal 'Scada' system.

The issue of the missing data originates from the separation between the particulate monitoring and the monitoring carried out quarterly on behalf of the site by 'Northumbrian Water' – an MCERTS registered company. As the quarterly results are provided, they are checked and forwarded on to NRW as the quarterly Air report. The separate monthly averages for particulates have not been routinely added on to the other results resulting in a data gap.

There was also an issue in naming the particulate monitoring system. NRW and the permit

routinely refer to this as a CEM (Continuous emissions monitor) whereas the site refer to this as the 'PCME'.

To improve the reporting of data and comply with the relevant sections in the site EPR permit, quarterly particulate results are to be included with the other species measured for the returns.

**Action 1 – Site to ensure a system is in place to routinely add the particulate data to the Quarterly returns.**

**Action 2 - Site to provide the missing data for particulates by 30<sup>th</sup> April 2017 for Q2, Q3, Q4 2016. (NRW have subsequently received the Q1 2017 data)**

3. Missing Quarterly returns for Air

The permit requires the site to submit air quality monitoring data to NRW. Our records showed that we had not received the returns for – Q3 2016. Quarterly data is required to be submitted within 28 days of the end of the reporting period. I.e. the Q1 reporting period ends March 31<sup>st</sup>, so results are due to be submitted by 28<sup>th</sup> Apr. We have not received the return covering the Q3 period July-Sept 2016.

**Action 3 – Site to submit Air quality returns for Q3 2016 by 30<sup>th</sup> Apr 2017.**

4. Missing water returns – Q3 and Q4 2015, and Q4 16. Similarly we have no record of receiving the water quality results for these periods. We require you to provide the information to us by the Apr 30<sup>th</sup> deadline.

**Action 4 – Site to forward the missing water quality returns for Q3 2015) Jul-Sep), Q5 14 (Oct-Dec), and Q4 2016 by 30<sup>th</sup> Apr 2017.**

1. Annual report on submissions ref permit condition 4.2.2 was not received by the reporting date of 31<sup>st</sup> Jan 2017.

**Action 5. Site to submit the report to accompany the annual returns according to permit condition 4.2.2. This needs to include a review of the results to air and water and waste (due 30<sup>th</sup> April 2017).**

1. The last compliance assessment form (CAR) issued to the site on 2<sup>nd</sup> Nov 2016 by NRW included a deadline for a missing Accident management plan report which carried a Category 4 breach of permit condition 4.3.1(iii). This score was suspended on condition that this was submitted by 31<sup>st</sup> Dec 2016.

**Decision - NRW has no record of receiving the AMP and therefore will impose the breach of permit condition. Result Cat 4 breach. New deadline to submit the report 31<sup>st</sup> May 2017.**

For clarity, we list the timeline of events which lead to the imposition of this permit breach.

Timeline of events –

16th Apr 2015 – Ref CAR 5858

You were asked to provide an updated accident management plan in response to an

incident in the baghouse. The areas of concern were listed for you to review in this form namely.

- Inclusion of an up to date drainage plan
- Assessment of critical procedures – provision of emergency plans/maps/info to emergency services
- Location of utility shut offs – water/electricity/gas mapped and updated
- Plans to identify potential receptors – firewater run-off to river, measures to mitigate the impact.

No deadline was given for this improvement to be made.

20th Jan 2016 – REF CAR 15200118

- Brings to attention that Accident management plan is overdue – does not set a deadline.

2nd Nov 2016 – REF CAR NRW0026565

- AMP not received – deadline set for submission made for Dec 31st 2016.
- Breach of permit condition 4.3.1(a)(iii) cited with penalty for non-submission by deadline pending.

Dec 31st 2016 –

- Deadline passes – AMP not received.

Apr 5th 2017 – Site visit

- AMP not received
- NRW imposes Cat 4 breach of permit condition 4.3.1(a) (iii).
- New deadline set of 31<sup>st</sup> May 2017.

Apr 7th 2017 –

- We review our response to the accident management plan and find that we have acted clearly, fairly and leniently – with the decision to impose this minor breach.

2. During the inspection – site received a copy of the new permit variation for the site to review before it is issued. Once NRW receive confirmation that the site is happy with the new permit it will be issued and take effect from that date. On acceptance this will be issued.
3. The site tour (as part of the OMA) was limited to the air emissions sources. In particular RT wished to see the CEM for particulate. This was positioned at the foot of the baghouse, yet the air stream from this process is finally emitted via the A4 stack. Site clarified that the airstream is emitted from the A4 stack, and the location of the CEMS is at final point, with the read out monitors located at the baghouse.



The reading from the PCME CEM was within the 5mg/m<sup>3</sup> limit reading 2.2mg/m<sup>3</sup> at the time of the inspection.

## 1. Noise Review

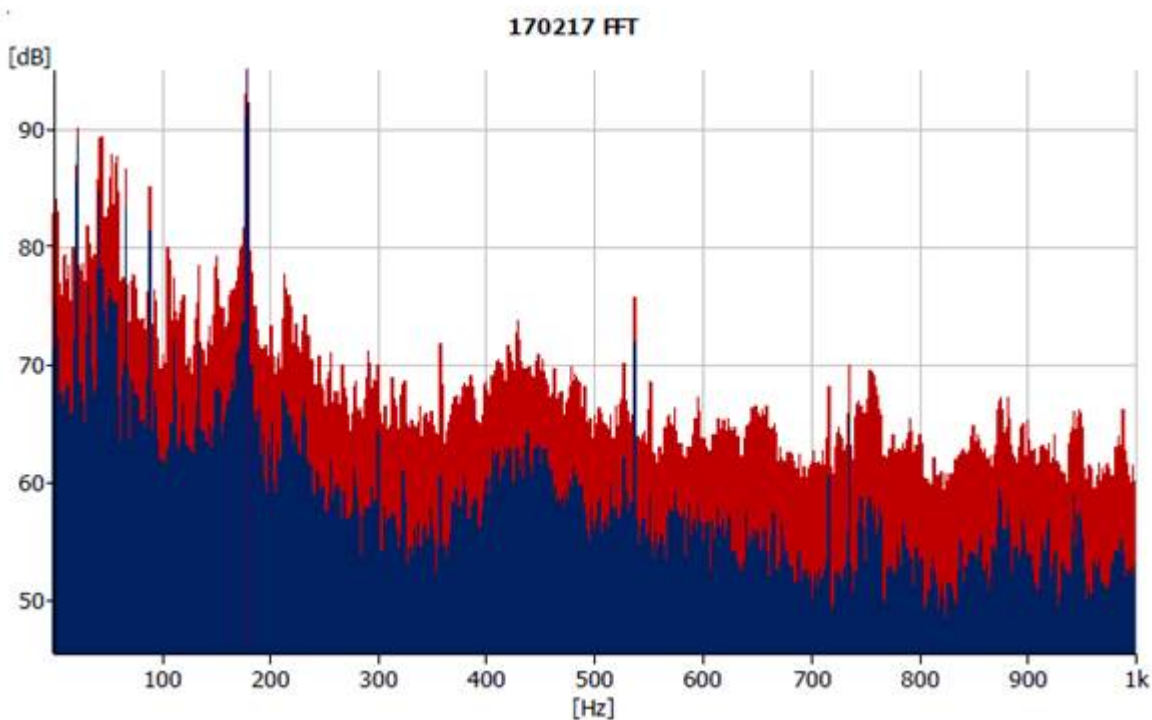
### Discussion of stack fan investigation

On 17th February 2017 NRW undertook focussed monitoring of the stack fans on the bag house at the installation. These were identified as a possible source of complaint that was disturbing a resident south of the site. Previous monitoring at the residential location highlighted that two 1/3<sup>rd</sup>-octave bands which were thought to be causing a disturbance and these correlated well to the onsite monitoring we subsequently

carried out to establish whether the source was present on the Real Alloy site or the adjacent Timet installation (which is also regulated by NRW). The findings of that investigation can be found at the following location:

[https://cyfoethnaturiolcymru-my.sharepoint.com/personal/nicholas\\_jenkins\\_cyfoethnaturiolcymru\\_gov\\_uk/Documents/Noise/Gowerton%202015/150715%20Real%20Alloy%20FINAL%20REPORT%20redacted%20ver%202.0cx](https://cyfoethnaturiolcymru-my.sharepoint.com/personal/nicholas_jenkins_cyfoethnaturiolcymru_gov_uk/Documents/Noise/Gowerton%202015/150715%20Real%20Alloy%20FINAL%20REPORT%20redacted%20ver%202.0cx)

By undertaking a fast fourier transform calculation of the sound from the stack fans we were able to fingerprint the narrow band frequencies generated by these fans. It is evident from the graph below that there is an evident peak at 178.1Hz at over 90dB and this is considered tonal. It is unclear the exact source of the sound but a frequency of this nature could be related to the blade pass frequency.



**Graph 1 – Fast Fourier Transform plot of sound generated from the stack fans**

In early 2016, the operator replaced the motors of the stack fans but this did not appear to minimise the tonality generated.

We have now requested Real Alloy to investigate and implement appropriate measures to resolve the tonality and it provided a draft action plan with approximate timescale for project completion.

This will need to be finalised and we would expect this no later than **31<sup>th</sup> May 2017**. The operator advised that the plant would be in summer shut down in August 2017 and this would seem to be an appropriate timeframe for resolution. We advised that the first step in the action plan would be to contract an appropriate acoustician and we provided two reputable bodies where local

consultants can be sought i.e. Institute of Acoustics and Association of Noise Consultants. We have since been in discussions with Industrial Noise Vibration Centre (INVC) and have supplied sound files and the FFT plots to Real Alloy to share with the consultant and we would welcome future discussions with INVC. This work is encouraging.

**Action – Action plan for the resolution of the tonality generated by the stack fans to be submitted by Real Alloy no later than 31st May 2017. The Improvements identified should to be in place during the August 2017 shut down period.**

### 1. Summary of recommendations and actions

1. Recommendation 1. Real Alloy to consider appointing an assistant for the HS&E role to minimise the risk of a permit breach for the site not allocating sufficient resources to this role.	To be decided by Real Alloy
2. Action 1 – Site to ensure a system is in place to routinely add the particulate data to the Quarterly returns.	With immediate effect
3. Action 2 - Site to provide the missing data for particulates by 30 <sup>th</sup> April 2017 for Q2, Q3, Q4 2016. (NRW have subsequently received the Q1 2017 data)	Ongoing
4. Action 3 – Site to submit Air quality returns for Q3 2016.	30 <sup>th</sup> Apr 2017
5. Action 4 – Site to forward the missing water quality returns for Q3 2015 (Jul-Sep), Q5 14 (Oct-Dec), and Q4 2016.	30 <sup>th</sup> Apr 2017
6. Action 5. Site to submit the report to accompany the annual returns according to permit condition 4.2.2. This needs to include a review of the results to air and water and waste.	30 <sup>th</sup> Apr 2017
7. Accident Management Plan to be submitted. A Cat 4 breach has been given for non compliance.	31 <sup>st</sup> May 2017.
8. Noise – Plan to reduce the emission to be submitted to NRW by 31 <sup>st</sup> May 2017.	31 <sup>st</sup> May 2017.

End.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0031510**

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

Site	Real Alloy UK Ltd	Permit Ref	EP3935UC
Operator/Permit holder	Real Alloy UK Limited	Date	05/04/2017

### 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			
G4	C4	Submit Accident Management Plan to NRW by 31st May 2017	31/05/2017

## 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 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.