

Compliance Assessment Report

Report ID:
CAR_NRW0034946

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

Site	Aberthaw Works EPR/BL3986ID	Permit Ref	BL3986ID		
Operator/Permit holder	Tarmac Cement and Lime Limited				
Regime	Installations				
Date of assessment	05/04/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	As indicated below				
Lead officer's name	Griffiths, David				
Accompanied by	Harvey, Caitriona				
Recipient's name/position	Kara Bennett/ Environmental Coordinator	Date issued	08/04/2019		

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	A	
C2 - General Management - Management system and operating procedures	A	
E1 - Emissions - Air	C3	3.2.1
	C3	3.2.1
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	

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)	8
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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

Tarmac Meeting Monday 18th March 2019 @ 10am at NRW St Mellons

NRW: David Griffiths (Regulatory Officer) and Caitriona Harvey (Team Leader Regulatory Industry)

Tarmac – Graeme Bride (Plant Manager) and Kara Bennett (Environmental Coordinator)

NRW arranged a meeting to discuss complaints received regarding Dust and Noise since the issue of CAR Form dated 3rd October 2018 Reference CAR_NRW0034200

The complaints received since this CAR Form are detailed below:

22-24/10/2018 – Dust from Packaging Plant – Bag Filter

28-29/10/2018 – Dust from Cooler Tubes

19/1/2019 – Dust due to Kiln Trip Clinker Dust

04/03/2019 – Dust Dirty Start up after Maintenance

05/03/2019 – Noise advisory from Tarmac directly – no complaint received

06/03/2019 – Dust Kiln Trip from Tarmac directly – no complaint received

13/03/2019 – Dust Clinker – Kiln Stop

16/03/2019 – Dust Clinker – Kiln stop

20/03/2019 – Dust Cooler Tubes

23/03/2019 – Dust Cooler Tubes

26/03/2019 – Dust – Road dust – no issues on site.

Noise Complaints

The noise complaints were noted by Tarmac when visiting a local resident, NRW did not receive any complaints directly. During certain weather conditions a noise from the works could be heard at a resident's property. Tarmac's investigations identified a potential source on site (Cement Mill).

Tarmac have agreed to undertake a noise survey, which will involve undertaking background measurements and will produce an update to the Noise Management Plan – **ACTION TARMAC**

Dust Management Improvements

Conical Shed Roof – Tarmac confirmed the roof has now been repaired and are installing three dust collectors that will place the building under negative pressure. – **ACTION COMPLETE**

Kiln Trips – Discussed the frequency of Kiln trips and "dirty start-ups". The main issue being when the Kiln

Trips the ID fan stops, and the pressure goes positive and unburnt product is left in the kiln. This unburnt product during start up can result in fugitive dust release. Tarmac are planning to design and install and new dust collection system that has been used in Ireland to manage this dust during these scenarios.

This is an inherent design issues with the technology used on and site and this new dust management system, once installed will hopefully prevent fugitive dust releases during start-up and shut down. NRW will discuss further with Tarmac once this project is being commissioned regarding Permit compliance during this time.

Packaging Plant

Tarmac confirmed that new bag filters have been installed and filter working as expected – **ACTION COMPLETE**

Cooler Tubes (Dust)

We discussed the inherent issues with the planetary coolers associated with this cement manufacturing technology. Routine and regular replacement of the cooler tubes in a planned maintenance programme is the only way of resolving dust related issue from this part of the plant. Tarmac do have a planned maintenance and replacement management plan in place to abate these issues - **ONGOING**

Permit Compliance

We discussed situations where a dust complaint is received and there was no root cause identified and there have been no issues at the works. You (Tarmac) presented data from your consultants Dustscan and concluded that on occasions your site is not the main source of dust impacted on the residents. Although the DustScan data does identify your site as contributing, it is difficult to ascertain what the impact your site has having in the overall deposition. NRW will review this data once received from Tarmac when the above situation arises.

With regards to complaints received and Schedule 5 Notifications where there is or has been issues on site that have or had the potential to cause a dust complaint. As section 3.2.1 in your Permit

Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable to minimise, those emissions.

Therefore, with regard to the recent dust complaints detailed in this CAR form. There seems to be two main issues:

1. Kiln shut downs and Start ups
2. Cooler Tubes Dust release

Therefore, NRW will be issuing two Permit Non-compliances a CCS3 Each for the main dust contributors (above) at this present time (as they are the main root causes). These two non-compliances will cover the dust complaints / site issues between 22nd October 2018 and 26th March 2019.

NRW will consider suspending CCS scores for specific projects as we discussed during this meeting. One potential project that may be worth pursuing further once CAPEX has been approved and the project has been commissioned is the new dust collection system for the Kiln.

NRW welcome discussing this further with Tarmac. Please note that as per discussion in previous CAR Form issued on the 8th November 2018 Suspension of CCS Scores can only be approved for projects with timescales for no longer than 6 months.

Total Organic Carbon (TOC)

Tarmac discussed the possibility of raising their TOC limit above the current limit of 50mg/m³.

BAT 24 says that; *In order to keep the emissions of TOC from the flue gases of the kiln firing processes low, BAT is to **avoid feeding raw materials with a high content of volatile organic compounds (VOC)** into the kiln system via the **raw material feeding route**.*

As we know the main source of TOC is typically organic material driven off the limestone when heated in the Pre-Heater Tower (PHT) pre-calcination and cannot be avoided other than via good quarry practices. If the however the TOC is from shale or other raw materials entering the PHT this BATC would apply and they should feed that material directly into the calciner.

There is no TOC BAT-AEL in the Cement & Lime BATC so we refer to Annex IV (Part 4) of the IED on Co-incineration that states that for cement kilns the ELV is 10mg/Nm³ unless they emission **does not result from the co-incineration of waste**. Therefore, if the TOC originates from organic material in the limestone NRW may grant a derogation

You already have an ELVs at 50mg/Nm³ so that 'derogation' must have been granted when the permits were first issued based on the organics within the raw material feed.

NRW believe that this 'derogation' under Annex IV is not the same as the derogation under BAT Conclusions i.e. and you don't need to make a formal derogation application, rather you need to (via a permit variation) set out your case to justify a higher TOC ELV.

Your variation would have to be based on the limestone quality and assess the associated air quality impact for agreement with NRW. We would need to be satisfied that you have taken all possible steps to avoid and blend organic material encountered at the quarry to minimise emissions as far as practicable.

NRW are willing to proceed further with these discussions if you have a valid case. Please note that this Permit Variation will not be straight forward due to the derogations aspects around Industrial Emissions Directive (IED).

IC6 - BASELINE REPORT – ABERTHAW CEMENT WORKS EAST ABERTHAW, BARRY

TARMAC TA1040/05 prepared by SIRIUS ENVIRONMENTAL FEBRUARY 2018

Comments from our GEOSCIENCE Team

1. NRW made comments on the land quality work arising from the IED Directive previously
2. You have an extensive data set from their July 2001 IPPC site report. This report has collected some additional soil data from the location of the new diesel store? Is the company claiming this is additional site reference data? The permit was issued in approximately 2001. That is the baseline reference. Can you clarify why this data has only just been collected now. Without justification it can't be considered to be reference data given the length of time since the permit was issued.

Reference EU Baseline Report Guidance

3. Appendix G is confusing. Can Tarmac identify:
 - A. Hazardous substances and confirm that these are hazardous under the CLP Regulation 1272/2008
 - B. Relevant hazardous substances.
 - C. Other potentially polluting substances (EPR2016 requirement).
[Stages 1 and 2 guidance]

To identify relevant hazardous substances consider the physical and chemical properties of each substance

such as its composition, solubility, toxicity, mobility, physical state and determine whether any of these substances are capable of causing soil and/or groundwater contamination.

1. Can Tarmac address the requirements of Stage 3 following the completion of Stages 1 and 2. In particular where relevant hazardous substances and other potentially polluting substances are stored mitigation measures.
2. – Stages 4,5, 6 and 7. The information in the submitted baseline report (including 2001 information) is satisfactory.
3. Stage 7 – existing monitoring protocols and/or sampling data should be reviewed to establish that it will address relevant hazardous substances and other potentially polluting substances.

Periodic Monitoring of Soil and Groundwater For RHS

The IED requires installations using, producing or releasing relevant hazardous substances to undertake periodic soil and groundwater monitoring where there is a possibility of soil and/or groundwater contamination. Periodic monitoring must take place if a baseline report has been produced. This must be at least once every five years for groundwater and every ten years for soil.

A monitoring plan to cover soil and groundwater must be submitted to and approved by NRW.

As monitoring data was last collected in 2001 or earlier soil and groundwater monitoring should commence once the plan is approved. (Improvement Condition 7). – **ACTION TARMAC**

Conclusion

Firstly, NRW welcome the site improvements to date and the continued focus on managing dust emissions from site and minimising the impact on the residents.

However, any dust release from site, whether it results in a complaint or not has to be regulated in accordance with your Permit. Therefore, on occasions a Permit non-compliance will be issued unless we have an agreed plan in place (Suspension of CCS scores for dust emissions) for a specific project that is time limited.

NRW welcome further discussions with you with regard to agreeing dust improvement plans and if you wish to proceed with the Permit variation for TOC and responses to IC6.

EPR Compliance Assessment Report

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Site	Aberthaw Works EPR/BL3986ID	Permit Ref	BL3986ID
Operator/Permit holder	Tarmac Cement and Lime Limited	Date	05/04/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
E1	C3	Improve Infrastructure	31/05/2019
E1	C3	Improve Infrastructure	31/05/2019

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.