

## Compliance Assessment Report CAR\_NRW0041249

<b>Permit number</b>	BX9455IF	<b>Operator name</b>	Hydro Aluminium UK Limited
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<b>Site name</b>	Hydro Aluminium UK Limited
<b>Site address</b>	Pantglas Industrial Estate, Bedwas, Caerphilly, CF83 8DR
<b>Assessment type</b>	Site Inspection

<b>Date of assessment</b>	07 December 2022	<b>Time in</b>	10:00	<b>Time out</b>	12:30
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<b>Parts of permit assessed</b>	See Part 4
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<b>NRW Lead officer</b>	Guy Baskerville	<b>Accompanied by</b>	N/A
<b>Report sent to – Name and position</b>	Michael Vernal HSE Manager	<b>Date</b>	17 February 2023

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
B1 Infrastructure – Engineering for prevention and control of emissions	C3 Minor	2.3.5
B4 Infrastructure – Containment of stored materials	C3 Minor	2.5.1
G3 Monitoring and records, maintenance and reporting – Maintenance records	C3 Minor	2.3.6

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

Total number of non-compliances recorded	Total non-compliance score
3	12

### 2. What action is required?

Criteria	Action needed	Complete by
B1	The operator shall submit to NRW a plan of works to provide the effluent treatment plant with appropriate secondary containment infrastructure, for approval. The plan shall have regard for the advice and guidance regarding design, construction and capacity as set out in document 'CIRIA 736: Containment systems for the prevention of pollution'. The submission must provide a reasonable timetable of works for agreement. The operator shall carry out the works in accordance with the approved plan and agreed timetable.	14 April 2023

Criteria	Action needed	Complete by
B4	The operator shall review waste storage and handling practices and instate measures to ensure that there are no releases to water or land during normal operation.	14 April 2023
G3	The operator shall instate a record of all plant and equipment used in operating the permitted installation, the failure of which could lead to an adverse impact on the environment. For those plant and equipment identified, the operator shall instate a written or electronic maintenance programme and take measures to maintain and retain records of the maintenance those plant and equipment..	14 April 2023

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 prosecutions and/or suspension or revocation of your permit.

### 4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter *NRW*) findings following an assessment of waste storage and containment measures.

#### Attendees:

#### Natural Resources Wales

Guy Baskerville [Senior Industry Regulation Officer]

#### Hydro Aluminium UK Limited

Michael Vernall (HSE Manager)

Condition 2.3.5 of the environmental permit states:

*All plant and equipment used in operating the Permitted Installation, the failure of which could lead to an adverse impact on the environment, shall be maintained in good operating condition.*

Concerns in relation to the condition of the secondary containment infrastructure serving the effluent treatment plant were raised in Compliance Assessment Report CAR\_NRW0038862, issued on 27 October 2021. An action set by CAR\_NRW0038862 is presented below.

*Action 4: Within 1 month from the date of this CAR form, Hydro shall submit a bund repair and improvement plan for written agreement to NRW taking into consideration the advice and guidance regarding design, construction and capacity as set out in document CIRIA 736. Hydro shall carry out and complete the repairs and improvements in accordance with the agreed plan, within 3 months from the date of agreement being reached.*

No submission was made with respect to Action 4 and the effluent treatment plant bund remains in a state of significant disrepair (see photo 1, 2 and 3).

**The operator has failed to maintain all plant and equipment in good operating condition which could lead to an adverse impact on the environment. This represents non-compliance with the environmental permit.**

**As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria B1: Infrastructure – Engineering for prevention and control of emissions**

A C3 score has been levied as it is reasonably foreseeable that the failure to provide the effluent treatment plant and waste filter cake storage area with appropriate secondary containment will result in a minor pollution of the environment.



*Action 1: The operator shall submit to NRW a plan of works to provide the effluent treatment plant with appropriate secondary containment infrastructure, for approval. The plan shall have regard for the advice and guidance regarding design, construction and capacity as set out in document 'CIRIA 736: Containment systems for the prevention of pollution'. The submission must provide a reasonable timetable of works for agreement. The operator shall carry out the works in accordance with the approved plan and agreed timetable.*





Condition 2.5.1 of the environmental permit states:

*The operator shall design, maintain and operate all facilities for the storage and handling of waste on the Permitted installation such that there are no releases to water or land during normal operation and that emissions to air and the accidental release to water or land are minimised.*

Waste filter cake produced by the effluent treatment plant is deposited directly into an open-topped skip within a covered building (see photo 4). The building roof and walls have fallen into significant disrepair and fail to stop rainfall entering the building. Spilt waste filter cake can be observed on the floor surrounding the skip and the rainfall is mobilising the spilt waste filter cake. A crude trench (see photo 5 & 6) and sump (see photo 7) has been dug into the concrete floor of the building in an attempt to prevent the mobilised spilt waste filter cake from escaping. The observed condition of the building's concrete floor, trench and sump is very poor and they are unlikely to be impermeable.

Waste machining swarf is stored in open topped skips outside the main processing building (see photo 8). The area where the skips are located does not benefit from an impermeable concrete pad or a sealed drainage system. Surface water gully pots are located nearby (see photo 9) and the condition of the concrete surface is poor (see photo 10). Machining oil, coolant and other pollutants coating the swarf may be mobilised by rainfall and enter surface waters and/or penetrate the ground.

**The operator has failed to design, maintain and operate facilities for the storage and handling of waste, such that there are no releases to water or land during normal operation. This represents non-compliance with the environmental permit.**

**As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria B4: Infrastructure – Containment of stored materials**

A C3 score has been levied as it is reasonably foreseeable that the failure to design, maintain and operate facilities for the storage and handling of waste, such that there are no releases to water or land during normal operation will result in a minor pollution of the environment.

*Action 1: The operator shall review waste storage and handling practices and instate measures to ensure that there are no releases to water or land during normal operation.*

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Condition 2.3.6 of the environmental permit states:

*The operator shall maintain a record of relevant plant and equipment covered by condition 2.3.5 and for such plant and equipment:*

- 2.3.6.1 a written or electronic maintenance programme; and*
- 2.3.6.2 records of its maintenance.*

The root-cause of the operator's failure to maintain plant and waste storage facilities is a failure to operate in accordance with a written or electronic maintenance programme. The operator was unable to provide evidence of a written or electronic maintenance programme relating to, or records of maintenance of, the secondary containment infrastructure serving the effluent treatment plant, the waste filter cake storage building or the waste swarf storage area.

**As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria G3: Monitoring and records, maintenance and reporting – Maintenance records**

A C3 score has been levied as it is reasonably foreseeable that the failure to operate in accordance with a written or electronic maintenance programme in order to maintain all plant, equipment and waste storage facilities will result in a minor pollution of the environment.

*Action 2: The operator shall instate a record of all plant and equipment used in operating the permitted installation, the failure of which could lead to an adverse impact on the environment. For those plant and equipment identified, the operator shall instate a written or electronic maintenance programme and take measures to maintain and retain records of the maintenance those plant and equipment..*

**[END]**

## 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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### 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.