

Compliance Assessment Report CAR_NRW0040036

Permit being assessed: BR8212IK.

For: Pont-y-Felin EPR/BR8212IK, held by Knauf Insulation Ltd

At: Pont-y-Felin , Cwmbran, Torfaen, NP44 2YQ.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 25/07/2022.

Parts of permit assessed: All

NRW Lead Officer: Luke Burton.

Report sent to: Warren Christy, HSE & Systems Manager Cwmbran on 25/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C4 No impact	3.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Ongoing (O)	4.3.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
G1	Update and share with Natural Resources Wales: Your CEM procedures which include the the addition of the back up computer; the outcome of the CEM review; and, your decision regarding obtaining a 24-hour CEM maintenance call out contract.	26/09/2022
G4	Please send all future notifications via the Schedule 5 - Notification form contained within the permit. No due date: On-going requirement.	Already completed

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

On Thursday 26 May 2022 at 18:17 Knauf Insulation Ltd informed Natural Resources Wales via email that the site's Continuous Emission Monitor (CEM) stopped functioning at 16:00 due to a computer issue. Attempts were made to correct the issue but were unsuccessful, so the CEMs maintenance provider was asked to attend the following day. Just before the failure of the CEM the Emission Limit Values (ELV) for nitrogen oxide (NO₂) and particulates was not being exceeded and it was not expected these emissions would change in the proceeding hours.

On Friday 27 May 2022 at 14:11 Knauf Insulation Ltd informed Natural Resources Wales via email that further investigations had confirmed that it was only the site's NO₂ CEM that had failed and that the particulates CEM had remained operational. Further to this, it was discovered that the site's CEM computer hard drives had failed. The CEM maintenance provider was unable to attend, but the following interim plan was produced for the proceeding days: IT support and hardware parts to make the NO₂ reading temporarily available; replace/repair of the hard drive; and, hire of a CEMS unit in case of issues with the repair. From the start of the failure the furnace at the site was run in a routine manner.

On Friday 27 May 2022 at 16:19, following Natural Resources Wales requests, Knauf Insulation Ltd confirmed that the CEM failure occurred after the electrostatic precipitator shutdown /operation of the by-pass stack - Which Natural Resources Wales were made aware of on 16 May 2022.

On Tuesday 31 May 2022 at 18:03 Knauf Insulation Ltd informed Natural Resources Wales via email that from 16:30 that day the CEMs unit was fully operational and reading NO₂ emissions from the furnace on a continuous basis. The failure was corrected by the installation of a new computer which was installed and system calibrated that day. As a future back up plan to such a failure, the failed computer will be sent for repair, and pending investigation, kept at site to be available as an immediate back up. A full review of new CEMs systems will also be reviewed by Knauf Insulation Ltd and the maintenance provider with consideration then being made into purchasing a new system in the near future.

In response to the CEM failure and notification of that failure Natural Resources Wales will record the following non-compliances:

CEMS failure

Condition 3.3.1 states the operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: (a) point source emissions specified in tables S3.1 and S3.2. Table S3.1 states that NO₂ shall be monitored at a continuous monitoring frequency.

As NO₂ was not monitored at a continuous monitoring frequency condition 3.3.1 has been breached.

Natural Resources Wales has scored this breach as a Category 4 – A non-compliance that cannot foreseeably have any impact on the environment. This category was chosen as although NO₂ was not monitored at a continuous monitoring frequency, based upon proceeding and proceeding CEM data and that the furnace was run in a routine matter, it is reasonably foreseeable that the ELV for NO₂ was not exceeded and therefore this failure did not lead to a defined environmental incident.

Thank you for undertaking investigations and corrective actions to restore the CEM. Natural Resources Wales feel that the corrective actions could have been completed within a shorter timescale and the CEM brought back on-line sooner. Knauf Insulation Ltd have already undertaken actions (back up computer and review of CEM system) to partially address this concern. Natural Resources Wales welcome an update of the outcome of these actions but also recommend that Knauf Insulation Ltd invest in obtaining a 24-hour call out maintenance contract for CEMs, and associated infrastructure, repairs.

N.B. Whilst Natural Resources Wales has scored this breach as a Category 4 the importance of undertaking corrective actions as quickly as possible, particularly for CEMs should not be understated. Future delays in completing corrective actions for reinstating CEMs may therefore be categorised as posing a greater threat, which may affect your annual subsistence fees.

Action Knauf Insulation Ltd: Update and share with Natural Resources Wales: Your CEM procedures which include the the addition of the back up computer; the outcome of the CEM review; and, your decision regarding obtaining a 24-hour CEM maintenance call out contract.

Notification of CEMS failure

Condition 4.3.1 (b) states in the event of a breach of any permit condition the operator must immediately— (i) inform Natural Resources Wales, and (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time. Condition 4.3.2 goes further to state any information provided under condition 4.3.1 (b)(i) where the information relates to the breach of a limit specified in the permit shall be confirmed by sending the information listed in Schedule 5 to the permit within the time period specified in that schedule. Schedule 5 (b) Notification requirements for the breach of a permit condition states, to be notified within 24 hours of detection.

Thank you for notifying Natural Resources Wales of the CEMs failure. As the notification of the CEMs failure was provided via email within 24 hours, this condition has not been breached. However, Knauf Insulation Ltd are reminded to notify Natural Resources Wales of all permit breaches via the Schedule 5 - Notification form contained within the permit, rather than via email.

Action Knauf Insulation Ltd: Please send all future notifications via the Schedule 5 - Notification form contained within the permit.

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 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

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.