Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	Report ID: PP3834CB/0254092

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

Site	Ruabon Electro Ceramics EPR/PP3834CB			Permit Ref	PP3834CB	
Operator/ Permit holder	Morgan Technical Ceramics Limited					
Date	25/11/2015			Time in	10:00	Out 13:30
What parts of the permit were assessed	Monitoring, reporting					
Assessment	Site Inspection	EPR Activity:	Installation X	Waste Op		Water Discharge
Recipient's name/position	Rhian Newton, EHQS Manager					
Officer's name	Beth Voice			Date issued	11/02/2016	

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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				**Condition(s) breached**
a) Permitted activities	**1**. Specified by permit	N		
b) Infrastructure	**1.** Engineering for prevention & control of pollution	N		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	N		
	4. Containment of stored materials	N		
	5. Plant and equipment	C3		1.1.1
c) General management	**1**. Staff competency/ training	C3		1.1.1, 3.3.1, 3.3.2, 3.3.3
	2. Management system & operating procedures	C3		1.1.1, 3.3.1, 3.3.2, 3.3.3
	3. Materials acceptance	N		
	4. Storage handling, labelling, segregation	N		
d) Incident management	**1**. Site security	N		
	2. Accident, emergency & incident planning	C3		1.1.1
e) Emissions	**1.** Air	C3		3.1.2
	2. Land & Groundwater	N		
	3. Surface water	N		
	4. Sewer	N		
	5. Waste	N		
f) Amenity	**1**. Odour	N		
	2. Noise	N		
	3. Dust/fibres/particulates	N		
	4. Pests, birds & scavengers	N		
	5. Deposits on road	N		
g) Monitoring and records, maintenance and reporting	**1**. Monitoring of emissions & environment	N		
	2. Records of activity, site diary, journal & events	N		
	3. Maintenance records	N		
	4. Reporting & notification	C4		4.3.4
h) Resource efficiency	**1**. Efficient use of raw materials	N		
	2. Energy	N		

KEY: **C1, C2, C3, C4** = CCS breach category **(* suspended scores are marked with an asterisk),**
A = Assessed (no evidence of non-compliance), **N** = Not assessed, **NA** = Not Applicable, **O** = Ongoing non-compliance – not scored

Number of breaches recorded	6	**Total compliance score** (see section 5 for scoring scheme)	20.1

If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This Compliance Assessment Report is a split into the following sections:

1. Review of emissions to air
2. Review of OMA non-conformances
3. Review of Part A and B for fire alarm
4. Annual report
5. General

1) Emissions to Air

Requirement – Permit Section 3.1.2 (Emission Limit Values)

Finding

At present, the site is unable to meet the emission limit values to air for lead and particulates. The operator was required to submit a permit variation by 31/05/15 proposing new limits with regards to legal requirements. This involved the collation of air monitoring results to date, and a comparison with the sites baseline capability and relevant BREF BAT limits.

In a meeting 25/06/15, the site presented a review of emissions to air of lead and particulates from points B6, B7 and B24, with the purpose of measuring worst case concentrations. It was found that limits for B7 were being met due to the air abatement system being replaced 18 months previously. 90% of the site air discharge is from spray dryer B6, with 10% form B24. The operator noted that product PC5A gave the best overall representation of lead emissions, and that there is a direct link between lead and particulate concentrations. PC5A is not run through B24. Therefore it was decided that air monitoring should be carried out on B6 when PC5A is being run.

The deadline for the emission limit value proposal to allow the site to submit a permit variation application was extended to the year end on 21/09/15. This was due to the fact that site production plans changed and there was insufficient run times to allow accurate MCERTS data to be collected.

The site presented work to date regarding air monitoring during a site visit 25/11/15, with good progress being made. A further round of monitoring was arranged for 17/12/15 for emission points B6, B7 and B24. Therefore the variation application year-end deadline was not met.

Requirement – Permit Section 3.1.2 (Emission Limit Values)

Emission limits to air were breached for points B6 and B24 on 29/10/15 and 17/12/15 respectively. B6 reported 0.56mg/m^3 lead versus the emission limit value of 0.2mg/m^3, and B24 reported 20.1mg/m^3 particulate against the emission limit value of 2mg/m^3. The monitoring was being carried out as part of the air emission limit values review.

Compliance/ Action

E1 CCS3 breach Operator is to submit a variation proposing changes to the relevant emission limit values to air by 28/02/16. To include:

1. BAT review, site operation and monitoring results
2. Review of process optimisation.

2) <u>OMA Monitoring Requirements</u>

Several non-conformances with the permit monitoring requirements were found in the Operator Monitoring Assessment dated 08/12/14. Specific actions were required to resolve these by 31/05/15, however due to staff changes and the scope of the work required the deadlines were extended to 31/08/15, and again extended to the year end.

The Environmental Management System was reviewed on 25/11/15. Good progress has been made with regards to monitoring requirements, responsibilities, procedures and training. The site is in compliance with the emission limits to sewer, as per CAR 16/07/15.

The following are on-going non-conformances from the Operator Monitoring Assessment (see CAR forms 27/02/15 and 25/06/15).

<u>Requirement – Permit Section1.1.1, 3.3.1, 3.3.2, 3.3.3 (General Management, Monitoring)</u>

C1 CCS3 breach

Hydra staff responsible for operating the ETP received training regarding permit limits 24/11/15. Environmental training for the site is to be carried out once the EMS is complete.

Compliance /Action: Provide environmental training for site once EMS completed. Submit a copy of training plans for those responsible for environmental monitoring.

C2 CCS3 breach

The EMS is being updated to include detail on monitoring requirements and responsibilities. The work viewed on 25/11/15 was of good quality and should cover deficiencies found in the OMA.

Compliance /Action: Operator to confirm that the Monitoring Sections of the EMS is complete. This will be audited by NRW during 2016.

3) Part A 27/08/15 and Part B 07/09/15 Fire Alarm

On 14/08/15 a fire alarm was activated on site at 22:18. The alarm was automatically picked up by Advanced Signal Monitoring (ASM), however they were unable to contact a member of staff who could respond until 23:03. The staff member arrived at site at 23:17 and the alarm was cancelled at 23:18. The Fire Service arrived at 23:08 and left site at 00:17. MEC received one complaint from a local resident at 23:08.

An internal investigation found that the cabling on test pieces in the Vosch oven had degraded at 190^{o}C causing smoke which activated the fire alarm. The oven had been transferred several years previously from another site and the cable was not suitable for its current use. The cable has since been replaced with one which is able to withstand the temperature currently used of 250^{o}C and above.

The Fire Service requested that site confirm that there was smoke before attending as they will not automatically attend. This, combined with the slow response form the site to the alarm meant that the Fire Service were not on site until 80 minutes after the initial alarm. MEC have met with the Fire Service to discuss the attendance arrangement, and MEC are to write to the Fire Service to request that they attend any alarms out of hours without the need for MEC to confirm smoke/fire.

Requirement – Permit Section 1.1.1 (General Management)

Finding

Undersized cabling started to degrade causing a small amount of smoke.

Compliance/Action

B5 CCS3 breach

Ensure the Environmental Management System (EMS) contains procedures for the change of use of plant/ equipment. Submit procedure to NRW by 31/03/16.

Requirement – Permit Section 1.1.1 (General Management)

Finding

The emergency response procedures were inadequate for dealing with a site alarm, resulting is a response time of 1 hour. The list of alarm responders was not up to date.

These issues were discussed during the site inspection 25/11/15, and MEC have reviewed and updated their emergency contacts and procedures. MEC have discussed response with the Fire Service as they will not attend the alarm automatically. MEC are to write to the Fire Service to request that they do attend automatically, especially at night when the site is unattended.

Compliance/Action

D2 CCS3 breach

The list of alarm responders needs to be reviewed and updated periodically and this should be within the EMS.

The site needs to carry out a risk assessment as to the response of the Fire Service and whether this is acceptable.

Submit to NRW by 31/03/16.

4) Annual Reports

Annual Reports Air 1, Sewer 1, Waste 1, Water Use 1, Energy 1 and Performance 1 were submitted 05/02/16, the deadline being 31/01/16. Please ensure that the site has procedures to submit the report within the deadline.

Please complete the uncertainty value for sewer results.

5) General

Requirement – Permit Section 4.3.4

The site permit is for Morgan Technical Ceramics Ltd although the company now operates as Morgan Advanced Materials Ltd. NRW needs to be notified of this change as required by permit section 4.3.4. This was requested in the CAR dated 26/06/15.

G4 CCS4 breach

Compliance/ Action

Notify NRW of the change of company name by 28/02/16.

Waste

The sludge from the effluent treatment plant was rejected by the Consignee on 18/11/15, due to the lead content of the waste. Consignment note CAA461T0412 was reviewed. The EWC 060502* seems appropriate, although Part B of the consignment note needs to include lead in the 'component' section rather than 'ceramic'. It is ultimately your responsibility to classify this, so it would be worth looking through the Technical Guidance WM3 to ensure it is correct. Your classification may affect the disposal options available.

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Operator/ Permit	Morgan Technical Ceramics Limited	Date	25/11/2015

Section 3- Enforcement Response	**Only one of the boxes below should be ticked**
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.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	X
We will now consider what enforcement action is appropriate and notify you, referencing this form.	

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	**CCS Category**	**Action Required/Advised**	**Due Date**
See Section 1 above			
B5	C3	See details section	31/03/16
C1	C3	See details section	31/03/16
C2	C3	See details section	31/03/16
D2	C3	See details section	31/03/16
E1	C3	See details section	28/02/16
G4	C4	See details section	28/02/16

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 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 which 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 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 the officer's line managers. 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.