Compliance Assessment Report

Report ID: CAR_NRW0035180

This form will report compliance with your permit as determined by an NRW officer					
Site	Enersys Newport	Permit Ref	NP3030BJ		
Operator/Permit holder	Enersys Ltd				
Regime	Installations				
Date of assessment	12/07/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	IC17 Progress in meeting NFM BATc Report				
Lead officer's name	Green, Rebecca				
Accompanied by					
Recipient's name/position	Jack Brimble/ Environmental Lead	Date issued	18/07/2019		

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	C4	IC17
	C4	IC17
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	A	
E1 - Emissions - Air	A	
E3 - Emissions - Surface water	A	
E4 - Emissions - Sewer	A	
E5 - Emissions - Waste	A	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	
H1 - Resource Efficiency - Efficient use of raw materials	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.

Number of breaches recorded	**2**	**Total compliance score** (see section 5 for scoring scheme)	0.2

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

The report on EnerSys' progress in meeting the requirements of improvement condition IC17 was first received on 30th May 2019. This report was not accepted. Two further versions were sent; one on 26th June which was not accepted and a third on 12th July 2019 which has been accepted.

EnerSys do not seem to fully appreciate that compliance with the BAT Conclusions (BATc) is mandatory and must be completed by 30th June 2020, which is now less than a year away.

IC17 states:
"The operator shall submit, for approval by Natural Resources Wales, a report setting out progress to achieving the BAT Conclusions and BAT-AEL's where BAT is currently not achieved, but will be achieved by the 30th June 2020. The report shall include, but not be limited to, the following:

1. Current performance against the BAT Conclusions and BAT-AEL.
2. Methodology for reaching the AELs.
3. Associated targets / timelines for reaching compliance by 30th June 2020.

The report shall address all of the relevant BAT Conclusions."

The report shall be submitted annually on the 1st May.

Natural Resources Wales (NRW) agreed to extend the due date for 2019 to 1st June due to recent personnel changes at EnerSys. However, amendments were not addressed in a timely manner and the final version was submitted more than a month late.

None of the submitted versions of the report were of the standard required from an operator regulated under the Environmental Permitting Regulations (EPR) for a Schedule 1 activity.

This report addresses each BATc in the Non-ferrous Metals Best Available Techniques reference document (BREF), its relevance to EnerSys and progress towards meeting the BATc or the BAT AEL. It uses a traffic light system to indicate whether the operator is in compliance, partially compliant or not compliant with the BATc. This system is very clear and an innovative idea.

EnerSys is compliant with the following BATc -
1, 2, 4, 5, 6, 8, 11, 14, 15, 18, 19, 91, 92, 93, 101.
BAT 3: Compliant, but item b is not adequate.
b - answer refers to energy, which is not relevant. No evidence of good mixing given.
f - the critical **process** parameters should be monitored internally, not just by an external contractor. pH monitoring should be carried out on the scrubber, not only on discharge to sewer.
k - measurement of conductivity on the demin. plant is not relevant to ETP process control.
BAT 7: Compliant. Item f - PPE not relevant to EPR.
BAT 10: Compliant. Much more detail than required for BATc 10. This only requires you to state that all emission points are tested to a named standard at the specified frequency.
BAT 16: Compliant, but water sampling standard and frequency not addressed.
BAT 94: Compliant. Good explanation of abatement techniques. All emission points should be mentioned,

not just those that are monitored monthly. No proof that dust emissions are compliant with the BAT AEL of less than or equal to 5mg/Nm^3. The table is not necessary to address BAT 94.
BAT 96: Compliant. The table is relevant here. It should show measured lead and dust emissions for **all** emission points, which would be best expressed as an annual average.
BAT 97: Compliant. Cite the table in BAT 96 as evidence.
BAT 106: Not addressed even though EnerSys re-use some of their waste lead.

This response to IC17 shows that EnerSys are largely compliant with the BATc, however certain areas require improvement and this work must be completed by June 2020.
Action: EnerSys should review each BATc where they are non-compliant or partially compliant and also where responses are to conduct a survey and develop an action plan. ***The results of this review, any surveys and action plans should be sent to NRW by 1st December 2019.***
No evidence has been provided to confirm that dust emission levels are within the BAT AEL, which is a serious omission and is the reason for issuing one of the Cat 4 non-compliances.

Please avoid the use of meaningless phrases, such as "down-select" and jargon, for example "going forward". They do not convey any useful concept and merely serve to increase the word count of a document.
It is insufficient to state that EnerSys are compliant and then merely re-write the relevant BATc. Evidence must be provided to substantiate these statements.
Reports should be succinct, written in plain language and contain facts and evidence where necessary to support any statements. Please bear in mind that information submitted to NRW in response to a permit condition or notice is normally sent to the Public Register.
END.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0035180**

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Operator/Permit holder	Enersys Ltd	Date	12/07/2019

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			
A1	C4	Send NRW results for lead emissions to air from all emission points, averaged over at least a year.	30/08/2019
A1	C4	Provide NRW with evidence that dust emissions are compliant with the BAT AELs.	30/08/2019

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. 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.