

## Compliance Assessment Report CAR\_NRW0040179

**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 22/07/2022 - 05/08/2022.

Parts of permit assessed: Emissions and Monitoring. Notifications.

**NRW Lead Officer:** Luke Burton.

**Report sent to:** Warren Christy, HSE & Systems Manager Cwmbran on 05/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E1 - Emissions - Air	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?

No action required.

### 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 24 June 2022 Knauf Insulation Limited informed Natural Resources Wales of a planned mainline production shutdown to undertake maintenance operations – Namely the

replacement of the refractory joining the furnace and stack.

The maintenance operations required the glass pull rate through the furnace to be reduced which had the potential to damage the Electrostatic Precipitator (EP) through temperature reductions and condensate build up.

To limit the possibility of damage to the EP, the stack / EP by-pass would be operated if temperatures reduce – In this event, emissions would be released unabated and unmonitored. Therefore, as a precautionary measure, an EP shutdown notification was provided to Natural Resources Wales on 24 June 2022.

On 22 July 2022 Knauf Insulation Limited informed Natural Resources Wales via a Schedule 5 Notification that Oxides of Nitrogen (expressed as NO<sub>2</sub>) for emission point A1 – Furnace stack reached a 24 hour daily average of 331 mg/m<sup>3</sup> between 11/07/2022 06:00 – 12/07/2022 06:00 during the planned maintenance shutdown.

The Schedule 3 emission limit value for emission point A1 for – Furnace stack for Oxides of Nitrogen is 300 mg/Nm<sup>3</sup>.

The root cause of the emission limit exceedance was the glass pull rate into the furnace being reduced which resulted in various parameters on the furnace undertaking significant changes, causing the emissions of oxides of nitrogen to rise.

Furnace operators did not have view emissions readouts, so were unaware of the breach. Various parameters were adjusted on the furnace control to stabilize the furnace which brought the emission value back below 300 mg/m<sup>3</sup> after 06:00 on 12/07/2022. Emissions of oxides of nitrogen have remained below 300 mg/m<sup>3</sup> since this.

During the shutdown period, the by-pass stack was not used, meaning the EP remained operational throughout, and emissions of particulates within the emission limit value.

#### Emission Limits

In response to the emission limit exceedance:

Condition 3.1.2 states the limits given in schedule 3 shall not be exceeded.

As the limit was exceeded by 31 mg/m<sup>3</sup> condition 3.1.2 has been breached.

Natural Resources Wales have not scored this exceedance as a breach. This approach was chosen because adequate stack dilution and dispersion would have limited any potential impact during the 24-hour breach. Further to this, if the by-pass stack had been operated (as approved), pollution would have escaped unabated, unmeasured, and likely at higher levels than recorded.

It is Natural Resources Wales' understanding that large shutdowns involving the site's furnace may result in reductions in raw material loads/pull rate and their difficult to control, associated furnace changes and associated emissions. Natural Resources Wales' ongoing expectation is that Knauf Insulation Limited continue to inform us of any planned changes to operating procedures and bring any associated emission exceedances back into compliance with limits as soon as possible through the adjustment of furnace

parameters – As they have done on this occasion.

#### Notification

In response to the notification timescale:

Condition 4.3.2 states any information provided under condition 4.3.1 (a)(i), or 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 this permit within the time period specified in that schedule. The time period specified is 'to be notified Immediately' which is interpreted to mean within 24-hours.

As the notification was provided 9 days late, condition 4.3.2 has been breached.

Natural Resources Wales have not scored this delay as a breach. This approach was chosen because a cyber security attack affected Knauf Insulation Limited's ICT system, as reported to Natural Resources Wales on 30 July 2022. The attack meant manual readings of the continuous emission monitoring system were being made and extrapolated using manual techniques. Despite best efforts, this allowed the emission limit exceedance to become unnoticed and reported late. Further to this, adequate stack dilution and dispersion would have limited any potential impact during the 24-hour breach and if the by-pass stack had been operated (as approved), pollution would have escaped unabated, unmeasured, and likely at higher levels than recorded.

It is Natural Resources Wales' understanding that cyber security attacks affecting emission measuring equipment do occur and may result in lapses in monitoring. Natural Resources Wales' on-going expectation is that Knauf Insulation Limited continue to inform us of any cyber security attacks as soon as possible, and their associated contingency measures and permit breaches – As they have on this occasion.

As discussed with Knauf Insulation Limited Natural Resources Wales will be undertaking an Operator Monitoring Assessment (OMAs) under the Environmental Permitting (England and Wales) Regulations 2016, of air emissions at your site in 2022. OMAs assess the quality of your monitoring procedures and give you and us confidence that they are fit for purpose.

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.