

This form will report compliance with your permit as determined by an NRW officer

Site	Energys Newport	Permit Ref	NP3030BJ		
Operator/Permit holder	Energys Ltd				
Regime	Installations				
Date of assessment	13/12/2018	Time in	12:25	Out	16:10
Assessment type	Unknown				
Parts of the permit assessed	Change in operations; COMAH advice				
Lead officer's name	Green, Rebecca				
Accompanied by	Kemp, Andi				
Recipient's name/position	Adam Holbrook/ EHS Manager, EMEA	Date issued	20/12/2018		

## 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	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
D2 - Incident Management - Accidents, emergency and incident planning	A	
E1 - Emissions - Air	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.

<b>Number of breaches recorded</b>	<b>0</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0</b>
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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

EnerSys requested a meeting with Natural Resources Wales (NRW) to discuss the design and installation of an acid dilution plant and also the likelihood of their becoming a lower tier COMAH site due to an increase in material inventory. There was no formal agenda for the meeting.

### Present

LO, Manufacturing Manager, EnerSys, (E);  
AB, Plant Engineering Manager, E;  
CR, Process/Project Engineer, E;  
AH, E H S Manager, EMEA, E;  
MR, H & S Specialist, EMEA, E;  
PT, E H S Advisor, E;  
DR, E H S Officer, E;  
Andi Kemp, Compliance Officer, PPC & COMAH, NRW;  
Rebecca Green, Compliance Officer, PPC, NRW.

### 1. Acid Dilution Plant

The present system is labour intensive and poses risks to the health and safety of those operating the process and so E have decided to invest in a purpose built acid dilution plant. The plant will be housed outside under a canopy to protect it from the weather and will sit in a bund. Acid will be bought in at S.G. 1.4 and diluted to 1.28 in a batch process. The existing demin water plant will supply the water. Sodium hydroxide, bought in at ~50%, will replace the sodium sulphate presently added to the acid as a conditioner. The diluted acid will be stored in a holding tank and piped to the filling lines through the existing supply system. The whole process will be controlled by a PLC.

There are no boreholes in the proposed vicinity.

This project is in its early stages and so a lot of the detailed design information is unavailable at the moment. There was a long discussion about design specifications and protection against electrical, electronic and mechanical system failures. Control systems and the need for abatement of fumes were also discussed. The Environmental Management System will need extensive review to ensure that all aspects of the new plant are incorporated. A list of questions concerning the precise details of all aspects of the plant has been sent to E under separate cover.

All documentation relating to the design and build of the acid dilution plant, including decisions taken and the reasoning behind them, should be available for inspection and reference in perpetuity.

Primary containment (eg. tanks) must be manufactured to the relevant standard using suitable materials, following the best practice guidance given in CIRIA C598 "Chemical storage tank systems - good practice". Secondary and tertiary containment (eg. bunds) should be built to the relevant standard with materials of a suitable standard, following the best practice guidance given in CIRIA C736 "Containment systems for the prevention of pollution".

All pipework should also be compliant with the latest relevant standard.

## **2. COMAH**

E propose increasing their inventory of lead materials above the 100 tonne threshold and will need to notify the Health & Safety Executive (HSE) that they have become a lower tier COMAH site. The discussion was led by AK, as the COMAH specialist, and covered what would be expected from E in order for them to comply with HSE's and NRW's expectations for a lower tier COMAH site. This process is likely to begin early in 2019.

**END.**

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0034357**

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### 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](mailto: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.