

## Compliance Assessment Report CAR\_NRW0043668

<b>Permit number</b>	BX9455IF	<b>Operator name</b>	Hydro Aluminium UK Limited
----------------------	----------	----------------------	----------------------------

<b>Site name</b>	Hydro Aluminium UK Limited
<b>Site address</b>	Pantglas Industrial Estate, Bedwas, Caerphilly, CF83 8DR
<b>Assessment type</b>	Report/Data Review

<b>Date of assessment</b>	28 February 2024	<b>Time in</b>	N/A	<b>Time out</b>	N/A
---------------------------	------------------	----------------	-----	-----------------	-----

<b>Parts of permit assessed</b>	Monitoring and Reporting Requirements
---------------------------------	---------------------------------------

<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>	29 February 2024

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR4B - Information - Reporting	C4 No environmental impact	4.1.2 4.1.5
IR3E - Emission and Monitoring - Monitoring	C4 No environmental impact	2.10.1

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

Total number of non-compliances recorded	Total non-compliance score
2	0.2

### 2. What action is required?

Criteria	Action needed	Complete by
IR4B	Operator to re-submit sewer emissions monitoring report providing the correct data and sample dates for 2023. N.B. The operator must indicate on the form which parameters have not been monitored in 2023.  Operator to submit annual improvement targets summary report.	29 March 2024
IR3E	Operator to provide evidence of an emissions monitoring programme, the maintenance and implementation of which, will ensure that emissions are monitored from the specified points, for the parameters listed in and to the frequencies and methods described in table 2.2.8	29 March 2024

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) assessment against Hydro Aluminium UK Limited (hereafter 'the operator') **annual** [2023] monitoring and reporting requirements. NRW's assessment of the operator's monitoring returns data is outside the scope of this CAR and any non-compliance arising from an exceedance of a permitted emission limit will be recorded in a separate CAR.

Condition 4.1.2 of the environmental permit states:

*The operator shall, unless otherwise agreed in writing, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:*

- 4.1.2.1 in respect of the parameters and emission points specified in table S2 to Schedule 2;*
- 4.1.2.2 for the reporting periods specified in S2 to Schedule 2 and using the forms specified in S3 to Schedule 3;*
- 4.1.2.3 giving the information from such results and assessments as may be required by the forms specified in those tables; and*
- 4.1.2.4 to the Agency [sic] within 28 days of the end of the reporting period.*

Table S2 of Schedule 2 to the environmental permit is reproduced below.

Table S2 Reporting of monitoring data			
Parameter	Emission point	Reporting period	Period begins
Cadmium and its compounds (g/year)	S1	Annually	01/01/10
Cadmium and its compounds (mg/l)	S1	Annually	01/01/10
Chromium (mg/l)	S1	Annually	01/01/10
Copper (mg/l)	S1	Annually	01/01/10
Lead (mg/l)	S1	Annually	01/01/10
Mercury and its compounds (g/year)	S1	Annually	01/01/10
Mercury and its compounds (mg/l)	S1	Annually	01/01/10
Nickel (mg/l)	S1	Annually	01/01/10
Zinc (mg/l)	S1	Annually	01/01/10
pH	S1	Annually	01/01/10
Water usage	Installation	Annually	01/01/10
Energy usage	Installation	Annually	01/01/10
Waste disposal and/or recovery	Installation	Annually	01/01/10

Table S3 of Schedule 3 to the environmental permit is reproduced below.

Table S3 Reporting forms		
Media/parameter	Form number	Date of form
Sewer	S1	01/03/05
Energy	E1	01/03/05
Waste Return	R1	01/03/05
Water Usage	WU1	01/03/05

Monitoring report(s) were submitted via email on 31 January 2024.

The monitoring report(s) submitted do not include all reporting of monitoring carried out in respect of the parameters and emission points specified in schedule 2 table S2 which represents non-compliance with the environmental permit. The submitted report for sewer emissions indicate that the sample dates were in 2022 rather than 2023. On 21 February 2024, the operator verbally explained that the dates provided were an error. The operator also explained that the only sewer emissions monitored during 2023 were annual mass balance calculations for Cadmium and its compounds and Mercury and its compounds. This is reflected in a third party analysis report provided alongside the submitted monitoring reports.

The sewer discharge is co-authorised via a trade effluent consent issued by Dwr Cymru Welsh Water (DCWW), who undertake sampling and analysis of the effluent on a monthly basis. On 21 February 2024, the operator provided DCWW reports for monthly effluent analysis undertaken between October 2023 and January 2024 which indicate that the operator is not exceeding emission limits.

The monitoring report(s) submitted are for the reporting periods specified in schedule 2 table S2 which represents compliance with the environmental permit.

The monitoring report(s) have been submitted using the forms specified in schedule 3 table S3 which represents compliance with the environmental permit.

The monitoring report(s) submitted do not include results and assessments as required by the forms specified in schedule 3 table S3 which represents non-compliance with the environmental permit.

The monitoring report(s) submission was not made inside the reporting window which represents non-compliance with the environmental permit.

**As a result of the non-compliance with condition 4.1.2 and 4.1.5 (see later in this report), a consolidated CCS Score [C4] has been recorded against compliance sub-criteria IR4B - Information – Reporting.**

*Action: Operator to re-submit sewer emissions monitoring report providing the correct data and sample dates for 2023. N.B. The operator must indicate on the form which parameters have not been monitored in 2023.*

Condition 2.10.1 of the environmental permit states:

*The operator shall maintain and implement an emissions monitoring programme which ensures that emissions are monitored from the specified points, for the parameters listed in and to the frequencies and methods described in table 2.2.8, unless otherwise agreed in writing, and that the results of such monitoring are assessed. The programme shall ensure that monitoring is carried out under an appropriate range of operating conditions.*

Table 2.2.8 of the environmental permit is partially reproduced below.

Table 2.2.8: Emission limits and monitoring frequency to sewer				
Emission point reference	Substance	Limit	Monitoring frequency	Monitoring method <sup>note 1</sup>
S1	Chromium (total)	1.0 mg/l	Six-monthly	BS EN ISO 11885:1998, BS 6068-2.60:1998
S1	Cadmium and its compounds	0.01 mg/l	Annually	Compliance based on mass balance calculation
S1	Copper	1.0 mg/l	Six-monthly	BS EN ISO 11885:1998, BS 6068-2.60:1998
S1	Lead	1.0 mg/l	Six-monthly	BS EN ISO 11885:1998, BS 6068-2.60:1998

S1	Mercury and its compounds	0.005 mg/l	Annually	Compliance based on mass balance calculation
S1	Nickel (mg/l)	1.0 mg/l	Six-monthly	BS EN ISO 11885:1998, BS 6068-2.60:1998
S1	Zinc (mg/l)	2.0 mg/l	Six-monthly	BS EN ISO 11885:1998, BS 6068-2.60:1998
S1	pH	Not less than 6 and not greater than 11	Continuous	BS 6068-2.50:1995, ISO 10523:1984

Note 1: Or to an EN, BS, ISO of CA blue book standard as agreed in writing with the Agency [sic].

Condition 2.10.2 of the environmental permit states:

*The operator shall carry out environmental or other specified substance monitoring to the frequencies and methods described in table 2.10.1*

Table 2.10.1 of the environmental permit is partially reproduced below.

<b>Table 2.10.1 Other monitoring requirements</b>			
<b>Emission point reference</b>	<b>Substance</b>	<b>Monitoring frequency</b>	<b>Monitoring method</b> <sup>note 1</sup>
S1	Aluminium	Monthly	BS EN ISO 14403:2002, BS 6068-2.75:2002
S1	Flow	Continuous reported as hourly averages	As agreed in IP4

We determine that the root-cause of the operator's non-compliance with condition 4.1.2, via its failure to undertake and report monitoring carried out in respect of all parameters and emission points specified in schedule 2 table S2, is its failure to maintain and/or implement an emissions monitoring programme, which represents non-compliance with condition 2.10.1.

**As a result of this non-compliance, a CCS Score [C4] has been recorded against compliance sub-criteria IR3E - Emission and Monitoring - Monitoring.**

A CCS Score [C4] has been levied with consideration of the monitoring undertaken by DCWW, which indicates that the discharge is not exceeding permitted emission limits.

*Action: Operator to provide evidence of an emissions monitoring programme, the maintenance and implementation of which, will ensure that emissions are monitored from the specified points, for the parameters listed in and to the frequencies and methods described in table 2.2.8*

We acknowledge that the discharge is routinely monitored by DCWW in accordance with the trade effluent consent and that the monitoring and reporting requirements prescribed by the environmental permit may be considered duplication of effort. On 21 February 2024, the operator positted using DCWW monitoring and analysis data to populate the annual sewer monitoring reporting forms.

**Where the DCWW monitoring is undertaken as per the minimum frequencies and methods described in table 2.2.8 and 2.10.1, the data may be used to populate the annual sewer monitoring reporting forms.**

*Recommendation: Operator to seek approval from DCWW to routinely share its trade effluent monitoring data with NRW.*

Condition 4.1.4 of the environmental permit states:

*The operator shall review fugitive emissions, having regard to the application of Best Available Techniques, on an annual basis, or such other period as shall be agreed in writing by the Agency [sic], and a summary report on this review shall be sent to the Agency [sic] detailing such releases and the measure taken to reduce them within 3 months of the end of such period.*

An annual fugitive emissions summary report had not been submitted at the time of assessment. However, the 3-month reporting period does not elapse until 31 March 2024.

Condition 4.1.5 of the environmental permit states:

*Where the operator has a formal environmental management system applying to the permitted installation which encompasses annual improvement targets the operator shall, not later than 31 January each year, provide a summary report of the previous year's progress against such targets.*

An annual improvement targets summary report had not been submitted at the time of assessment.

The annual improvement targets summary report submission was not made inside the reporting window which represents non-compliance with the environmental permit.

*Action: Operator to submit annual improvement targets summary report.*

---

[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

### 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.

### If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

#### 1 - Management

- IR1A - General management
- IR1B - Finance (only applicable to Landfill)
- IR1C - Energy efficiency

- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

## 2 - Operations

- IR2A - Permitted activities
- IR2B - The site
- IR2C - Operating techniques
- IR2D - Technical requirements
- IR2E - Improvement programme
- IR2F - Pre-operational conditions
- IR2G - Landfill engineering (only applicable to Landfill)
- IR2H - Waste acceptance (only applicable to landfill)
- IR2I - Leachate levels (only applicable to Landfill)
- IR2J - Closure and aftercare (only applicable to Landfill)
- IR2K - Landfill gas management (only applicable to Landfill)

## 3 - Emission and Monitoring

- IR3A - Emissions to water, air or land
- IR3B - Emissions of substances not controlled by emission limits
- IR3C - Odour
- IR3D - Noise and vibration
- IR3E - Monitoring
- IR3F - Pests
- IR3G - Air quality management plans
- IR3H - Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I - Fire

## 4 - Information

- IR4A - Records
- IR4B – Reporting
- IR4C - Notification

### Enforcement response

Any non-compliance with a permit condition 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 twenty 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.