

## Compliance Assessment Report CAR\_NRW0040027

**Permit being assessed:** NP3030BJ.

For: Enersys Newport , held by Enersys Ltd

At: Enersys Ltd , Stephenson Street , Newport, Newport, NP19 4XJ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 15/06/2022 between 10:00 and 15:00.

Parts of permit assessed: Site Inspection

**NRW Lead Officer:** Rebecca Green, accompanied by Luke Burton.

**Report sent to:** Jeff Bull, EHS Manager on 21/06/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	

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
A1	See Actions in Section 4 "Details of our Assessment"	15/07/2022

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

This visit was requested by Natural Resources Wales (NRW), the purpose being to meet the new site management and environment team, to review various procedures and to review actions from several compliance assessment report (CAR) forms.

### **Agenda**

1. Introductions and business update.
2. Lead spill incident 9<sup>th</sup> April 2021 (CAR\_NRW0038844)
  - Waste disposal documentation;
  - Results from ambient monitor.
3. Ambient sampling and analysis (CAR\_NRW0038859)
  - Contract for ambient sampling and analysis;
  - New site for ambient monitor (during site inspection).
4. Sampling from W1 (CAR\_NRW0039196)
  - Sampling procedures;
  - Sampler and location (during site inspection).
5. Procedures
  - Notification procedures;
  - CAR form review, implementing and completing actions.
6. Fire 3<sup>rd</sup> May 2022
  - Records;
  - Root cause analysis, identification and implementation of corrective and/or preventative measures;
  - Waste disposal and interceptor cleaning documentation.
7. AOB
8. Site inspection
  - Ambient air monitors, new site;
  - W1 and sampler;
  - Effluent treatment plant;
  - Filling line.
9. Review, future regulation and close.

Present for all or part of the meeting:-

TG, Plant Manager, EnerSys;

MR, EHS Manager, Europe, EnerSys;  
JB, EHS Manager, EnerSys;  
KD, EHS Advisor, EnerSys;  
JD, Environmental Lead, EnerSys;  
Luke Burton, Senior Officer, Industry Regulation South East (IR SE), Natural Resources Wales (NRW);  
Rebecca Green, Senior Officer, IR SE, NRW.

### **1. Introductions and Business Update**

Introductions were made and business matters briefly discussed.

The EU are due to issue new Battery Regulations, probably by Q1 2023. MR asked whether they would be implemented in Wales. RVG will ask the relevant NRW team for clarification.

Lead (Pb) is being reviewed by the EU as a substance of very high concern under REACH. This may lead to changes in the Seveso Directive and the COMAH Regulations. RVG asked MR to keep her updated.

### **2. Lead Spill Incident**

No data from the ambient air monitors was retrievable for the time around the date of the incident.

The Consignment Note for the disposal of the water from the interceptor was seen.

The supplier of the red Pb has not been audited.

The only hazardous materials delivered by tanker are sulphuric acid (H<sub>2</sub>SO<sub>4</sub>) and red Pb. "Safe Delivery of Hazardous Materials", ECM00603 was seen. It only covers red Pb; it does not include H<sub>2</sub>SO<sub>4</sub>.

**Action 1: Audit supplier of red Pb. To be completed by 31<sup>st</sup> December 2022.**

**Action 2: Add H<sub>2</sub>SO<sub>4</sub> tanker deliveries to procedure ECM00606. To be completed by 15<sup>th</sup> July 2022.**

### **3. Ambient Sampling**

The contractor that EnerSys use is fully MCERTS accredited but they are not ISO17025 accredited to analyse for Pb. They send the samples to an accredited laboratory for analysis. The contract was not seen.

**Action 3: NRW to be provided with copies of the contract, a full monitoring report and the laboratory analysis report. This could be completed as part of the planned operator monitoring assessment (OMA).**

**Action 4: EnerSys to verify that the testing laboratory is accredited for the analysis that they require. Forward the details to NRW by 29<sup>th</sup> July 2022.**

### **4. Sampling from W1**

ECM005 was seen and it describes the normal procedure, including the actions to take if the auto sampler is not working. There is no instruction in the procedure to purge the manual sampling line before taking a sample.

The auto sampler is a composite sampler with a single large collection vessel.

**Action 5: Attach instruction to purge the sampling pipe, before taking a sample, on or near the manual pump and add instruction to procedure. Send photographic evidence to NRW by 24<sup>th</sup> June 2022.**

### **5. Procedures**

Notification procedures were seen.

The compliance assessment (CAR) form review process is satisfactory. It is carried out by the

Environment, Health and Safety (EHS) team and communicated to relevant departments, if necessary, during daily meetings. The management team review CARs as part of their annual meeting. Due dates are added to the EHS team members' calendars.

Two spreadsheets are used by the EHS team to track actions and due dates. This could lead to confusion or due dates being missed. *EnerSys are advised to combine the information into one spreadsheet.*

## 6. Fire

EnerSys are to be commended on the efficacy of their incident management procedures and the thorough training of all the personnel concerned. There have been two recent incidents which could have resulted in environmental and health effects. Neither had any serious consequences because EnerSys dealt with them most efficiently.

Records of the incident were seen, including the "Unusual Event Report", the root cause analysis and subsequent actions. The documentation is comprehensive. The incident is still open.

41 tonnes of non-hazardous waste had been removed and the relevant documentation was seen.

Testing to determine the waste classification is either carried out on-site or by a nearby hazardous waste treatment company.

The interceptor will remain closed until it has been cleaned out. A local waste management company is due to do this within the next couple of weeks.

## 7. AOB

EnerSys are planning to install a new, electric drying oven in Cell 3, the acid filling area. They are also planning to change the casting method in one of the oxide mills which should be more efficient. NRW may wish to inspect the Management of Change documentation for these proposals once they are approved.

In RVG's opinion neither of these changes will require EnerSys to submit a variation for their permit as they come within the scope of permit condition 4.3.5 and there are unlikely to be any environmental consequences as a result of the proposed changes.

**Action 6: (Permit Condition 4.3.5 (a) and (b)). Send a full description of all aspects of the proposed changes to NRW at least 14 days before the changes are likely to become operational.**

## 8. Site Inspection

The new site for the ambient air monitor was seen. EnerSys asked if two monitors were necessary. The original permit contains an improvement condition, IC7, requiring EnerSys to monitor ambient emissions of Pb to air using a minimum of two monitors. (A copy of this version of the permit has been sent to EnerSys).

W1 and the associated sampling arrangements were seen and were generally acceptable. See action 5 above.

The location of the red Pb spill was seen.

One of the external banded oil storage containers was obviously damaged and generally appeared in a poor state of repair. The bunds were quite full. The others were in a better state of repair but all are showing signs of wear and tear.

**Action 7: Inspect all of the banded oil storage containers. Empty the bunds. Replace or repair those that are damaged. Send NRW photographic evidence that this has been completed by 16<sup>th</sup> September 2022.**

There were puddles of water on the floor in the waste storage area because it was being cleaned and tidied. We were told that this was due to be vacuumed up that day.

The new filling line was inspected and is much improved and more compact than the original equipment. The new drying oven can be installed here because the footprint of the filling line is so much smaller than the previous one.

The effluent treatment plant (ETP) and the discharge point were seen. The overflow was being recirculated back through the ETP, meaning that it is perhaps being treated twice. *It might be beneficial for EnerSys to review the operation of the ETP to determine if it is being used efficiently. NRW would like to receive a copy of the completed review.*

A short inspection of the rest of the factory followed and the process steps were explained.

#### **9. Review, future regulation and meeting close**

The findings of the meeting and the site inspection were discussed and reviewed.

JB asked if it would be possible to open some doors due to the hot weather. These doors help to minimise fugitive emissions and so RVG stated that she would rather they were kept closed, unless in an area where there were not likely to be fugitive emissions.

EnerSys are due an Operator Monitoring Assessment (OMA). This is a comprehensive review of all the sampling and monitoring arrangements and procedures relevant to the site. It will cover emissions to air, water and sewer and NRW would like four officers on site to conduct the OMA. It will probably take a full day. The date has not been set yet but is likely to be in late Q2 or Q3. RVG will send information to EnerSys explaining the process.

**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.