

Compliance Assessment Report CAR_NRW0041234

Permit being assessed: BL4567IZ.

For: Clydach Nickel Refinery, held by Vale Europe Limited

At: CLYDACH REFINERY, Clydach, Swansea, Swansea, SA6 5QR.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 31/12/2022.

Parts of permit assessed: Monitoring Information

NRW Lead Officer: Gary Evans, accompanied by Lee Mills.

Report sent to: Richard De Filippo, Safety, Health & Environment on 17/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Assessed (A)	
E3 - Emissions - Surface water	C3 Minor	3.1.2 (W1 temperature)
E3 - Emissions - Surface water	C3 Minor	3.1.2 (W1 Nickel)

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
E3	Improve operations	Already completed
E3	Improve operations	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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Introduction

This Compliance Assessment Report (CAR) is a written record of permit notifications in 2022 (Part A and Part B Notifications). Natural Resources Wales (NRW) were formally notified (Part A notification as required by permit conditions) of the following permit breaches.

Permit Notification 2022 01

Date and time of monitoring - 16 April 2022

Emission point reference/ source – W1

Limits - 20 (°C) above canal extraction temperature

Results - 20.7 (°C) difference – Swansea Canal – 9 °C & W1 – 29.7 °C

(CCS Score 3)

The above notification was not recorded as a permit breach and the company confirmed in Part B remedial actions: -

- Environmental Impact Assessment has been undertaken in relation to water temperature discharge to the river as part of the sites on-going Cooling Water Improvement Project.
- Maintenance programme and usage of adiabatic coolers on the cooling circuit to lower average water temperature being received by Effluent Treatment Plant.

Permit Notification 2022 02

Date and time of monitoring - 9 September 2022

Emission point reference/ source – W1

Limits - Total Nickel 2mg/l and Soluble Nickel 2mg/l

Results - Total Nickel – 2.32 mg/l and Soluble Nickel – 2.26 mg/l

(CCS Score 3)

The above notification was not recorded as a permit breach and the company confirmed in Part B the remedial actions -

- Daily composite sample taken from W1 outfall on 09.09.22 tested by QA lab as per monitoring requirements the Total Nickel and Soluble Nickel parameters were elevated above the limit. Daily composite samples taken from W1 on 10.09.22 and 11.09.22 have also been tested and were well below the limit confirming return to permit compliance.
- Improvement actions have been identified following the breach - enhancements to flow rate alarms and level control monitoring to be implemented within the plant operation to maintain optimum plant performance.

The monitoring result submitted by the company in Q3 show results for total nickel and soluble reduced based on the permit limits to 0.3mg/l and 0.23mg/l.

Classification of the permit breach according to the NRW Compliance Classification Scheme (CCS) and EPR compliance.

Section 3 (3.1) of the environmental permit states:

3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1, S3.2 and S3.3.

3.1.2 The limits given in schedule 3 shall not be exceeded.

NRW considers that permit condition 3.1.2 was breached in respect of the above sections and have been scored in accordance with the NRW Compliance Classification Scheme.

It is concluded that as a result of the above minor permit breaches the operator has received an NRW warning which is recorded on this CAR form. The resultant enforcement action of this warning reflects on the scale and potential environmental impact of the permit exceedances and importantly other factors such as no-intent, operator response / co-operation, and the corrective actions taken to prevent a reoccurrence.

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.