Compliance Assessment Report

Report ID: CAR_NRW0033785

This form will report compliance with your permit as determined by an NRW officer					
Site	Pont-y-Felin EPR/BR8212IK	Permit Ref	BR8212IK		
Operator/Permit holder	Knauf Insulation Ltd				
Regime	Installations				
Date of assessment	03/08/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	IC 2 - Baseline Report (Soil & Groundwater)				
Lead officer's name	Griffiths, David				
Accompanied by	Kay Roberts				
Recipient's name/position	Warren Christy/ EHS Manager	Date issued	03/09/2018		

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**
A1 - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
E2 - Emissions - Land and groundwater	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	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.

Number of breaches recorded	**0**	**Total compliance score** (see section 5 for scoring scheme)	0

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 Received the above Baseline report on the 1st February 2018 and was forwarded to our Technical Specialist in our Geoscience department for comment.

Baseline Site Condition Report. SWECO, 117478/JW/160321 (revision 3), May 2016

The Geoscience Team have received the above report to support the discharge of an improvement condition (IC-2) of permit BR8212IK/V004 (issued July 2015).

We have reviewed the report using the European Commission Guidance concerning baseline report under Article 22(2) of Directive 2010/75/EU on Industrial Emissions (2014c 136/03) (link below). This guidance has defined eight stages that should be followed to assess the site for Relevant Hazardous Substances (RHS) and how to report the baseline conditions for the site.

Unfortunately your consultant has not followed these defined stages which have made reviewing the report difficult. NRW would suggest the outline stages in the guidance are more clearly defined in future version of the report. Our comments flow these eight stages.

- **Stage 1 – identification of hazardous substances**
  For this stage you have submitted an Excel Spreadsheet with all the substances used on site. We assume you have identified all the substances on site – **ACTION this will be audited by NRW during a routine site inspection over the next few months**.

- **Stage 2 – relevant hazardous substances**
  Within the supporting spreadsheet you have then defined the substances that they consider to be Relevant Hazardous Substances (RHS).

- **Stage 3 – assessment of site specific pollution**
  For this stage you have assessed each RHS for its potential risk to controlled waters. It will be these RHS that they need to sample for on site.- **ACTION Knauf a routine sampled should be undertaken to check for the presence and concentration of these substances.**

- **Stage 4 – site history**
  You have reviewed the site history with historical Ordnance Survey maps and previous environmental reports completed over the years of operation of the site.

- **Stage 5 – environmental setting**
  The conceptual site model (CSM) is presented in written form (a cross section of site would have helped, but is not mandatory). Unfortunately, there is no raw data to back up the conceptual model, for example, the borehole and trial pit logs have not been included. **ACTION Knauf - Please clarify why this hasn't been included.** Therefore, we are unable to check if this is representative of the site. It may all be present in previous report, but the raw data needs to be included as part of this report for future reference.

- **Stage 6 – site characterisation**
  As part of the CSM all the sources of potential contamination (for both soil and groundwater) along with pathways and receptors being identified. This would have to be confirmed once the raw data is presented. **ACTION Knauf as per Stage 5 above.**

- **Stage 7 – site investigation**
  It appears that data from the previous site investigation has been used which is acceptable, but this data has to be representative of the site. There are no laboratory certificates to support the summary tables given in the report (tables 8.3 and 8.4). These tables only include the contaminants that were detected above LOD, so we do not know if all contaminants of interest (RHS) have been sampled. **ACTION Knauf - Please provide this information**

  From the Excel spreadsheet the likely suites of chemical testing should have included metals (Major ions), TPH (speciated), PAHs, BTEXs, VOC & SVOC (solvents), but as they have not submitted the laboratory certificate we are unable to check. **ACTION Knauf - please provide this information**

- **Stage 8 – production of baseline report**
  The report should follow the format of these defined stages – from the email (dated 05 July 18 to the Geoscience Team) the link to the EU guidance was given to your consultant to have a look at and use – there is a handy check list at the back of the guidance which is useful. The formatting of the report may not be important, but following the stages as given in the EU guidance are important to ensure all RHS have been included.

- Monitoring Strategy

There are no details with the report for future sampling – **ACTION Knauf - Please provide this information**

We would have expected details on location, sampling suites (i.e. which contaminant), frequency and reporting methods. - **ACTION Knauf - Please provide this information**

Link to EU Guidance

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0506(01)&from=EN

PLEASE NOTE - All the above actions must be submitted in writing to NRW by the 24th September 2018

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Operator/Permit holder	Knauf Insulation Ltd	Date	03/08/2018

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. 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.