

## Compliance Assessment Report CAR\_NRW0040359

**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:** Report/Data Review, Reason: Routine.

On 07/09/2022.

Parts of permit assessed: Schedule 5 Notification - Emissions to Water 20th July 2022

**NRW Lead Officer:** Rebecca Green.

**Report sent to:** Joseph Davies, EHS Advisor - Environmental Lead on 07/09/2022.

### 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               | Action only (X)   |                          |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | Action only (X)   |                          |
| E3 - Emissions - Surface water                                                                                 | C4 No impact      | 3.1.2 Emissions to Water |
| A1 - Specified by permit                                                                                       | Assessed (A)      |                          |
| C2 - General Management - Management system and operating procedures                                           | 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 |
|------------------------------------------|----------------------------|
| 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       | Modify analysis method so that it measures total, not dissolved, lead.                   | 09/09/2022        |
| G4       | Notify NRW at the first detection of an ELV exceedance. Do not wait for re-test results. | 09/09/2022        |
| E3       | None                                                                                     | 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 2<sup>nd</sup> September 2022 Natural Resources Wales (NRW) received a Schedule 5 Notification from EnerSys that the emission limit value (ELV) for lead (Pb) emissions to water had been exceeded on 20<sup>th</sup> July 2022. EnerSys had requested a sample re-test and these results were received on 1<sup>st</sup> September 2022.

**NRW should have been informed within 24 hours of the detection of the first ELV breach, regardless of whether a re-test had been requested.**

The Pb concentration in the first sample was 3.41 +/- 0.76mg/L and in the re-tested sample it was 2.97 +/- 0.66mg/L. The ELV is 2mg/L. EnerSys internal analysis showed a concentration of 1.35mg/L.

EnerSys have not been able to determine the cause of the breach. The interceptor was cleaned out on the 1<sup>st</sup> July 2022, this may have disturbed some sediments which could have contaminated the sample, causing a high Pb concentration. External analysis of a sample taken on 27<sup>th</sup> July 2022 shows that the majority of the lead is present as insoluble compounds, (total Pb ~1mg/L, dissolved Pb ~0.01mg/L).

The discrepancy between the external analysis and EnerSys analysis results is due to the fact that EnerSys analyse for dissolved Pb, whereas the external lab analyse for total Pb.

**EnerSys should modify their ICP analysis method so that it measures total, not dissolved, Pb.**

EnerSys have only been issued with a Cat 4 non-compliance for this breach because there was no, or very little, flow from the interceptor to the re-en due to the prolonged dry spell and therefore the risk to the environment was minimal.

**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.