

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0033361**

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

Site	Electrical Carbon, Swansea	Permit Ref	VP3339PD		
Operator/Permit holder	Morganite Electrical Carbon Limited				
Regime	Installations				
Date of assessment	02/05/2018	Time in	09:00	Out	14:00
Assessment type	Audit				
Parts of the permit assessed	Ground Condition/Pre Application				
Lead officer's name	Evans, Gary Lewis				
Accompanied by	Saul White,Lewis Evans				
Recipient's name/position	Mark Williamson/ EHS & Facilities	Date issued	16/05/2018		

### 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
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B2 - Infrastructure - Closure and decommissioning	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
E2 - Emissions - Land and groundwater	A	
E3 - Emissions - Surface water	A	
E4 - Emissions - Sewer	A	
F5 - Amenity - Deposits on road	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.

<b>Number of breaches recorded</b>	<b>0</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0</b>
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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

### NRW attendees

- Gary Evans (Site Inspector)
- Saul White (Senior Permitting Officer)
- Lewis Evans (Permitting Officer)

### Morganite Representatives

- Dean Thomas
- David Wintle
- Mark Williamson

The visit was arranged pre-dominantly for pre-application discussion regarding partial surrender of the installation. The company are continuing with the removal of equipment from parts of the site that will be surrendered with aim of completion in the coming months.

NRW attended with representatives from NRW Permitting to provide guidance and obtain clarification on the future partial surrender of the installation.

The visit involved an overview of the process and inspection of the areas that will be surrendered by the company, including an inspection of the RMPU (Raw Material Processing Unit) Area that has recently been demolished. The area was cleared and there were no reported complaints during the demolition of the buildings.

Morganite have a site condition report and carry out monitoring of the boreholes routinely and will need to provide evidence of the work as part of the partial surrender application.

In regards to guidance on the surrender process, the documents listed below will outline the information required in the application.

## Environmental Permitting Regulations

Guidance for applicants H5

Site condition report – guidance and templates

<https://naturalresources.wales/media/1215/environmental-permitting-regulations-guidance-for-applicants-h5-site-condition-report-guidance-and-template.pdf>

Environmental Permitting Regulations (England & Wales) 2016

Regulatory Guidance Series

RGN 9 Surrender

<https://naturalresources.wales/media/682295/rgn-9-surrender.pdf>

The other aspects that the company need to consider is the control of surface water run off and whether the site drainage system remains within the installation boundary. As the installation will now cover a range of companies, Morganite will need to be clear on where their final surface water discharge points are located including any potential contamination risks for adjacent operators.

Large areas of the site are concreted, and the buildings are retained, and the company have outlined that most of the material used on site is in solid or powder form.

The site inspection clearly shows that the company are in the process of removing redundant equipment from the areas of the site that will be surrendered. The condition of the flooring inside and around the building were in good order, however a final inspection may be undertaken prior to fully surrendering the redundant parts of the site.

Photos of site below.



We would suggest that Morganite provide an initial plan outlining the proposal for the surrender report to NRW (detailing borehole locations, hard standing areas, materials on site and any other justifications). This information can then be reviewed by the Geoscience Team to ensure that all relevant information is provided during the formal submission of the application.

## EPR Compliance Assessment Report

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Site	Electrical Carbon, Swansea	Permit Ref	VP3339PD
Operator/Permit holder	Morganite Electrical Carbon Limited	Date	02/05/2018

### 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			

## 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.