

Compliance Assessment Report

Report ID:
CAR_NRW0035090

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

Site	Newport Semiconductor Plant EPR/BV7460ID	Permit Ref	BV7460ID			
Operator/Permit holder	Newport Wafer Fab Limited					
Regime	Installations					
Date of assessment	08/05/2019	Time in	12:45	Out	15:15	
Assessment type	Site Inspection					
Parts of the permit assessed	MCP application					
Lead officer's name	Green, Rebecca					
Accompanied by						
Recipient's name/position	Sarah Underwood/ Environmental Engineer	Date issued	10/05/2019			

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	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - General Management - Management system and operating procedures	A	
E1 - Emissions - Air	A	
E2 - Emissions - Land and groundwater	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	

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Newport Wafer Fab (NWF) requested this meeting with Natural Resources Wales (NRW) to discuss the installation and permitting of a new combined heat and power (CHP) plant and the proposed re-instatement of Fab 10.

Agenda

- 1). Site Boundary Change
 - timescale;
 - type of variation;
 - impact on current monitoring and reporting requirements.
- 2). CHP plant
 - permitting requirements;
 - timescale;
 - impact of new permit on requirements of existing permit;
 - type, standard rules or bespoke;
 - costs, application and subsistence;
 - requirements for additional monitoring points;
 - other permit conditions likely to come into force as a result of the new (varied) permit;
 - who submits the information to NRW.
- 3). Potential Future Changes
 - use of additional chemicals and/or extra locations around the site;
 - permitting requirements:
 - timescales;
 - costs, application and subsistence.

Present

SU, Environmental Engineer, NWF;
DM, Engineering Operations Manager, NWF;
Rebecca Green, PPC Compliance Officer, NRW.

1). Site Boundary Change

In view of the installation of the CHP plant, it would be better to apply for the boundary change as part of the application for the medium combustion plant (MCP) permit.

This would be a normal variation and would take about three months, once the application is duly made. NWF will need to show that they have groundwater and soil monitoring results for areas not previously within the permit boundary so that these can be included in the site condition report.

(H5 Site Condition Report Template - <https://naturalresources.wales/media/1213/site-condition-report-template.pdf>).

2). CHP

The CHP plant will require permitting under the MCP Regulations and, because it is a new plant, cannot be used until the permit has been issued. A Standard Rules permit will probably be appropriate as long as the qualification conditions can be met.

MCP guidance can be found here - <https://cdn.naturalresources.wales/media/687130/nrw-mcpd-guidance-interim-final.pdf?mode=pad> and

Application Forms and Standard Rules Permits here - <https://naturalresources.wales/permits-and-permissions/medium-combustion-plant-and-specified-generator-activities/?lang=en> .

The process will take about three months once the application is duly made and it will be a standard variation as the CHP will be part of the existing installation.

The new permit conditions will be incorporated into the existing permit, including the NOx monitoring requirements.

The application fee for a normal variation will be calculated from NWF's OPRA score x 57. There may be a slight increase in the annual subsistence fee.

An MCERTS compliant monitoring point will need to be installed in the stack from the CHP.

All the relevant information for the application should be submitted by NWF.

3). Potential Future Changes

The likely implications of any future developments were discussed. It is very difficult to give precise advice or estimates of costs and timeframes at this early stage of the process.

A permit variation will be required if abatement equipment differs from that already described in the permit, if emission points are moved or new ones installed or the substances emitted vary from those already permitted.

Once the permitted site boundary has been extended the use of additional chemicals in different site locations may only require NWF to formally inform NRW, unless the materials or locations will result in a change in emissions.

NRW very much appreciate NWF's foresight in consulting us so early and so openly about proposed developments on their Newport site.

END.

EPR Compliance Assessment Report

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Operator/Permit holder	Newport Wafer Fab Limited	Date	08/05/2019

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			

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.