

## Compliance Assessment Report CAR\_NRW0041114

**Permit being assessed:** BP3635MR.

For: Port Talbot Steel Works , held by Harsco Metals Group Ltd

At: Port Talbot Work , Port Talbot, PORT TALBOT, Neath Port Talbot, SA13 2NG.

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

On 31/12/2022.

Parts of permit assessed: Q4 Monitoring Returns

**NRW Lead Officer:** Rhodri Morgan.

**Report sent to:** Paul Roberts, Environment Health and Safety Manager on 15/02/2023.

### 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 | C4 No impact      | 4.2.3            |

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 |
|----------|--|-------------|
| G4       | Update EMS to ensure that annual reporting requirements are completed by 31 January. | 31/01/2024  |

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

### Harsco

#### Site Description

The main purpose of the Harsco activities at the Port Talbot installation are to serve the Tata Steel UK Limited steelworks processes (EPR/ BL7108IM). These activities are directly associated with steel production and include slag handling, metal recovery, iron plating, scrap metal management, metal cutting and lancing and waste oxide briquetting.

#### Purpose of Compliance Assessment

The following monitoring returns and reports have been assessed within this Compliance Assessment Report (CAR):

1. Q4 2022 Monitoring Returns
2. 2022 Annual Returns

#### Compliance Assessment

##### 1. Q4 2022 Monitoring Returns

Harsco submitted their Q4 2022 monitoring returns on 25 January 2023, which is within the specified reporting window, representing compliance with the permit condition (4.2.2).

The permit requires the operator to monitor the following parameters on a quarterly basis:

| Emission Point | Parameter          | Emission Limit Value | Monitoring Frequency                            |
|----------------|--------------------|----------------------|---|
| AS 3           | Particulate Matter | 20 mg/m3             | Continuous                                      |
| AS 4           | –                  | –                    | Assessed visually when every slag pot is tipped |

We have assessed the operator's monitoring returns and note the following:

- The results recorded at AS 3 (Lancing Booth Stack) are within the permitted limit (20 mg/m3).
- Visual observations of slag pot tipping have been provided in table form, with tipping assessment numbers based on the Ringlemann chart. The majority (86.3 %) of the tipping assessments have been classed as a shade 2.

Operational parameters for both emission points and metal recovery have also been provided for the quarter, in compliance with permit condition 4.2.2.

## 2. 2022 Annual Returns

The operator is required to submit an annual report on the performance of the activities over the previous year by 31 January as per condition 4.2.3. Harsco submitted their annual report on 15 February 2023; outside of the specified reporting window.

**As a result of this reporting failure, a non-compliance score of C4 has been recorded against G4 – Reporting and notification to Natural Resources Wales.**

**Action 041114/1:** Update EMS to ensure that annual reporting requirements are completed by 31 January.

The annual submission consisted of the following documents:

- Form Particulate 1 / 02/03/16
- Form Performance 1 / 02/03/16
- EPR-BP3635MR Annual Performance Report 2022

The annual submission contained all the required information in accordance with permit condition 4.2.3.

The annual stack testing was undertaken on 19 October 2022 in accordance with permit condition 3.5.1. An emission value of 14.6mg/m<sup>3</sup> was recorded during the monitoring; below the emission limit value of 20mg/m<sup>3</sup>.

**Note:** This CAR report and assessment was undertaken on 15 February 2023. However, to ensure that any non-compliance scores are attributed to the correct financial year (for billing) the date on the CARS system has been altered to 31 December 2021.

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.